



AGENDA

SAN RAFAEL CITY COUNCIL - MONDAY, JULY 15, 2024

REGULAR MEETING AT 6:00 P.M.
San Rafael City Council Chambers
1400 Fifth Avenue, San Rafael, CA 94901

Watch Online:

Watch on Zoom Webinar: <https://tinyurl.com/cc-2024-07-15>

Watch on YouTube: www.youtube.com/cityofsanrafael

Listen by phone: (669) 444-9171

ID: 860-6190-5675#

One Tap Mobile: +16694449171,,86061905675# US

This meeting will be held in-person. This meeting is being streamed to YouTube at www.youtube.com/cityofsanrafael.

How to participate in the meeting:

- You are welcome to come to the meeting and provide public comment in person. Each speaker will have 2-minutes to provide public comment per agenda item.
- Submit your comments by email to city.clerk@cityofsanrafael.org by 4:00 p.m. the day of the meeting.

If you experience technical difficulties during the meeting, please contact city.clerk@cityofsanrafael.org.

OPEN SESSION- THIRD FLOOR CONFERENCE ROOM - 4:40 PM

1. Mayor Kate to announce Closed Session items.

CLOSED SESSION - THIRD FLOOR CONFERENCE ROOM - 4:40 PM

2. Closed Session:

- a. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation (Paragraph (2) of subdivision (d) of Government Code Section 54956.9): 1 potential case

- b. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Paragraph (1) of subdivision (d) of Government Code Section 54956.9: 1 case

1. Shaleeta Boyd, et al. v. City of San Rafael, et al. (U.S. District Court, N.D. Cal., Case No. 23-cv-04085-EMC)

CITY MANAGER AND COUNCILMEMBER REPORTS:

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

3. City Manager and Councilmember Reports:

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.

4. Consent Calendar Items:

a. **Approval of Minutes**

Approve Minutes of the Regular City Council Meeting of June 17, 2024 and the Special City Council Meeting of June 21, 2024 (CC)

Recommended Action - Approve minutes as submitted

b. **Amendments to Title 18 of the San Rafael Municipal Code “Protection of Flood Hazard Areas”**

Final Adoption of Ordinance No. 2037: An Ordinance Amending Title 18 of the San Rafael Municipal Code “Protection of Flood Hazard Areas”, to Meet or Exceed the Federal Emergency Management Agency’s Minimum Standards for Development in Flood Hazard Areas (CC)

Recommended Action - Final Adoption of Ordinance No. 2037

c. **Stipend Compensation Program for Boards, Commissions and Committees; And City Council Compensation**

Final Adoption of Ordinance No. 2038: An Ordinance Adjusting the Compensation for the Mayor and City Council (CC)

Recommended Action - Final Adoption of Ordinance No. 2038

d. **Planning Commission and Design Review Board Consolidation**

Final Adoption of Ordinance No. 2039: An Ordinance Amending Title 2 – Administration of the San Rafael Municipal Code to Add Design Professionals to the Planning Commission Membership Composition, and Amend Titles 14 – Zoning, and 15 – Subdivisions of the San Rafael Municipal Code, to Dissolve the Design Review Board and Transfer Existing Duties of the Design Review Board to the Planning Commission, or Zoning Administrator, or Director of Community and Economic Development (CC)

Recommended Action - Final Adoption of Ordinance No. 2039

e. **Planning Commission Bylaw Amendment**

Resolution Amending the Planning Commission’s Bylaws (CC)

Recommended Action - Adopt Resolution

f. **Acceptance of Grant from Marin Community Foundation**

Resolution Accepting the Grant of Funds from the Marin Community Foundation for a Two-Year Climate Justice and Engagement Manager and Appropriating Funds in the Amount of \$297,960 (CM)

Recommended Action - Adopt Resolution

g. **West End Block Party 2024 Temporary Street Closure**

Resolution Authorizing the Temporary Closure of Streets in San Rafael for the West End Block Party 2024 (CED)

Recommended Action - Adopt Resolution

h. **San Rafael Public Library Foundation Donation for Constructing a New Library**

Resolution Establishing a San Rafael Public Library Foundation Donation Account (LR)

Recommended Action - Adopt Resolution

- i. **Third Street Rehabilitation Project**
 Accept Completion of the Third Street Rehabilitation Project, City Project No. 11315, 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

- j. **Third Street Safety Improvements Project**
 Accept Completion of the Third Street Safety Improvements Project, City Project No. 11362, 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

- k. **Pickleweed Park Enhancement Project**
 Authorize and Award Agreements for the Pickleweed Park Enhancement Project, Including (PW):
 - i. Construction Agreement to Bauman Landscape and Construction, Inc. and Authorize \$7,120,000 for Project Construction
Recommended Action - Award the Construction Agreement to Bauman Landscape and Construction, Inc. in the amount of \$6,031,641.50; And, authorize the City Manager to execute the construction agreement not to exceed the amount of \$7,120,000 including contingency funds of \$1,088,358.50

 - ii. Professional Services Agreement with Coastland Civil Engineering, Inc. for Construction Management, Inspection, and Testing Services in the Amount Not to Exceed \$644,575
Recommended Action - Authorize the City Manager to enter into a Professional Services Agreement with Coastland Civil Engineering, Inc. for construction management, inspection, and testing services in the amount not to exceed \$644,575

 - iii. Second Amendment to Professional Services Agreement with Gates + Associates for Construction Administration Services, in an Additional Amount of \$19,450, Increasing the Total Not-To-Exceed Amount of the Agreement to \$565,784
Recommended Action - Authorize the City Manager to enter into a second amendment to the Professional Services Agreement with Gates + Associates for construction administration services in an additional amount of \$19,450, increasing the total not-to-exceed amount of the agreement to \$565,784

 - iv. Approve the Plans and Specifications for the Pickleweed Park Enhancement Project, Deemed Reasonable by the City Engineer, for City Project No. 11376, on File in the Department of Public Works
Recommended Action - Approve the Plans and Specifications for the Pickleweed Park Enhancement Project, deemed reasonable by the City Engineer, for City Project No. 11376, on File in the Department of Public Works

- l. **Special Tax on Properties at Loch Lomond 10 - Mello-Roos District No. 1992-1**
 Resolution Setting the Special Tax for Community Facilities District No. 1992-1 (Loch Lomond #10) for Fiscal Year 2024-25 (PW)
Recommended Action - Adopt Resolution

- m. **The Village at Loch Lomond Marina – Mello-Roos District No. 2**
Resolution Setting the Special Tax for City of San Rafael Community Facilities District No. 2 (The Village at Loch Lomond Marina) for Fiscal Year 2024-25 (PW)
Recommended Action – Adopt Resolution

PUBLIC HEARINGS

5. Public Hearings:

- a. **Baypoint Lagoons Assessment District**
Resolution Confirming the Engineer’s Annual Report for the Baypoint Lagoons Assessment District and the Assessment Diagram Connected Therewith and Ordering the Levy and Collection of Assessments for FY 2024-25 (PW)
Recommended Action – Adopt Resolution
- b. **Point San Pedro Road Median Landscaping Assessment District**
Resolution Confirming the Engineer’s Annual Levy Report for the Point San Pedro Road Median Landscaping Assessment District and the Assessment Diagram Connected Therewith and Ordering the Levy and Collection of Assessments for FY 2024-25 (PW)
Recommended Action – Adopt Resolution

OTHER AGENDA ITEMS

6. Other Agenda Items:

- a. **Response to the Grand Jury Report on E-Bike Safety**
Resolution Approving and Authorizing the Mayor to Execute the Response to the Marin County Civil Grand Jury Report Titled “With Power Comes Responsibility - Youths Under Age 16 Operating Class 2 E-Bikes: A Safety Risk” (PD)
Recommended Action – Adopt Resolution
- b. **Response to Grand Jury Report – Cyber Preparedness – Are We There Yet?**
Resolution Approving and Authorizing the Mayor to Execute the Response to the Marin County Civil Grand Jury Report Entitled – Cyber Preparedness – Are We There Yet? (DS)
Recommended Action – Adopt Resolution
- c. **Proposed Update to Master Fee Schedule – Childcare**
Resolution Authorizing an Update to the Master Fee Schedule to Establish Childcare Program Rates for the 2024-25 School Year (LR)
Recommended Action – Adopt Resolution
- d. **Salary and Benefit Plans for Temporary Employees**
Resolutions Regarding Salary and Benefit Plans for Temporary Employees (HR)
 - i. Resolution Rescinding Resolution No. 15020 and Establishing a Salary and Benefit Plan for Temporary, Seasonal and Retiree Employees
Recommended Action – Adopt Resolution
 - ii. Resolution Establishing a Salary and Benefit Plan for Non-Exempt Fixed-Term Employees
Recommended Action – Adopt Resolution
 - iii. Resolution Establishing a Salary and Benefit Plan for Exempt Fixed-Term Employees
Recommended Action – Adopt Resolution

- e. **Successor Memorandum of Understanding with the Service Employees International Union, Local 1021 (SEIU Local 1021)**
Resolution Approving a Successor Memorandum of Understanding Pertaining to Compensation and Working Conditions for the Service Employees International Union, Local 1021 (July 1, 2024, Through June 30, 2027)
Recommended Action - Adopt Resolution

- f. **Salary Resolution for Unrepresented Executive Management Employees**
Resolution Establishing the Compensation and Working Conditions for Unrepresented Executive Management Employees (July 1, 2024 through June 30, 2027) and Authorizing the City Manager to Enter into Employment Agreements with the Unrepresented Executive Management Employees
Recommended Action - Adopt Resolution

- g. **Compensation For Elected City Clerk and Elected Part-Time City Attorney Compensation**
Resolution Establishing the Compensation and Working Conditions for the Elected City Clerk and Elected Part-Time City Attorney (July 1, 2021 Through June 30, 2024) (HR)
Recommended Action - Adopt Resolution

OPEN TIME FOR PUBLIC EXPRESSION

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.

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 online and at City Hall, 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 may be requested by calling (415) 485-3066 (voice), emailing city.clerk@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. To request Spanish language interpretation, please submit an online form at <https://www.cityofsanrafael.org/request-for-interpretation/>.



MINUTES

SAN RAFAEL CITY COUNCIL - MONDAY, JUNE 17, 2024

REGULAR MEETING AT 6:00 P.M.
San Rafael City Council Chambers
1400 Fifth Avenue, San Rafael, CA 94901

Watch Online:

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OPEN SESSION- THIRD FLOOR CONFERENCE ROOM - 4:30 PM

1. Mayor Kate to announce Closed Session items.

CLOSED SESSION - THIRD FLOOR CONFERENCE ROOM - 4:30 PM

2. Closed Session:

- a. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Paragraph (1) of subdivision (d) of Government Code Section 54956.9: 2 cases

1. Robin Casper v. City of San Rafael, et al. (Marin Superior Court, Case No. CIV2204042)
2. Shaleeta Boyd, et al. v. City of San Rafael, et al. (U.S. District Court, N.D. Cal., Case No. 23-cv-04085-EMC)

- b. CONFERENCE WITH LABOR NEGOTIATORS - GOVERNMENT CODE SECTION 54957.6

Lead Negotiators: Timothy L. Davis and Allison B. Hernandez (Burke, Williams & Sorensen)
Agency Designated Representatives: Cristine Alilovich, Paul Navazio, Marissa Sanchez, and Angela Robinson Piñon

Employee Organizations: 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; San Rafael Mid-Management Employee Association; Unrepresented Executive Management

Present: Councilmember Bushey
Vice Mayor Hill
Mayor Kate

Absent: Councilmember Llorens Gulati
Councilmember Kertz

Also Present: City Manager Cristine Alilovich
City Attorney Robert Epstein
City Clerk Lindsay Lara

Mayor Kate called the meeting to order at 6:04 p.m. and invited City Clerk Lindsay Lara to call the roll. Councilmembers Llorens Gulati and Kertz were absent.

Legal Counsel Nira Doherty announced that no reportable action was taken in closed session.

Mayor Kate provided opening remarks which included gratitude to City Staff, the Employee Appreciation BBQ, recognition of City employees for their extended years of service and a land acknowledgment.

City Clerk Lindsay Lara informed the community that the in-person meeting would also be recorded and streamed live to YouTube and through Zoom. She noted the two-minute timer for public comment and closed captioning on Zoom.

CITY MANAGER AND COUNCILMEMBER REPORTS:

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

3. City Manager and Councilmember Reports:

City Manager Cristine Alilovich reported on:

- State of San Rafael Homelessness Update
- Terra Linda Park and Community Center Enhancement Plan Project - Community meetings and pop-up events set for June 18, June 22, June 23 and June 26
- Fire Station 57 Open House to celebrate the Fire Department's 150th Anniversary to be held Sunday, June 23, 10 to noon
- Golden Gate Transportation District to host two events on the design progress for the new San Rafael Transit Center on Monday, June 24 and Tuesday, June 25
- PG&E to host a wildfire prevention work and safety resources webinar on Wednesday, June 26, 5:30-6:30 p.m.
- City Administrative Offices to be closed on Wednesday, June 19, in observance of Juneteenth Holiday
- City Council Special Meeting to be held Friday, June 21 at 4 p.m.
- City Council Regular Meeting on Monday, July 1 is cancelled
- Next Regular City Council Meeting to be held Monday, July 15 at 6 p.m.
- City Council Regular Meeting on Monday, August 5 is cancelled

City Councilmember Reports:

- Councilmember Bushey announced an Ice Cream Social to be held Saturday, June 22 at Peacock Gap Park (for design outreach), 1-3 p.m.
- Mayor Kate reported on a Sea Level Rise Community Workshop & Open House hosted by Canal Alliance and SF Bay Conservation and Development Commission (BCDC), a meeting with Supervisor Rodoni, a Bicycle & Pedestrian Advisory Committee (BPAC) meeting, the Chamber of Commerce Leadership Institute graduation, a Center for Domestic Peace event honoring Executive Director Donna Garske, a Dominican Black Canyon Neighborhood Association meeting, the City Employee Appreciation BBQ, a Chamber Mixer at East Bay Tire, the Homeward Bound Grand Opening for their veterans housing, a Juneteenth celebration at Christ Presbyterian Church and a City/County Pride event on the library's lawn.

Mayor Kate invited public comment.

Speaker: Name withheld

CONSENT CALENDAR:

Mayor Kate invited public comment on the Consent Calendar items; however, there were none.

Councilmember Bushey moved and Vice Mayor Hill seconded to approve the Consent Calendar.

4. Consent Calendar Items:

- a. **Approval of Minutes**
Approve Minutes of the Regular City Council Meeting of June 3, 2024 (CC)
Approved minutes as submitted
- b. **Northgate Mall Redevelopment Project Environmental Consulting Services**
Authorize the City Manager to Execute the Second Amendment to the Professional Services Agreement with LSA Associates, Inc. for Environmental Consulting Services for the Northgate Mall Redevelopment Project in an Amount of \$175,895, for a Total Contract Amount of \$510,851 (CED)
Authorized the City Manager to execute the second amendment to the professional services agreement with LSA Associates, Inc. for environmental consulting services associated with the Northgate Mall Redevelopment Project, in the amount not to exceed \$175,895, for a total not to exceed contract amount of \$510,851
- c. **Agreement for On-Call Planning and Environmental Consulting Services**
Authorize the City Manager to Enter into a Professional Services Agreement with M-Group for On-Call Planning and Environmental Consulting Services in an Amount Not to Exceed \$250,000 (CED)
Authorized the City Manager to enter into a professional services agreement with M-Group for on-call planning and environmental consulting services in an amount not to exceed \$250,000
- d. **Agreement for Fiscal Impact Analysis and Real Estate Advisory Services**
Authorize the City Manager to Execute the First Amendment to the Agreement for Professional Services with Seifel Consulting for Continued Fiscal Impact Analysis and Real Estate Advisory Services Related to the Northgate Town Square Project in an Amount of \$30,000, for a Total Not to Exceed Contract Amount of \$104,900 (CED)
Authorized the City Manager to execute the first amendment to the agreement for professional services with Seifel Consulting for continued fiscal impact analysis and real estate advisory services related to the Northgate Town Square Project in an amount of \$30,000, for a total not to exceed contract amount of \$104,900
- e. **Library Parcel Tax Rate for Fiscal Year 2024-25**
Report Establishing the Annual Rate Adjustment for the Special Library Services Parcel Tax for the Fiscal Year 2024-25 as Authorized by San Rafael Municipal Code Chapter 3.36 (Voter-Approved Measure D) (Fin/Lib)
Accepted report
- f. **Paramedic Tax Rate for Fiscal Year 2024-25**
Resolution Maintaining Paramedic Service Special Tax Rates at Their Current Levels for Fiscal Year 2024-25 (FD)

Resolution 15296 - Resolution Maintaining Paramedic Service Special Tax Rates at Their Current Levels for Fiscal Year 2024-25

- g. Park and Recreation Month Proclamation**
Proclamation Designating July 2024 as Park and Recreation Month
Received and filed
- h. Recreation Events Unarmed Security Guard Services Agreement with Barbier Security Group**
Authorize the City Manager to Negotiate and Enter into a Professional Services Agreement with Barbier Security Group for Security Guard Services in an Amount Not to Exceed \$600,000 for a Five-Year Term (LR)
Authorized the City Manager to negotiate and enter into a professional services agreement with Barbier Security Group for security guard services in an amount not to exceed \$600,000 for a five-year term
- i. Special Event Street Closures in San Rafael**
Resolution Authorizing the Temporary Closure of Streets in San Rafael for Special Events (PD)
Resolution 15297 - Resolution Authorizing the Temporary Closure of Streets in San Rafael for Special Events
- j. Baypoint Lagoons Assessment District**
Baypoint Lagoons Landscaping and Lighting Assessment District Annual Assessment FY 2024-25 (PW):

 - i. Resolution Directing Filing of Engineer's Annual Report FY 2024-25**
 - ii. Resolution Approving Engineer's Annual Report FY 2024-25**
 - iii. Resolution Of Intention to Order Improvements and Setting a Public Hearing on the Annual Assessment for the City Council Meeting of July 15, 2024**
Resolution 15298 - Resolution Directing Filing of Engineer's Annual Report FY 2024-25
Resolution 15299 - Resolution Approving Engineer's Annual Report FY 2024-25
Resolution 15300 - Resolution Of Intention to Order Improvements and Setting a Public Hearing on the Annual Assessment for the City Council Meeting of July 15, 2024
- k. Point San Pedro Road Median Landscaping Assessment District**
Point San Pedro Road Median Landscaping Assessment District Annual Assessment FY 2024-25 (PW):

 - i. Resolution Directing Filing of Engineer's Annual Report FY 2024-25**
 - ii. Resolution Approving Engineer's Annual Report FY 2024-25**
 - iii. Resolution Of Intention to Order Improvements and Setting a Public Hearing on the Annual Assessment for the City Council Meeting of July 15, 2024**
Resolution 15301 - Resolution Directing Filing of Engineer's Annual Report FY 2024-25
Resolution 15302 - Resolution Approving Engineer's Annual Report FY 2024-25
Resolution 15303 - Resolution Of Intention to Order Improvements and Setting a Public Hearing on the Annual Assessment for the City Council Meeting of July 15, 2024
- l. FY 2024-25 Road Maintenance and Rehabilitation Account Projects, Funded by Senate Bill 1**
Resolution Adopting a List of Projects for Fiscal Year 2024-25 Funded by Senate Bill 1: The Road Repair and Accountability Act of 2017 (PW)

Resolution 15304 - Resolution Adopting a List of Projects for Fiscal Year 2024-25 Funded by Senate Bill 1: The Road Repair and Accountability Act of 2017

m. PG&E Tower Easement Modification Agreement

Resolution Authorizing The City Manager to Execute an Easement Modification Agreement with Pacific Gas and Electric Company (PG&E) for the Tower Easement on APNs 009-032-06 and 009-032-07 (PW)

Resolution 15305 - Resolution Authorizing The City Manager to Execute an Easement Modification Agreement with Pacific Gas and Electric Company (PG&E) for the Tower Easement on APNs 009-032-06 and 009-032-07

n. Caltrans Maintenance Agreement

Resolution Approving and Authorizing the City Manager to Execute Amendment No. 1 to the Supplemental Freeway Maintenance Agreement with Caltrans (PW)

Resolution 15306 - Resolution Approving and Authorizing the City Manager to Execute Amendment No. 1 to the Supplemental Freeway Maintenance Agreement with Caltrans

AYES: Councilmembers: Bushey, Hill & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: Llorens Gulati & Kertz

SPECIAL PRESENTATIONS

5. Special Presentations:

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

a. [Presentation of Proclamation Supporting Juneteenth \(HR\)](#)

Mayor Kate presented the proclamation to Damien Oyobio, Diversity Equity Inclusion and Belonging (DEIB) Committee member who received the proclamation and made comments.

OTHER AGENDA ITEMS

6. Other Agenda Items:

a. [General Fund Reserve Policy](#)

Resolution Updating the City's General Fund Reserve Policy (Fin)

Finance Director Paul Navazio presented the Staff Report.

Mayor Kate invited public comment; however, there were none.

Councilmembers provided comments.

Councilmember Bushey moved and Vice Mayor Hill seconded to adopt the resolution updating the City's General Fund Reserve Policy.

AYES: Councilmembers: Bushey, Hill & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: Llorens Gulati & Kertz

Resolution 15307 - Resolution Updating the City's General Fund Reserve Policy

b. [City Investment Policy](#)
Resolution Approving the City of San Rafael Investment Policy (Fin)

Finance Director Paul Navazio presented the Staff Report.

Staff responded to questions from the City Council.

Mayor Kate invited public comment; however, there were none.

Councilmembers provided comments.

Councilmember Bushey moved and Vice Mayor Hill seconded to adopt the resolution approving the City of San Rafael Investment Policy.

AYES: Councilmembers: Bushey, Hill & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: Llorens Gulati & Kertz

Resolution 15308 - Approving the City of San Rafael Investment Policy

c. [Final Citywide Budget for Fiscal Year 2024-25, Gann Legal Spending Limit; Measure A Workplan, Capital Improvement Program, and Capital and Infrastructure Workplan](#)

- i. Resolution Approving the Citywide Budget and Capital Improvement Program Budget for the Fiscal Year 2024-25; Providing for the Appropriations and Expenditure of All Sums Set Forth in the Budget in the Amount of \$211,121,633, with Net Appropriations of \$179,844,098
- ii. Resolution Approving Fiscal Year 2024-25 Gann Appropriations Limit at \$185,036,651
- iii. Resolution Approving the Measure A Work Plan for Proposed Expenditure of Measure A Funds for FY 2024-25
- iv. Approval of the Capital Improvement Program – FY 2024-25 through FY 2026-27 and Related Capital and Transportation Infrastructure Workplan (Fin)

Finance Director Paul Navazio presented the Staff Report.

Staff responded to questions from the City Council.

Mayor Kate invited public comment; however, there were none.

Councilmembers provided comments.

Councilmember Bushey moved and Vice Mayor Hill seconded to adopt the resolution approving the Citywide Budget and Capital Improvement Program Budget for the Fiscal Year 2024-25; Providing for the appropriations and expenditure of all sums set forth in the budget in the amount of \$211,121,633, with net appropriations of \$179,844,098.

AYES: Councilmembers: Bushey, Hill & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: Llorens Gulati & Kertz

Resolution 15309 - Resolution Approving the Citywide Budget and Capital Improvement Program Budget for the Fiscal Year 2024-25; Providing for the Appropriations and Expenditure of All Sums Set Forth in the Budget in the Amount of \$211,121,633, with Net Appropriations of \$179,844,098

Councilmember Bushey moved and Vice Mayor Hill Bushey seconded to adopt the resolution approving Fiscal Year 2024-25 Gann Appropriations Limit at \$185,036,651.

AYES: Councilmembers: Bushey, Hill & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: Llorens Gulati & Kertz

Resolution 15310 - Resolution Approving Fiscal Year 2024-25 Gann Appropriations Limit at \$185,036,651

Councilmember Bushey moved and Vice Mayor Hill seconded to adopt the resolution approving the Measure A Work Plan for proposed expenditure of Measure A Funds for FY 2024-25.

AYES: Councilmembers: Bushey, Hill & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: Llorens Gulati & Kertz

Resolution 15311 - Resolution Approving the Measure A Work Plan for Proposed Expenditure of Measure A Funds for FY 2024-25

Councilmember Bushey moved and Vice Mayor Hill seconded to approve the Capital Improvement Program – FY 2024-25 through FY 2026-27 and related Capital and Transportation Infrastructure Workplan FY 2023-25.

AYES: Councilmembers: Bushey, Hill & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: Llorens Gulati & Kertz

Approved the Capital Improvement Program – FY 2024-25 through FY 2026-27 and related Capital and Transportation Infrastructure Workplan FY 2023-25

d. [Successor Memorandum of Understanding with American Federation of State, County & Municipal Employees, Local 1 \(AFSCME/Local 1\)](#)

Resolution Approving a Successor Memorandum of Understanding Pertaining to Compensation and Working Conditions for American Federation of State, County & Municipal Employees, Local 1 (AFSCME/Local 1), Beginning July 1, 2024 through June 30, 2027 (CM/HR)

Human Resources Director Marissa Sanchez presented the Staff Report.

Staff responded to questions from the City Council.

Mayor Kate invited public comment; however, there were none.

Councilmembers provided comments.

Councilmember Bushey moved and Vice Mayor Hill seconded to adopt the resolution approving a Successor Memorandum of Understanding pertaining to compensation and working conditions for American Federation of State, County & Municipal Employees, Local 1 (AFSCME/Local 1), beginning July 1, 2024 through June 30, 2027.

AYES: Councilmembers: Bushey, Hill & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: Llorens Gulati & Kertz

Resolution 15312 - Resolution Approving a Successor Memorandum of Understanding Pertaining to Compensation and Working Conditions for American Federation of State, County & Municipal Employees, Local 1 (AFSCME/Local 1), Beginning July 1, 2024 through June 30, 2027

- e. [Successor Memorandum of Understanding with Western Council of Engineers' \(WCE\)](#)
Resolution Approving a Successor Memorandum of Understanding Pertaining to Compensation and Working Conditions for Western Council of Engineers' (WCE), Beginning July 1, 2024 through June 30, 2027 (CM/HR)

Human Resources Director Marissa Sanchez presented the Staff Report.

Mayor Kate invited public comment; however, there were none.

Councilmembers provided comments.

Councilmember Bushey moved and Vice Mayor Hill seconded to adopt the resolution approving a Successor Memorandum of Understanding pertaining to compensation and working conditions for Western Council of Engineers' (WCE), beginning July 1, 2024 through June 30, 2027.

AYES: Councilmembers: Bushey, Hill & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: Llorens Gulati & Kertz

Resolution 15313 - Resolution Approving a Successor Memorandum of Understanding Pertaining to Compensation and Working Conditions for Western Council of Engineers' (WCE), Beginning July 1, 2024 through June 30, 2027

PUBLIC HEARINGS

7. Public Hearings:

- a. [Amendments to Title 18 of the San Rafael Municipal Code "Protection of Flood Hazard Areas"](#)
Introduction of An Ordinance Amending Title 18 of the San Rafael Municipal Code "Protection of Flood Hazard Areas", to Meet or Exceed the Federal Emergency Management Agency's Minimum Standards for Development in Flood Hazard Areas (PW)

Assistant Director of Public Works Joanna Kwok presented the Staff Report.

Staff responded to questions from the City Council.

Mayor Kate invited public comment; however, there were none.

Councilmembers provided comments.

Vice Mayor Hill moved and Councilmember Bushey seconded to introduce the Ordinance, waive further reading of the Ordinance, and refer to it by title only.

AYES: Councilmembers: Bushey, Hill & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: Llorens Gulati & Kertz

The City Clerk read the title of the Ordinance:

An Ordinance Amending Title 18 of the San Rafael Municipal Code "Protection of Flood Hazard Areas", to Meet or Exceed the Federal Emergency Management Agency's Minimum Standards for Development in Flood Hazard Areas

Introduced the Ordinance, waived further reading of the ordinance, and referred to it by title only

b. [Stipend Compensation Program for Boards, Commissions and Committees; And City Council Compensation](#)

Resolution Amending Bylaws for Boards, Commissions and Committees to Include Stipends and Introduction of an Ordinance Adjusting the Compensation for the Mayor and City Council (CM)

City Clerk Lindsay Lara and Assistant City Manager Angela Robinson Piñon presented the Staff Report.

Staff responded to questions from the City Council.

Mayor Kate invited public comment.

Speakers: Name withheld, Name withheld

Staff responded to questions from the community.

Councilmembers provided comments.

Vice Mayor Hill moved and Councilmember Bushey seconded to adopt the resolution amending bylaws for Boards, Commissions and Committees to include stipends.

AYES: Councilmembers: Bushey, Hill & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: Llorens Gulati & Kertz

Resolution 15314 - Resolution Amending Bylaws for Boards, Commissions and Committees to Include Stipends

Vice Mayor Hill moved and Councilmember Bushey seconded to introduce the Ordinance, waive further reading of the Ordinance, and refer to it by title only.

AYES: Councilmembers: Bushey, Hill & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: Llorens Gulati & Kertz

The City Clerk read the title of the Ordinance:
An Ordinance of the City Council of the City of San Rafael to Adjust the Compensation for the Mayor and City Council

Introduced the Ordinance, waived further reading of the ordinance, and referred to it by title only

OPEN TIME FOR PUBLIC EXPRESSION

- Shinji Sakai-Egi addressed the City Council regarding sea level rise.
- Eva Chrysanthe addressed the City Council regarding her California Public Records Act (CPRA).

SAN RAFAEL SUCCESSOR AGENCY:

1. Consent Calendar:

Chair Kate invited public comment on the Consent Calendar items; however, there were none.

Vice Chair Hill moved and Member Bushey seconded to approve the Consent Calendar.

- a. **Dissolution of the Successor Agency to the Former San Rafael Redevelopment Agency Resolution of the Successor Agency to the Redevelopment Agency of the City of San Rafael in the Matter of Approving a Request to Formally Dissolve the Successor Agency (Fin)**

AYES: Councilmembers: Bushey, Hill & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: Llorens Gulati & Kertz

Resolution 2024-01 - Resolution of the Successor Agency to the Redevelopment Agency of the City of San Rafael in the Matter of Approving a Request to Formally Dissolve the Successor Agency

ADJOURNMENT:

Mayor Kate adjourned the meeting at 7:49 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2024

KATE COLIN, Mayor



MINUTES

SAN RAFAEL CITY COUNCIL - FRIDAY, JUNE 21, 2024

SPECIAL MEETING AT 4:00 P.M.
SPECIAL CLOSED SESSION FOLLOWING ADJOURNMENT OF SPECIAL MEETING
San Rafael City Council Chambers
1400 Fifth Avenue, San Rafael, CA 94901

Watch Online:

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Members of the public may speak on Agenda Items.

- Present: Councilmember Bushey
Vice Mayor Hill
Councilmember Kertz
Mayor Kate
- Absent: Councilmember Llorens Gulati
- Also Present: City Manager Cristine Alilovich (virtually)
City Attorney Robert Epstein
Deputy City Clerk Brenna Nurmi

Mayor Kate called the meeting to order at 4:01 p.m. and invited Deputy City Clerk Brenna Nurmi to call the roll. All members of the City Council were present, except for Councilmember Llorens Gulati.

Deputy City Clerk Brenna Nurmi informed the community that the in-person meeting would also be recorded and streamed live to YouTube and through Zoom. She noted the two-minute timer for public comment and closed captioning on Zoom.

CONSENT CALENDAR:

Mayor Kate invited public comment on the Consent Calendar items; however, there were none.

Vice Mayor Hill moved and Councilmember Kertz seconded to approve the Consent Calendar.

1. Consent Calendar Items:

a. **Liability Claims Administration Services**

Authorize the City Manager to Execute an Agreement with George Hills Company for the Provision of Third-Party Liability Claims Administration Services for a Five-Year Period, In an Amount Not to Exceed \$574,000 (CM)

Authorized the City Manager to approve a five-year agreement with George Hills Company to provide third-party liability claims administration services in an amount not to exceed \$574,000

- AYES: Councilmembers: Bushey, Hill, Kertz & Mayor Kate
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Llorens Gulati

PUBLIC HEARINGS

2. Public Hearings:

a. Planning Commission and Design Review Board Consolidation

Introduction of An Ordinance Amending Title 2 - Administration of the San Rafael Municipal Code to Add Design Professionals to the Planning Commission Membership Composition, and Amend Titles 14 - Zoning, and 15 - Subdivisions of the San Rafael Municipal Code, to Dissolve the Design Review Board and Transfer Existing Duties of the Design Review Board to the Planning Commission, or Zoning Administrator, or Director of Community and Economic Development (CC/CED)

Director of Community and Economic Development, Micah Hinkle presented the Staff Report.

Jon Haveman, Planning Commission Chair and Stewart Summers, Design Review Board Member provided comments.

Staff responded to questions from the City Council.

Mayor Kate invited public comment.

Speaker: Kate Powers

Councilmembers provided comments.

Vice Mayor Hill moved and Councilmember Kertz seconded to introduce the ordinance, waive further reading of the ordinance, and refer to it by title only.

AYES:	Councilmembers:	Bushey, Hill, Kertz & Mayor Kate
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Llorens Gulati

The Deputy City Clerk read the title of the ordinance:

An Ordinance Amending Title 2 - Administration of the San Rafael Municipal Code to Add Design Professionals to the Planning Commission Membership Composition, and Amend Titles 14 - Zoning, and 15 - Subdivisions of the San Rafael Municipal Code, to Dissolve the Design Review Board and Transfer Existing Duties of the Design Review Board to the Planning Commission, or Zoning Administrator, or Director of Community and Economic Development

Introduced the ordinance, waived further reading of the ordinance, and referred to it by title only

OTHER AGENDA ITEMS

3. Other Agenda Items:

a. [Memorandum of Understanding with the San Rafael Mid-Management Employee Association \(SRMMEA\)](#)

Resolution Approving a Successor Memorandum of Understanding Pertaining to Compensation and Working Conditions for the San Rafael Mid-Management Employee Association (July 1, 2024, Through June 30, 2027) (CM/HR)

Assistant City Manager Angela Robinson Piñon presented the Staff Report.

Mayor Kate invited public comment; however, there were none.

Councilmembers provided comments.

Councilmember Bushey moved and Councilmember Kertz seconded to adopt the resolution approving a Successor Memorandum of Understanding pertaining to compensation and working conditions for the San Rafael Mid-Management Employee Association (July 1, 2024, Through June 30, 2027).

AYES: Councilmembers: Bushey, Hill, Kertz & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: Llorens Gulati

Resolution 15315 – Resolution Approving a Successor Memorandum of Understanding Pertaining to Compensation and Working Conditions for the San Rafael Mid-Management Employee Association (July 1, 2024, Through June 30, 2027)

b. [Compensation for Unrepresented Mid-Management Employees](#)
Resolution Establishing the Compensation and Working Conditions for Unrepresented Mid-Management Employees (July 1, 2024, Through June 30, 2027) (HR)

Assistant City Manager Angela Robinson Piñon presented the Staff Report.

Mayor Kate invited public comment; however, there were none.

Councilmembers provided comments.

Councilmember Kertz moved and Vice Mayor Hill seconded to adopt the resolution establishing the compensation and working conditions for Unrepresented Mid-Management Employees (July 1, 2024, Through June 30, 2027).

AYES: Councilmembers: Bushey, Hill, Kertz & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: Llorens Gulati

Resolution 15316 – Resolution Establishing the Compensation and Working Conditions for Unrepresented Mid-Management Employees (July 1, 2024, Through June 30, 2027)

ADJOURNMENT:

Mayor Kate adjourned the meeting at 4:47 p.m.

OPEN SESSION – COUNCIL CHAMBERS – FOLLOWING ADJOURNMENT

4. Mayor Kate to announce Closed Session items.

Mayor Kate announced the Closed Session items and invited public comment; however, there were none.

CLOSED SESSION – THIRD FLOOR CONFERENCE ROOM – FOLLOWING ADJOURNMENT

5. Closed Session:

- a. CONFERENCE WITH LABOR NEGOTIATORS – GOVERNMENT CODE SECTION 54957.6
Lead Negotiators: Timothy L. Davis and Allison B. Hernandez (Burke, Williams & Sorensen)
Agency Designated Representatives: Cristine Alilovich, Paul Navazio, Marissa Sanchez, and Angela Robinson Piñon
Employee Organizations: 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; San Rafael Mid-Management Employee Association; Unrepresented Executive Management

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2024

KATE COLIN, Mayor

DRAFT

ORDINANCE NO. 2037

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AMENDING TITLE 18 OF THE SAN RAFAEL MUNICIPAL CODE, ENTITLED "PROTECTION OF FLOOD HAZARD AREAS", TO MEET OR EXCEED THE MINIMUM STANDARDS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR DEVELOPMENT WITHIN THE FLOOD HAZARD AREAS OF THE CITY OF SAN RAFAEL

SECTION 1. FINDINGS

WHEREAS, development in the flood hazard areas of the City of San Rafael is regulated by Title 18 of the San Rafael Municipal Code; and

WHEREAS, the regulation of development in flood hazard areas is meant to promote the public health, safety, and general welfare; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has established minimum standards for development in flood hazard areas; and

WHEREAS, the City's ordinance must comply with the minimum standards required by FEMA for flood insurance to be available under the National Flood Insurance Program; and

WHEREAS, FEMA has notified the City that it must update Title 18 of the Municipal Code to comply with FEMA's minimum standards for development in flood hazard areas; and

WHEREAS, modification to the City's ordinance as provided in the subject ordinance amendment is intended to meet or exceed FEMA's minimum standards.

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

SECTION 2. AMENDMENTS TO SAN RAFAEL MUNICIPAL CODE TITLE 18

Sections 18.20.010, 18.30.020, 18.40.010, 18.40.020, 18.40.030, 18.50.010, 18.50.030, 18.50.040, and 18.50.050 of Title 18 of the San Rafael Municipal Code, entitled "Protection of Flood Hazard Areas", are hereby amended to read as follows. Additions are shown in underline, and deletions are shown in ~~strike through~~. All other provisions of Title 18 are unaffected by these amendments.

18.20.010 Definitions.

Unless specifically defined below, words or phrases used in this title shall be interpreted so as to give them the meaning they have in common usage and to give this title its most reasonable application.

"Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

"Alluvial fan" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to

flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

"Apex" means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

"Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this title.

"Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" - See "Special flood hazard area."

"Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this ordinance.

"Base flood elevation" means the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the FIRM.

"Basement" means any area of the building having its floor subgrade - i.e., below ground level - on all sides.

"Breakaway walls" are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood, and
2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

"Building" - see "Structure".

"Building code" means the family of building codes in Title 12 of this code specifically adopted and amended by the city council.

"Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone V1-V30, VE, or V.

"Design flood" means the flood associated with:

1. Area with a flood plain subject to a 1-percent or greater chance of flooding in any year.
2. Area designated as a flood hazard area on a community's flood hazard map, or otherwise legally designated.

"Design flood elevation" means the elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where a depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

"Existing manufactured home park or manufactured housing subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Expansion to an existing manufactured home park or manufactured housing subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood, flooding, or flood water" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and
2. The condition resulting from flood-related erosion.

"Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

"Flood control project" means a dam or barrier designed and constructed to keep water away from or out of a specified area, including but not limited to levees, floodwalls, and channelization.

"Flood Hazard Boundary Map" means the official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration has delineated the areas of flood hazards.

"Flood Insurance Rate Map (FIRM)" means the official map on which ~~the Federal Emergency Management Agency~~ FEMA or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study (FIS)" means the official report provided by the Federal Insurance Administration that includes flood profiles, the ~~Flood Insurance Rate Map~~ FIRM, the ~~Flood Boundary and Floodway Map~~ FBFM, and the water surface elevation of the base flood.

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source - see "Flooding".

"Floodplain Administrator" is the individual appointed to administer and enforce the floodplain management regulations.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain management regulations" means this title and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents (Refer to FEMA Technical Bulletin 1, Openings in Foundation Walls and Walls of Enclosures; Technical Bulletin 3, Non-Residential Floodproofing Requirements and Certifications; and Technical Bulletin 7, Wet Floodproofing Requirements and Limitations ~~FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93~~ for guidelines on dry and wet floodproofing.)

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "regulatory floodway".

"Floodway fringe" is that area of the floodplain on either side of the "regulatory floodway" where encroachment may be permitted.

"Fraud and victimization" as related to Chapter 18.60, Variances, of this ordinance, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the community governing body will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one-hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In

addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

"Governing body" is the local governing unit, i.e. city council of the City of San Rafael, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

"Hardship" as related to Chapter 18.60, Variances, of this ordinance means the exceptional hardship that would result from a failure to grant the requested variance. The city council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register;
2. Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the secretary of the interior or directly by the secretary of the interior in states without approved programs.

"Letter of Map Change (LOMC)" means an official determination issued by FEMA that amends or revises an effective FIRM or FIS. Letters of Map Change include:

1. Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective FIRM and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
2. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

3. Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
4. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum National Flood Insurance Program requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective FIRM or FIS; upon submission and approval of certified as-built documentation, a LOMR may be issued by FEMA to revise the effective FIRM.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

"Light-duty truck" means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of forty-five (45) square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
2. Designed primarily for transportation of persons and has a capacity of more than twelve (12) persons; or
3. Available with special features enabling off-street or off-highway operation and use.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition).

1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:
 - a. The wet floodproofing standard in Chapter 18.50.010 C.3;
 - b. The anchoring standards in Chapter 18.50.010 A;
 - c. The construction materials and methods standards in Chapter 18.50.010 B; and
 - d. The standards for utilities in Chapter 18.50.020.
2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent

foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market Value" shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's ~~Flood Insurance Rate Map~~ FIRM are referenced.

"Mudslide" describes a condition where there is a river, flow or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain.

"Mudslide (i.e., mudflow) prone area" means an area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

"New construction," for floodplain management purposes, means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

"One-hundred-year flood" or "~~one hundred~~-100-year flood" - see "Base flood."

"Primary frontal dune" means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the

beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively mild slope.

"Public safety and nuisance" as related to Chapter 18.60, Variances, of this title means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Remedy a violation" means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this title or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Sand dunes" mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

"Sheet flow area" - see "Area of shallow flooding".

"Special flood hazard area (SFHA)" means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

"Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or

sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"V zone" - see "Coastal high hazard area".

"Variance" means a grant of relief from the requirements of this title which permits construction in a manner that would otherwise be prohibited by this title.

"Violation" means the failure of a structure or other development to be fully compliant with this title. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this title is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

18.30.020 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the current version of the Flood Insurance Study (FIS) for Marin County and Incorporated Areas revised August 15, 2017, and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs) revised August 15, 2017, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this title. The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated June 28, 1983 and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated May 1, 1984,

~~and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this title.~~ This FIS and attendant mapping is the minimum area of applicability of this title and may be supplemented by studies for other areas which allow implementation of this title and which are recommended to the city by the floodplain administrator. The study, FIRMs and FBFMs are electronically on file at the 1400 Fifth Avenue, City Hall, Department of Public Works.

18.40.010 Establishment of floodplain development permit.

A floodplain development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Section 18.30.020. Application for a floodplain development permit shall be made on forms furnished by the floodplain administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Site plan, including but not limited to:
 - 1. For all proposed structures, spot ground elevations at building corners and twenty (20) foot or smaller intervals, along the foundation footprint, or one foot contour elevations throughout the building site; and
 - 2. Proposed locations of water supply, sanitary sewer, and utilities; and
 - 3. If available, the base flood elevation from the Flood Insurance Study and/or Flood Insurance Rate Map; and
 - 4. If applicable, the location of the regulatory floodway; and
- B. Foundation design detail, including but not limited to:
 - 1. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
 - 2. For a crawl-space foundation, location and total net area of foundation openings as required in Section ~~5.1.C.3~~18.50.010.C.3 of this ~~ordinance title~~ and Federal Emergency Management Agency (FEMA) Technical Bulletins 4-931 and 7-937; and
 - 3. For foundations placed on fill, the location and height of fill, and compaction requirements (compacted to ninety-five percent (95%) using the Standard Proctor Test method); and
- C. Proposed elevation in relation to mean sea level to which any nonresidential structure will be flood proofed, as required in Section 18.50.010 C.2 of this title and FEMA Technical Bulletin TB ~~3-933~~; and
- D. All appropriate certifications listed in Section 18.40.030 D of this ordinance; and
- E. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

18.40.020 Designation of the floodplain administrator.

The director of public works, is hereby appointed to administer, implement, and enforce this ordinance by granting or denying floodplain development permits in accord with its provisions.

18.40.030 Duties and responsibilities of the floodplain administrator.

The duties and responsibilities of the floodplain administrator shall include, but not be limited to the following:

- A. Permit Review. Review all floodplain development permits to determine that:
 - 1. Permit requirements of this title have been satisfied,
 - 2. All other required state and federal permits have been obtained,
 - 3. The site is reasonably safe from flooding, and
 - 4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this title, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.
- B. Review, use and development of other base flood data.
 - 1. When base flood elevation data has not been provided in accordance with Section 18.30.020, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Chapter 18.50. Any such information shall be submitted to the city for adoption; or
 - 2. If no base flood elevation data is available from a federal or state agency or other source, then a base flood elevation shall be obtained using one of two methods from the ~~FEMA~~ Federal Emergency Management Agency (FEMA) publication "Managing Floodplain Development in Approximate Zone A Areas—A Guide for Obtaining and Developing Base (one hundred 100-year) Flood Elevations" dated July 1995 in order to administer Section 5:
 - a. Simplified method
 - i. One hundred (100) year or base flood discharge shall be obtained using the appropriate regression equation found in a U.S. Geological Survey publication, or the discharge-drainage area method; and
 - ii. Base flood elevation shall be obtained using the Quick-2 computer program developed by FEMA; or
 - b. Detailed method
 - i. One hundred (100) year or base flood discharge shall be obtained using the U.S. Army Corps of Engineers' HEC-HMS computer program; and
 - ii. Base flood elevation shall be obtained using the U.S. Army Corps of Engineers' HEC-RAS computer program.

- C. Notification of Other Agencies. In alteration or relocation of a watercourse:
1. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
 2. Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and
 3. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
- D. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:
1. Certification required by Section 18.50.010 C.1 and 18.50.040 (lowest floor elevations),
 2. Certification required by Section 18.50.010 C.2 (elevation or floodproofing of nonresidential structures),
 3. Certification required by Sections 18.50.010 C.3 (wet floodproofing standard),
 4. Certification of elevation required by Section 18.50.030 B (subdivision standards),
 5. Certification required by Section 18.50.060 A (floodway encroachments),
 6. Information required by Section 18.50.070 F (coastal construction standards), and
- E. Map Determinations. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard. Where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Chapter 18.60.
- F. Remedial Action. Take action to remedy violations of this ordinance as specified in Section 18.30.030.
- G. Base Flood Elevation Changes Due to Physical Alterations. Within six months of information becoming available or project completion, whichever comes first, the floodplain administrator or their designee, shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a letter of map revision (LOMR).

18.50.010 Standards of construction.

In all areas of special flood hazards the following standards are required:

- A. Anchoring
1. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. All manufactured homes shall meet the anchoring standards of Section 18.50.040.
- B. Construction materials and methods. All new construction and substantial improvement shall be constructed:
1. With flood resistant materials as specified in Federal Emergency Management Agency (FEMA) Technical Bulletin 2-TB-2-93, and utility equipment resistant to flood damage;
 2. Using methods and practices that minimize flood damage;
 3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if
 4. Within Zones ~~AH or AO~~, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.
- C. Elevation and floodproofing. (See Chapter 18.20 definitions for "basement," "lowest floor," "new construction," "substantial damage" and "substantial improvement".)
1. Residential construction, new or substantial improvement, shall have the lowest floor, including basement,
 - ~~a. In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM plus predicted thirty (30) years settlement, or elevated at least two feet above the highest adjacent grade if no depth number is specified.~~
 - ab. In an AE or AH zone, elevated to a height equal to or exceeding one (1) foot above the base flood elevation plus predicted thirty (30) years settlement; said base flood elevation shall be determined by one of the methods on Section 18.40.030 B of this ordinance.
 - be. In all other zones a V or VE zone, elevated to a height equal to or exceeding one (1) foot above the base flood elevation plus predicted thirty (30) years settlement.
 - c. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.
 2. Nonresidential construction, new or substantial improvement, shall either be elevated to conform with Section 18.50.010 C.1 or together with attendant utility and sanitary facilities:
 - a. Be flood proofed below the elevation recommended under Section 18.50.010 C.1 so that the structure is watertight with walls substantially impermeable to the passage of water;

- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - c. Be certified by a registered professional engineer or architect that the standards of this section (18.50.010 C.2) are satisfied. Such certification shall be provided to the floodplain administrator.
3. All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement shall follow the guidelines in FEMA Technical Bulletins ~~TB 1-931~~ and ~~TB 7-937~~, and must exceed the following minimum criteria:
- a. Have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; or
 - b. Be certified by a registered professional engineer or architect.
4. Manufactured homes shall also meet the standards in Section 18.50.040.

18.50.030 Standards for subdivisions and other proposed development, including proposals for manufactured home parks and subdivisions, greater than fifty lots or five acres, whichever is the lesser.

- A. All preliminary subdivision proposals shall identify the special flood hazard area and the elevation of the base flood.
- B. All subdivision plans will provide the elevation of the lowest floor of all proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the lowest floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided as part of an application for a Letter of Map Revision Based on Fill (LOMR-F) to the floodplain administrator.
- C. All subdivision proposals shall be consistent with the need to minimize flood damage.
- D. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

18.50.040 Standards for manufactured homes.

- A. All manufactured homes that are placed or substantially improved, within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map (FIRM), on sites located:
 - 1. Outside of a manufactured home park or subdivision,

2. In a new manufactured home park or subdivision,
 3. In an expansion to an existing manufactured home park or subdivision, or
 4. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- B. All manufactured homes that are placed or substantially improved on sites located within Zones V1-30, V, and VE on the community's ~~Flood Insurance Rate Map~~ FIRM will meet the requirements of Section 18.50.040 A and Section 18.50.070.
- C. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, AE, V1-30, V, and VE on the community's Flood Insurance Rate Map that are not subject to the provisions of Section 18.50.040 A will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:
1. Lowest floor of the manufactured home is at or above the base flood elevation, or
 2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches (36") in height above grade.
- D. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

18.50.050 Standards for recreational vehicles.

- A. All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map (FIRM) will either:
1. Be on the site for fewer than one hundred eighty (180) consecutive days, and be fully licensed and ready for highway use—a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or
 2. Meet the permit requirements of Section ~~418.40.010 of this ordinance~~ and the elevation and anchoring requirements for manufactured homes in Section 18.50.040 A.
- B. Recreation vehicles placed on sites within Zones V1-30, V, and VE on the community's ~~Flood Insurance Rate Map~~ FIRM will meet the requirements of Section 18.50.050 A and Section 18.50.070.

SECTION 3. SEVERABILITY

Every section, paragraph, clause, and phrase of this Ordinance is hereby declared to be

severable. If for any reason, any section, paragraph, clause, or phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, clauses or phrases, and the remaining portions of this Ordinance shall continue in full force and effect unless amended or modified by the city.

SECTION 4. COMPLIANCE WITH CEQA

The California Environmental Quality Act (CEQA) Guidelines, Section 15308, categorically exempts actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. The City Council hereby finds that under Section 15308, the subject ordinance amendment is exempt from CEQA because it is an update of public safety regulations enacted to avoid environmental impacts.

SECTION 5. EFFECTIVE DATE AND PUBLICATION

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

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 and against the Ordinance.

THE FOREGOING ORDINANCE was first read and introduced at a regular meeting of the San Rafael City Council on the 17th day of June 2024, and was passed and adopted at a regular meeting of the San Rafael City Council on the 15th of July 2024 by the following vote, to wit:

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

KATE COLIN, Mayor

ATTEST:

LINDSAY LARA, City Clerk

SUMMARY OF ORDINANCE NO. 2037

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AMENDING TITLE 18 OF THE SAN RAFAEL MUNICIPAL CODE, ENTITLED “PROTECTION OF FLOOD HAZARD AREAS”, TO MEET OR EXCEED THE MINIMUM STANDARDS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR DEVELOPMENT WITHIN THE FLOOD HAZARD AREAS OF THE CITY OF SAN RAFAEL

This Summary concerns a proposed Ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 2037 which will amend Title 18 of the City of San Rafael Municipal Code concerning Sections 18.20.010, 18.30.020, 18.40.010, 18.40.020, 18.40.030, 18.50.010, 18.50.030, 18.50.040, and 18.50.050. Ordinance No. 2037 is scheduled for adoption by the San Rafael City Council at its regular meeting of July 15, 2024. 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 would amend the San Rafael Municipal Code by amending Title 18, which regulates development within the flood hazard areas of the City of San Rafael. The amendments would modify Title 18 to meet or exceed the Federal Emergency Management Agency’s minimum standards for development in flood hazard areas. Compliance with the minimum standards is required for flood insurance to be available in the City of San Rafael under the National Flood Insurance Program.

For a complete copy of the text of the Ordinance amending the Municipal Code, please contact the City Clerk’s Office at city.clerk@cityofsanrafael.org or by phone at (415) 485-3066. Copies of the Ordinance containing this Municipal Code amendment are also available for public review at the San Rafael City Clerk’s office, 1400 Fifth Avenue, 2nd Floor, Room 209, Monday through Thursday from 9:00 a.m. to 4:00 p.m., and on Fridays by appointment only.

/s/ _____
LINDSAY LARA, City Clerk
San Rafael City Clerk
Dated: 07/05/24

ORDINANCE NO. 2038

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL TO
ADJUST THE COMPENSATION FOR THE MAYOR AND CITY COUNCIL**

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

DIVISION 1. FINDINGS.

WHEREAS, pursuant to Article VI, Section 9 of the City of San Rafael Charter, Council compensation may be adjusted by ordinance in an amount not to exceed that allowed for by general state law. The last salary adjustment was adopted in April 1990.

WHEREAS, on June 29, 2023, the Governor approved Senate Bill No. 329 (Dodd) ("SB 329"), amending Government Code Section 36516, which permits a city council to set by ordinance their salaries up to a maximum amount, based upon the population of the city. The increases authorized by SB 329 are designed to address recent inflationary increases and economic realities, "enable city councilmembers to balance their careers and personal obligations with the calling to serve their community," and "also make it easier for members of marginalized communities to serve."

WHEREAS, in articles about the bill Senator Dodd said the following, "By allowing councils to adjust their maximum pay to reflect inflation, my bill will remove barriers to achieving more equitable representation in local government." The California Chapter of the NAACP also supported the bill.

WHEREAS, in accordance with Government Code Section 36516.1, and elected mayor may be provided compensation in addition to which they receive as a council member and that additional compensation may be provided by city council ordinance.

WHEREAS, in accordance with Government Code Section 36516.5, a change in compensation does not apply to a council member during the council member's term of office, but may take effect for all members of a council serving staggered terms whenever one or more members of the city council begins a new term of office. Additional compensation for an elected mayor may take effect during the mayor's current term.

WHEREAS, as part of its analysis, staff also looked at the compensation of mayors and city councilmembers in those jurisdictions considered "comparable" as defined in the labor agreements for the non-safety bargaining groups. It was determined that the "market" average for city council members was \$1,516 per month and \$2,357 per month for mayors.

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

DIVISION 2. ADJUSTMENT TO COMPENSATION.

1. The salary for each Councilmember shall be increased from \$468 to \$1,516 per month. This salary increase shall become effective the first pay period after one or more members of the City Council begins a new term of office.

2. The compensation of the Mayor shall increase from \$702 per month to \$2,357 per month. This salary increase shall become effective the first pay period after one or more members of the City Council begins a new term of office.
3. The City shall continue to offer a full flex cafeteria program for Councilmembers and the Mayor. This compensation shall be paid in the same manner as paid to other officers and employees of the City of San Rafael.
4. Thereafter, the salaries shall be adjusted by ordinance of the City Council in amounts not to exceed that allowed by general state law.

DIVISION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the adoption of this Ordinance or its implementation would have a significant effect on the environment (14 Cal. Code Regs. Section 15061(b)(3)).

DIVISION 4. SEVERABILITY.

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

DIVISION 5. EFFECTIVE DATE; PUBLICATION.

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

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

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

THE FOREGOING ORDINANCE was first read and introduced at a regular meeting of the San Rafael City Council on the 17th day of June 2024, and was passed and adopted at a regular meeting of the San Rafael City Council on the 15th of July 2024 by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

KATE COLIN, Mayor

ATTEST:

LINDSAY LARA, City Clerk

SUMMARY OF ORDINANCE NO. 2038

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL TO ADJUST THE COMPENSATION FOR THE MAYOR AND CITY COUNCIL

This Summary concerns a proposed Ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 2038 which will adjust the compensation of the Mayor and City Council. Ordinance No. 2038 is scheduled for adoption by the San Rafael City Council at its regular meeting of July 15, 2024. The City Clerk has been directed to publish this Summary pursuant to the San Rafael City Charter and California Government Code section 36933(c)(1).

For a complete copy of the text of the Ordinance, please contact the City Clerk's Office at city.clerk@cityofsanrafael.org or by phone at (415) 485-3066. Copies of the Ordinance containing this Municipal Code amendment are also available for public review at the San Rafael City Clerk's office, 1400 Fifth Avenue, 2nd Floor, Room 209, Monday through Thursday from 9:00 a.m. to 4:00 p.m., and on Fridays by appointment only.

/s/ _____
LINDSAY LARA, City Clerk
San Rafael City Clerk
Dated: 07/05/2024

ORDINANCE NO. 2039

AN ORDINANCE AMENDING TITLE 2 – ADMINISTRATION OF THE SAN RAFAEL MUNICIPAL CODE TO ADD DESIGN PROFESSIONALS TO THE PLANNING COMMISSION MEMBERSHIP COMPOSITION, AND AMEND TITLES 14 – ZONING, AND 15 - SUBDIVISIONS OF THE SAN RAFAEL MUNICIPAL CODE, TO DISSOLVE THE DESIGN REVIEW BOARD AND TRANSFER EXISTING DUTIES OF THE DESIGN REVIEW BOARD TO THE PLANNING COMMISSION, OR ZONING ADMINISTRATOR, OR DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT

Section 1. Findings.

WHEREAS, The Design Review Advisory Committee was created in 1977 by the San Rafael Redevelopment Agency as an informal committee to respond to the high volume of development applications, delays in the processing of applications, and the quality of design review in response to the Downtown Beautification Project and the rapid development of East San Rafael, and

WHEREAS, The Design Review Board was officially established in May 1980 by Ordinance 1502 to formalize the Design Review Advisory Committee, and

WHEREAS, The purpose of the Design Review Board was to serve as an advisory body to the City Council to review and formulate recommendations on development projects requiring environmental and design review permits and on other design matters referred to the Design Review Board by the City Council, Planning Commission, or Community and Economic Development Director, and

WHEREAS, over the last several years, new state legislation, (including Senate Bill 35, the Housing Crisis Act of 2019 and others) has required the City’s Municipal Code to support a streamlined reviews of projects, often using only objective design standards and limiting the number of hearings, and

WHEREAS, the Community Development Department presented a staff report in 2019, which included suggestions from several developers to dissolve the Design Review Board and received input from the City Council, and

WHEREAS, in 2020, the City Council approved a staff report recommending that staff pursue an amendment to the San Rafael Municipal Code to streamline development review and created a Design Review Advisory Committee as a one-year pilot program. The following year the pilot program the program was ended, and

WHEREAS, in April 2022 the City Council approved a staff report recommending support for a new one-year pilot program and a zoning text amendment to create a new process entitled, “Streamlined Review for Certain Residential Projects.” The outcome of

the pilot program resulted in fifteen canceled Design Review Board meetings in both calendar year 2022 and 2023, and

WHEREAS, on December 18, 2023 the City Council received a report and provided feedback to staff regarding the possible consolidation the DRB and the PC, and

WHEREAS, City Councilmembers provided feedback to staff to return at a future City Council meeting after completing three related tasks: 1) adoption of revised Objective Design Standards, 2) hiring of the permanent Community Development Director, 3) allow more time for the community to provide feedback to staff. Each of these tasks have now been completed, and

WHEREAS, on June 11, 2024, staff brought a draft ordinance amending Title 2, Title 14, and Title 15 before the Planning Commission for review. As the Planning Commission does not have authority over Title 2, the proposed amendments to Title 2 were presented to provide a comprehensive overview of the scope of the proposed changes. The Planning Commission was asked to review the proposed ordinance and forward a recommendation to City Council. After review, public comment, and deliberations, the Planning Commission voted to continue the item to June 18, 2024 to a Special Planning Commission meeting to provide additional time for commissioners and the public to review the proposed amendments, and

WHEREAS, on June 18, the Planning Commission held the continued public hearing and resumed deliberations on dissolution of the Design Review Board. The Planning Commission unanimously voted to forward a recommendation to City Council to introduce the ordinance and recommended modifications to Title 2 to ensure all responsibilities of the Design Review Board are clearly delegated to the Planning Commission and that a definition is included for “design professional, and directed staff to review Title 14 to ensure the amendments clearly identify the review body and any required recommendations, and

WHEREAS, the City Council conducted a noticed public hearing on June 21, 2024, for the purpose of considering the proposed amendments to the Ordinance; and

WHEREAS, the City Council has duly considered all testimony presented at the public hearings, and the evaluation and recommendations from staff; and

WHEREAS, the proposed amendments to the San Rafael Municipal Code set forth herein below are consistent with state law.

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

Section 2: Amendments to Title 2 of the San Rafael Municipal Code.

Title 2 – Administration, of the San Rafael Municipal Code, is amended as set forth in **Exhibit A**, attached hereto and incorporated herein by this reference (additions in

underline, deletions in ~~strikethrough~~).

Section 3: Amendments to Title 14 of the San Rafael Municipal Code.

Title 14 – Zoning, of the San Rafael Municipal Code, is amended as set forth in **Exhibit B**, attached hereto and incorporated herein by this reference (additions in underline, deletions in ~~strikethrough~~).

Section 4: Amendments to Title 15 of the San Rafael Municipal Code.

Title 15 – Subdivisions, of the San Rafael Municipal Code, is amended as set forth in **Exhibit C**, attached hereto and incorporated herein by this reference (additions in underline, deletions in ~~strikethrough~~).

Section 5. Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

Section 6. Findings of the Zoning Code.

Pursuant to Section 14.27.060 (Findings) of the San Rafael Municipal Code, the proposed amendments of the zoning regulations code under this ordinance:

- A. Are consistent with the goals, policies, and actions of the General Plan.
- B. Would not be detrimental to the public interest, health, safety, convenience, or welfare of the city for the reasons described in the recitals above;

Section 7. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, because it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment, and pursuant to CEQA Guidelines section 15378(b)(5) because the dissolution of the Design Review Board and reassignment of its responsibilities to other City boards and staff members is an organizational/administrative activity that will not result in direct or indirect physical changes in the environment.

Section 8. Effective Date and Publication. This Ordinance shall be published once, in full or in summary form, before its final passage, in a newspaper of general circulation, published and circulated in the City of San Rafael and shall be in full force and effect 30 days after its adoption. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption, together with the names of those Council members voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

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 and against the Ordinance.

THE FOREGOING ORDINANCE was first read and introduced at a Special Meeting of the City Council of the City of San Rafael, held on the 21st day of June 2024, 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 15th day of July 2024.

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:

KATE COLIN, Mayor

Attest:

LINDSAY LARA, City Clerk

Exhibit A: Modifications to Title 2

Section 2.16.040 - Planning commission—Creation—Membership.

There is created a planning commission for the city, consisting of seven (7) members and two (2) alternate members, not officials of the city, appointed by the mayor with the approval of the city council. Eligibility requirements for members of the planning commission are as follows:

The commission shall be composed of seven (7) regular voting members, comprised of one (1) commissioner from each of the city's four (4) city council electoral districts, and three (3) at-large commissioners.

Requirements for eligibility:

1. District representatives: Each district representative must reside in the district they represent.
2. At-large members: Must reside in city limits. At least one (1) at-large member shall be a licensed architect and at least one (1) at-large member shall be a design professional.

"Design professional" means an architect, engineer, landscape architect, building designer, urban designer, urban planner, or other similar design specialist. They may, but are not required to, be licensed or registered in their related field.

In addition, the commission shall include two (2) alternate members who shall be eligible to vote when serving in the absence of any of the commission's regular voting members. Both alternate members shall reside in city limits and be licensed architects.

Section 2.16.110 - Powers and duties of planning commission.

It shall be the function and duty of the planning commission to act as a decision-making body on ~~quasi-legislative~~ matters including, but not limited to:

- Major subdivisions as delegated to the planning commission under [Title 15](#) of this Code.
- Conditional use permits delegated to the planning commission.
- Environmental and design review permits delegated to the planning commission.
- Appeals made by a lower body and appealed to the planning commission.
- Other matters including physical improvements, conditional use permits, or environmental and design permits referred by the community development direction to the planning

Exhibit A: Modifications to Title 2

commission pursuant to powers and duties set forth in the Municipal Code at the discretion of the community development director.

It shall be the function and duty of the planning commission to act as an advisory body to the city council on legislative matters related to but not limited to the following:

- General plan updates and amendments.
- Zoning text and zoning map amendments.
- Other land use matters requiring city council action.

It shall be the duty of the members of the planning commission to inform themselves on matters affecting the functions and duties of the commission and all planning matters, and, to that end, they may attend training and planning conferences and the reasonable traveling expenses incidental to the attendance shall be charged upon the funds allocated to the commission.

The planning commission shall provide professional design analysis, evaluation and judgment as to the appropriateness of development proposals for the use and setting and to recommend approval, approval with conditions, redesign or denial based on design standards and findings of approval adopted by the city council.

The planning commission shall endeavor to promote public interest and understanding of plans developed, and the regulations relating thereto. The commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which records shall be a public record.

~~2.16.120 Design review board—Creation.~~

~~A design review board is created.~~

~~2.16.121 Design review board membership—Compensation.~~

The design review board shall consist of a total of five (5) regular members and may include one (1) alternate member appointed by the city council. The design review board members shall be qualified as follows:

1. ~~At least two (2) members shall be licensed architects or licensed building designers;~~
2. ~~At least one (1) member shall be a licensed landscape architect;~~
3. ~~At least one of the five (5) members shall have background or experience in urban design;~~
4. ~~The alternate member may have qualifications in any of the above fields of expertise;~~
5. ~~All board members shall reside in the city of San Rafael; and~~
6. ~~In addition to the five (5) council appointed board members and one (1) alternate member, one (1) planning commissioner shall attend board meetings. This liaison planning commissioner shall be appointed by the commission chairperson. An additional commissioner shall be appointed to serve as an "alternate liaison" in case of absence. The planning commission liaison should be present at all design review board meetings to offer advice and direction to the board on matters of commission concern.~~

~~Alternate Member. The alternate member may temporarily fill a vacancy created when a regular member: (1) leaves office prior to completion of the member's term; (2) cannot attend a meeting; or (3) cannot participate on a particular matter due to a conflict of interest.~~

~~The city council may establish compensation for members of the design review board by resolution.~~

~~2.16.122 Design review board powers and duties.~~

~~Subject to the direction and control of the city council, as provided in Section 2.04.030 of this Code, the powers and duties of the design review board shall be:~~

~~To serve as an advisory body to the city for the purpose of reviewing and formulating recommendations on all major physical improvements requiring environmental and design review permits, except that an alternate streamlined review process may be allowed for certain eligible projects by ordinance or resolution of the city council.~~

~~To serve as an advisory body on other design matters, including minor physical improvements or administrative design permits, referred to the board by the community development director, planning commission or city council.~~

~~To provide professional design analysis, evaluation and judgment as to the completeness, competence and appropriateness of development proposals for the use and~~

~~setting and to recommend approval, approval with conditions, redesign or denial based on design standards adopted by the city council.~~

~~(Ord. No. 2018 , div. 2, 10-3-2022)~~

Title 14 ZONING*

Division I GENERAL PROVISIONS

Chapter 14.01 TITLE, COMPONENTS AND PURPOSES

14.01.010 Title.

This title, Title 14 of the San Rafael Municipal Code, shall be known and cited as "the San Rafael Zoning Ordinance," or, "the zoning ordinance."

(Ord. 1625 § 1 (part), 1992).

14.01.020 Components.

- A. The zoning ordinance shall consist of the following components:
1. A map, or set of maps, known as the zoning map, delineating the boundaries of zoning districts within the city of San Rafael;
 2. Regulations, known as zoning regulations, governing the use of land, and placement of buildings and improvements within the various classes of districts. Such regulations shall include, but not be limited to, property development standards for each district, parking standards, performance standards, and procedural rules for administering the ordinance.
- B. A copy of the zoning regulations and the zoning map, together with a record of all amendments, shall be kept on file with the city clerk and shall constitute the original record. A copy of the zoning regulations and zoning map currently in effect shall also be kept on file in the planning department.
3. The Downtown San Rafael Precise Plan, Form-Based Code and downtown zoning map adopted by separate ordinance and incorporated herein by reference. The Downtown San Rafael Precise Plan and Form-Based Code include certain zoning regulations, governing the land use and placement of building and improvements for those properties within the boundaries of the downtown area, defined by the downtown mixed use district. Where the Downtown San Rafael Form-Based Code is silent on regulations and provisions, the regulations and provisions presented in this Title 14 shall apply.
- B. A copy of the zoning regulations and the zoning map, Downtown San Rafael Precise Plan Form-Based code and downtown zoning map, together with a record of all amendments, shall be kept on file with the city clerk and shall constitute the original record. A copy of the zoning regulations and zoning map currently in effect shall also be kept on file in the community development department and office of the city clerk

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1996 , div. 2(Exh. A, 1.1), 8-16-2021)

14.01.030 Purposes.

The San Rafael Zoning Ordinance is adopted to promote and protect the public health, safety, peace, comfort and general welfare. The zoning ordinance is also intended to promote the following more specific purposes:

- A. To implement and promote the goals and policies of the San Rafael general plan, so as to guide and manage future development in the city in accordance with such plan;
- B. To foster harmonious and workable relationships among land uses;
- C. To reduce or remove negative impacts caused by inappropriate location, use or design of buildings and improvements;
- D. To protect, strengthen and diversify the economic base of the city;
- E. To promote viable commercial and industrial enterprises that provide diverse employment opportunities for city residents;
- F. To ensure the adequate provision of light, air, space, fire safety and privacy between buildings;
- G. To provide adequate, safe and effective off-street parking and loading facilities;
- H. To promote a safe, effective traffic circulation system, and maintain acceptable local circulation system operating conditions;
- I. To promote design quality in all development and to preserve and enhance the city's existing historic, architectural, and cultural resources;
- J. To preserve and enhance natural resources and key visual features in the community, including the bay shoreline, canal, wetlands, and hillsides;
- K. To protect and conserve the city's existing housing stock;
- L. To promote housing development to meet housing needs, including affordable housing and special housing needs;
- M. To coordinate the service demands of new development with the capacities of existing streets, utilities and public services;
- N. To provide for effective citizen participation in decision-making.

(Ord. 1625 § 1 (part), 1992).

Chapter 14.02 ORGANIZATION, APPLICABILITY AND INTERPRETATION

14.02.010 Organization.

- A. The Zoning Ordinance is divided into five divisions:
 - I. General Provisions
 - II. Base District Regulations
 - III. Overlay District Regulations
 - IV. Regulations Applying in All or Several Districts
 - V. Administrative Regulations

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- B. Three types of zoning regulations control use and development of property:
1. Land use regulations specify land uses permitted or conditionally permitted in each zoning district, and include special requirements, if any, applicable to specific uses. Land use regulations for base zoning districts are contained in Division II of the zoning ordinance. Land use regulations for overlay districts are contained in Division III of the zoning ordinance. Certain regulations applicable in all or several districts are included in Division IV.
 2. Development regulations control the height, bulk, and location of structures on development sites and establish other development standards. Development regulations for each base zoning district are in Division II of the zoning ordinance; development regulations for overlay districts are contained in Division III. Certain development regulations, applicable in more than one base or overlay district, are contained in Division IV. These include site and use regulations, performance standards for certain uses, and parking and sign regulations.
 3. Administrative regulations contain detailed procedures for the administration of zoning regulations, including requirements for administrative permits, use permits, variances, exceptions, design review permits, zoning ordinance amendments, appeals and enforcement. Administrative regulations are contained in Division V of the zoning ordinance.

(Ord. 1625 § 1 (part), 1992).

14.02.020 General rules for applicability of zoning regulations.

- A. **Applicability to Property.** Zoning regulations shall apply to all land within the city of San Rafael, including land owned by the city of San Rafael and other local, state or federal agencies, where applicable. Application of regulations to specific lots shall be governed by the zoning map.
- B. **Applicability to Streets and Rights-of-Way.** Public streets, utility and other right-of-ways are the boundaries of the zoning districts. In cases where right-of-ways are abandoned, the centerline shall be used as the district boundary.
- C. **Compliance with Regulations.** No land shall be used, and no structure shall be constructed, occupied, enlarged, altered, or moved in any zoning district except in accord with the provisions of this title.
- D. **Public Nuisance.** Neither the provisions of this title nor the approval of any permit authorized by this title shall authorize the maintenance of any public nuisance, as defined in Chapter 1.16, Nuisance Abatement, and Chapter 1.20, Nuisances.
- E. **Compliance with Public Notice Requirements.** Compliance with public notice requirements prescribed by this title shall be deemed sufficient notice to allow the city to proceed with a public hearing and take action on an application, regardless of actual receipt of mailed or delivered notice.
- F. **Conflict with Other Regulations.** Where conflict occurs between the provisions of this title and any other city code, ordinance, resolution, guideline, or regulation, the more restrictive provision shall control unless otherwise specified in this title.
- G. **Relation to Private Agreements.** This title shall not interfere with or annul any easement, covenant, or other agreement now in effect, provided that where this title imposes greater restriction than imposed by an easement, covenant, or agreement, this title shall control.
- H. **Application During Local Emergency.** The city council may authorize deviations from any provision of this title during a local emergency. Such deviations shall be authorized by resolution of the city council, without notice or public hearing.

- I. Severability. If any section, subsection, sentence or phrase of this title is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining portions of this title shall not be affected. It is expressly declared that this title and each section, subsection, sentence, and phrase would have been adopted regardless of the fact that one (1) or more other portions of this title would be declared invalid or unconstitutional.
- J. Multiple Development Permit Applications. Where a single development project seeks multiple development permit approvals, some of which require planning commission approval and others of which may only be approved by the city council, the following procedure shall obtain. The planning commission shall conduct a public hearing(s) on all such multiple permit applications, together with appropriate environmental documents and shall recommend action to the city council, which shall have exclusive and final approval authority over such multiple permit applications, and which shall pass on the sufficiency of the appropriate environmental documents related to the applications. The provisions of this section shall supersede any zoning ordinance, subdivision ordinance, development application policy and/or provision of the city's environmental assessment procedures manual to the contrary; provided, however, that nothing contained in this section shall modify or affect in any way the public notice and public hearing requirements related to processing of general plan amendments, environmental and design review permit applications, trip permit applications, use permit applications, subdivision applications, zoning ordinance amendment applications, and/or any other discretionary development application, and any findings requirements applicable to the planning commission in connection with such matters shall be requirements of the city council and not the planning commission.

(Ord. 1647 § 1 (part), 1993; Ord. 1625 § 1 (part), 1992).

14.02.030 Applicability of land use and development regulations.

- A. Zoning Designation System. Land use and development regulations applicable to specific sites shall be shown on the zoning map by zoning designations consisting of initial letters from the name of each zoning district.
- B. Establishment of Base Zoning Districts. Base zoning districts into which the city is divided are established as follows:

Base District Designator	Base District Name	Chapter
R2a	Single-family Residential District Minimum lot size: 2 acres	14.04
R1a	Single-family Residential District Minimum lot size: 1 acre	14.04
R20	Single-family Residential District Minimum lot size: 20,000 sq. ft.	14.04
R10	Single-family Residential District Minimum lot size: 10,000 sq. ft.	14.04
R7.5	Single-family Residential District Minimum lot size: 7,500 sq. ft.	14.04
R5	Single-family Residential District Minimum lot size: 5,000 sq. ft.	14.04
DR	Duplex Residential District 2,500 sq. ft. per dwelling unit	14.04

MR5	Multifamily Residential District (Medium Density) 5,000 sq. ft. per dwelling unit	14.04
MR3	Multifamily Residential District (Medium Density) 3,000 sq. ft. per dwelling unit	14.04
MR2.5	Multifamily Residential District (Medium Density) 2,500 sq. ft. per dwelling unit	14.04
MR2	Multifamily Residential District (Medium Density) 2,000 sq. ft. per dwelling unit	14.04
HR1.8	Multifamily Residential District (High Density) 1,800 sq. ft. per dwelling unit	14.04
HR1.5	Multifamily Residential District (High Density) 1,500 sq. ft. per dwelling unit	14.04
HR1	Multifamily Residential District (High Density) 1,000 sq. ft. per dwelling unit	14.04
GC	General Commercial District	14.04
NC	Neighborhood Commercial District 1,800 sq. ft. per dwelling unit	14.04
O	Office District	14.05
C/O	Commercial/Office District 1,000 sq. ft. per dwelling unit	14.05
R/O	Residential/Office District 1,000 sq. ft. per dwelling unit	14.05
FBWC	Francisco Boulevard West Commercial District	14.05
DMU	Downtown Mixed Use District. See Downtown San Rafael Precise Plan Form-Based Code and Downtown Zoning map adopted by separate ordinance.	14.05
I	Industrial District	
LI/O	Light Industrial/Office District	
CCI/O	Core Canal Industrial/Office District	
LMU	Lindero Mixed Use District	
PD	Planned Development District	
M	Marine District	
P/QP	Public/Quasi-Public District	
P/OS	Parks/Open Space District	14.10
W	Water District	14.11

- C. Establishment of Overlay Zoning Districts. Overlay zoning districts, one or more of which may be combined with a base district, are established as follows:

Overlay District Designator	Overlay District Name	Chapter
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-H	Hillside Development Overlay District	14.12
-WO	Wetland Overlay District	14.13
-E/A	Eichler/Alliance Overlay District	14.14
-C	Canalfront Review Overlay District	14.15

(Ord. 1838 § 15, 2005; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 2, 6-21-2010; Ord. No. 1996, div. 2(Exh. A, 2.1), 8-16-2021)

14.02.040 Rules for interpretation—Recordkeeping.

- A. Zoning Map. Where uncertainty exists regarding the boundary of a zoning district, the following rules shall apply:
 1. District boundaries shown as approximately following the property line of a lot shall be construed to follow such property line.
 2. On unsubdivided land, or where a district boundary divides a lot, the location of the district boundary shall be determined by using the scale appearing on the zoning map, unless the boundary location is indicated by dimensions printed on the map.
 3. Any parcels inadvertently not zoned shall be rezoned consistent with the general plan land use designation and surrounding zoning classifications.
- B. Land Use Categories. Land use categories include uses having similar characteristics, but do not specify every use or activity that may appropriately be within the category. The planning director shall determine whether a specific use shall be deemed to be within one or more use category or not within any use in this title. The planning director may determine that a specific use shall not be deemed to be within a use category, whether or not named within the classification, if its characteristics are substantially incompatible with those typical of a specific use. Any new use, or any use that cannot be clearly determined to be in an existing use classification, may be incorporated into the zoning regulations by a zoning ordinance text amendment, as provided in Chapter 14.27, Amendments.
- C. Zoning Regulations. Where uncertainty exists regarding the interpretation of any provision of this title or its application to a specific site, the planning director shall determine the intent of the provision. Where general plan policy indicates a site-specific use not otherwise allowed by the zoning district, that use may be allowed with a use permit, subject to the approval of the planning commission.
- D. Appeals. An interpretation of the zoning map, use classifications, or zoning regulations by the planning director may be appealed to the planning commission, as provided in Chapter 14.28, Appeals.

(Ord. 1663 § 1 (part), 1994; Ord. 1625 § 1 (part), 1992).

14.02.050 Effect of this title on approved projects and projects in process.

- A. Use permits, variances, design permits, and tentative subdivision maps which are valid on the effective date of the ordinance codified in this title shall remain valid until their expiration date. These projects can be built in accord with the development standards in effect at the time of approval, provided that the use permit or design approval is valid at the time building permits are issued and that such permit is subject to any time limits imposed pursuant to Title 12, Building Regulations.

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- B. No provision of this title shall require any change in the plans, construction or designated use of any structure for which a building permit has been issued prior to the effective date of the ordinance codified in this title, or any subsequent amendment of this title.
 - C. Any reapplication for an expired permit must meet the standards in effect at the time of reapplication.
 - D. Any modification of a use permit or variance, or any major modification of an environmental and design review permit or building permit issued prior to the date of the ordinance codified in this title must conform to the standards in effect at the time of the revised application.
 - E. Any minor modification of an environmental and design review permit or building permit issued prior to the date of the ordinance codified in this title may be subject to the standards in effect at the time of the revised application, as determined by the planning director.
 - F. Any extension of a use permit must meet the standards in effect at the time of reapplication.
 - G. An environmental and design review permit, or of a variance which has been approved as part of an environmental and design review permit, may be extended under the standards in effect at the time of approval up to two (2) years after the effective date of the ordinance codified in this title. Extensions of such permits after two (2) years of the effective date must meet the standards in effect at the time of reapplication.
 - H. Projects for which public hearings are not complete prior to the effective date of the ordinance codified in this title shall be subject to the use regulations, development standards, and all other requirements of this title.

(Ord. 1625 § 1 (part), 1992).

Chapter 14.03 DEFINITIONS

14.03.010 Purpose and applicability.

The purpose of this chapter is to promote consistency and precision in the application and interpretation of zoning regulations. The meaning and construction of words and phrases defined in this chapter shall apply throughout Title 14, except where the context or use of such words or phrases clearly indicates a different meaning or construction intended in that particular case.

(Ord. 1625 § 1 (part), 1992).

14.03.020 Rules for construction of language.

- A. The particular shall control the general.
- B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - 1. "And" indicates that all connected words or provisions shall apply.
 - 2. "Or" indicates that the connected words or provisions may apply singly or in any combination.
 - 3. "Either...or" indicates that the connected words or provisions shall apply singly but not in combination.
- C. In case of conflict between the text and any illustration, the text shall control.
- D. The word "shall" is mandatory and not discretionary. The words "may" and "should" are permissive and discretionary.

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- E. References in the masculine and feminine genders are interchangeable.
- F. "Including, but not limited to" means that the definition is applicable to the examples that are cited, and to other examples that are not cited, which are deemed to be similar in purpose and consistent with the intent of the definition.

Unless the context clearly indicates the contrary, words in the present and the future tense are interchangeable, and words in the singular and plural are interchangeable.

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 3, 6-21-2010)

14.03.030 Definitions.

"A.M. peak hour" means the number of vehicular traffic movements entering and exiting a site during the highest volume consecutive sixty (60) minutes in the a.m. peak period from seven a.m. (7:00 a.m.) to nine a.m. (9:00 a.m.) on the local street system.

"Accessory dwelling unit" ("ADU") means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. The ADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An ADU also includes the following: an efficiency unit, a manufactured home, as defined in Section 18007 of the Health and Safety Code. A junior accessory dwelling unit is considered an ADU subject to additional defined standards. An ADU is not considered to exceed the allowable density for the lot upon which it is located. An ADU is considered a residential use consistent with the general plan and zoning designation for the lot.

"Accessory structure" means a structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building and use that requires a foundation or structural support on the ground. Accessory structures include, but are not limited to, garages/carports, gazebos, greenhouses, storage sheds, freestanding solar panel arrays, small wind energy systems, cabanas, studios, sport courts, spas, hot tubs and pools. Accessory structure would not include a "tree house" that does not have a foundation support on the ground or require a building permit. See also "Accessory dwelling unit".

"Accessory use" means a use clearly subordinate or incidental and directly related to a permitted use or conditionally permitted use. The general thresholds for considering whether a use is an accessory use include whether the: a) floor area dedicated to the use is less than twenty-five percent (25%) of the total area; b) amount of business, revenue or activity generated by the use is less than twenty-five percent (25%) of the main use; c) hours of operation and intensity of operation are similar to the primary use; and d) uses are composed in separate and demised tenant spaces.

"Addition" means a structure added to the original structure at some time after the completion of the original.

"ADU" see definition for "Accessory Dwelling Unit."

"Affordable housing unit(s)" means those dwelling units as described herein which are required to be rented at affordable monthly rents to very-low, low, and moderate-income households, or purchased at an affordable sales price to low and moderate-income households.

"Affordable monthly housing cost" for ownership units means that no more than thirty-three percent (33%) of household income is required for total housing cost including principal and interest payment on the mortgage, private mortgage insurance payments, property taxes, property insurance and homeowners' association dues.

"Affordable monthly rent" means the monthly rental rate plus a utility allowance for tenant-paid utilities as determined by the Marin Housing Authority that together does not exceed thirty percent (30%) of the monthly income of the specified income level.

"Affordable sales price" means the sales price for an affordable ownership unit as set forth in the below market rate housing agreement between the city and the developer.

"Alteration" means any change or modification in construction.

"Animal care facility" means a use providing grooming, housing, medical care, or other services to animals, including veterinary services, animal hospitals, overnight or short-term boarding ancillary to veterinary care, indoor or outdoor kennels, and similar services.

"Animal keeping" or "keeping of animals" means the ownership, possession, custody, control or sheltering of an animal for fourteen (14) or more consecutive days, by any person on private property for noncommercial purposes.

"Antenna" means any system of poles, panels, rods, reflecting dishes, wires or similar devices used for the transmission or reception of electromagnetic waves or signals.

"Antenna structure" means an antenna array and its associated support structure, such as a monopole or tower.

"Antenna, building-mounted" (also known as facade-mounted) means any antenna mounted to a building or rooftop equipment screen that transmits or receives electromagnetic signals.

"Antenna, ground-mounted" means any antenna which is attached or affixed to a freestanding support structure which has its base placed directly on the ground, specifically including, but not limited to, monopoles or towers.

"Atrium" means a covered entryway or central courtyard, typically open through two (2) or more floor levels, which is nonleasable space and which does not include enclosed stairways, elevators, hallways or similar area.

"Awning sign" means a sign placed on the face or surface of an awning.

"Banks and financial services" means financial institutions including uses such as banks and trust companies, check cashing, credit unions, foreign currency, holding (but not primarily operating) companies, home loan services, lending and thrift institutions, money wiring, mortgage brokers, other investment companies, securities/commodity brokers, contract brokers and dealers, security and commodity exchanges, and vehicle finance (equity) leasing.

"Banner" means a sign not made of rigid material and not enclosed in a rigid frame, and which is secured or mounted so as to allow movement.

"Bed and breakfast inn" means establishments offering lodging on a less than weekly basis, typically in a converted single-family dwelling, with incidental eating and drinking service for lodgers only provided from a single kitchen.

Billiards. See "Poolhall."

"Boarding house" means a structure or portion thereof where rooms and/or meals for three (3) or more nontransient guests are provided for compensation. Such rooms do not include complete cooking and sanitary facilities. Includes single-room occupancy development. Excludes the bona fide sharing of the rent or ownership costs of housing and/or the sharing of expenses for meals.

"Boat docking facility" means a fixed structure, typically made of wood or concrete, connected to land which is used to secure boats and provide dry pedestrian access to land.

"Bonus trip allocation" means nonparcel-specific "extra" trips that are reserved for developments providing significant amounts of affordable housing or needed neighborhood, serving commercial or other specified uses for public benefit.

"Brew pub" means an establishment where beer, ale or malt liquors are produced and served to customers. May also include restaurant services.

"Buffer" means a land area used to separate and/or protect one use from another, or to shield or block noise, lights, or other nuisances.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy.

"Building setback" means a limitation on the height of structures within the building envelope which is required to avoid excessive building bulk viewed from downhill lots and front and street side elevations.

"Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.

"Cannabis delivery" means the commercial transfer of medicinal cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform. This sort of use is regulated by the State of California as a Type 9 Cannabis license.

"Cannabis distribution distributor" purchases, sells, arranges for testing, conducts quality assurance review of packaging and labeling, stores/warehouses and transports cannabis goods between medicinal licensees.

"Cannabis manufacturing" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product. Manufacturing includes the processes of extraction, infusion, packaging or repackaging, and labeling or relabeling of cannabis products.

"Cannabis testing/lab" means a laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products (either medicinal and adult use) as further defined in SRMC 10.96.040. This sort of use is regulated by the State of California as a Type 8 Cannabis license.

"Caretaker's residence" means a dwelling unit on the site of a commercial, industrial, public or semi-public use, occupied by a guard or caretaker.

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

"Changeable copy sign" means a sign which, in part or whole, provides for periodic changes in the sign copy. Examples include signs for an auditorium, theater, church, meeting hall or similar use having changing programs or events, but do not include electronic reader board signs. Signs on which the only change is a periodic price change for the product or products customarily sold on premises and on which the location, size and color of the numbers remain constant are not considered changeable copy signs.

"City" means the City of San Rafael.

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

"Club" means a nonprofit association of persons, whether incorporated or unincorporated, organized to pursue common goals, interests or activities, but not including a group organized solely or primarily to render a service customarily carried on as a business.

"Cluster" means a development technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space and/or preservation of environmentally sensitive features.

"Cocktail lounge" means a use providing preparation and retail sale of alcoholic beverages, on a licensed "on-sale" basis, for consumption on the premises, including taverns, bars and similar establishments where food service is subordinate or accessory to the sale of alcoholic beverages. Cocktail lounge does not include a full service alcohol or beer and wine bar that is established and operated as an accessory use within a full-service restaurant, provided that the bar is integrated within and open to the main dining area, and operating during the same hours as the primary food service use.

"Coin-operated amusement device" means a machine which, upon the insertion of a coin or similar, operates or may be operated for use as a game, contest or amusement of any description, or which may be used for any such game, contest or amusement, and which contains no automatic payoff device for the return of money, coins, tokens or merchandise.

"Co-location" means the location of two (2) or more wireless communication facilities on a single support structure or otherwise sharing a common location. Co-location shall also include the location of wireless communication facilities with other types of preexisting structures, including, but not limited to, water tanks, light standards, outbuildings and other utility facilities and structures.

"Community development director" means the head of the community development department and is synonymous with "planning director," as used in this code.

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

"Contractor's yard" means a use providing storage of equipment, materials and vehicles for contractors who are in trades involving construction activities which include, but are not limited to, plumbing, painting, electrical, roofing and carpentry, including incidental services and offices. Contractor's storage yards may include the maintenance and outdoor storage of large construction equipment such as earthmoving equipment, cranes and outdoor storage of building materials.

"Convenience store" means a sales establishment occupying a public retail sales area of generally up to five thousand (5,000) gross square feet, for purpose of selling prepackaged food and beverage products and other retail merchandise oriented to convenience and travelers' shopping needs. Convenience stores are distinguishable from "grocery stores and supermarkets" in that they carry a limited range of items and are typically contained in a smaller retail space (generally, less than five thousand (5,000) gross square feet). See "mini-market" definition for a retail store operated in conjunction with a gasoline station with a retail sales area that is less than one thousand (1,000) gross square feet in size.

"Creek" means a perennial, intermittent or ephemeral open watercourse, which has a defined bed and bank and connect to other water bodies, as shown on the San Rafael General Plan watershed and creeks map. Creek also includes unmapped tributaries to the bay to the point at which they have a defined bed and bank. Creek is distinguishable from a "drainageway."

"Cut" means a portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below the original ground surface or excavated.

"Day care facility" means an existing or proposed building, equipment and any accessory structures in which there are programs and personnel licensed by the state for direct child or adult care services, including, but not limited to, shelter, food, education and play opportunities, for fewer than twenty-four (24) hours per day. There are three (3) basic types or designations of child or adult care facilities:

1. Family day care home, small (a dwelling unit licensed for the care of eight (8) or fewer children or adults), or as otherwise defined by state law;
2. Family day care home, large (a dwelling unit licensed for the care of nine (9) to fourteen (14) children or adults), or as otherwise defined by state law;
3. Day care center (a facility licensed for the care of more than fourteen (14) children or adults).

"Day services center" means a program which provides a wide variety of counseling, referrals, and other nonmedical, nonresidential services daily to more than twelve (12) persons.

"Deck" means a platform requiring ground supports which is roofless and not enclosed, and which is commonly used for recreation purposes.

"Density bonus" means concessions or incentives for additional housing density beyond such regulations contained for residential development within the San Rafael Municipal Code or the San Rafael general plan, for projects that are consistent with the requirements of Government Code Section 65915 and/or Section 14.16.030(H)(1) of the San Rafael Municipal Code.

"Design professional" see definition in San Rafael Municipal Code Section 2.16.040.

"Development" or "development project" means any subdivision, other division of land or condominium conversion; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any change in use or extension of the use of land.

"Directional sign" means any sign, which is designed and erected solely for the purpose of traffic or pedestrian direction and which is placed on the property to provide direction to the public. Such a sign contains no advertising copy.

"Directory sign" means an identification sign listing the tenants of a building, or the bulletin board of a public, charitable, religious, or fraternal institution used to display announcements relative to meetings and activities to be held on the premises and/or displaying the names of the officers of the organization.

"Discount store" means a building or group of buildings typically providing regional market-base discount sales of retail items.

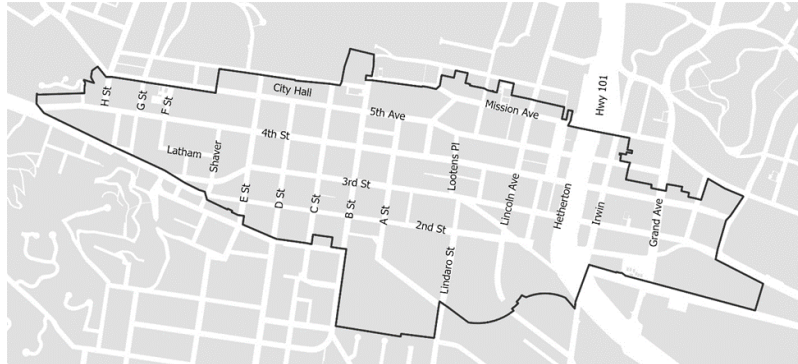
"Dispensary" means a storefront or facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale.

"Displaced person" means any person: (1) who lawfully occupies rental property as a primary place of residence; (2) whose continued occupancy of the rental property would be inconsistent with a proposed development project; and (3) whose tenancy is terminated by the owner, whether by the owner's termination of the lease or tenancy or the owner's refusal to renew the lease or tenancy, unless the tenancy is terminated because of a default under the lease by the tenant.

"Distribution" means a use engaged primarily in delivery of manufactured products, supplies and equipment, including incidental storage and sales activities.

"Double-faced sign" means a sign consisting of two (2) sign faces, which are placed back-to-back, so that only one sign face is visible from any one location.

"Downtown" encompasses those properties and parcels within the boundaries of the downtown mixed use (DMU) district. The downtown mixed use district encompasses the geographic area presented on the following map:



"Downtown parking district" means the area which encompasses the boundary generally between Hetherton and E Streets, and Second Street and Fifth Avenue, as shown on map contain in the Downtown San Rafael Precise Plan adopted by separate ordinance.

"Drainageway" means:

- (1) An open swale or localized depression that lacks defined banks, which transports stormwater to creeks, wetlands or water bodies such as the bay; and
- (2) Man-made open ditches or channels (typically with low habitat value) which drain developed properties. Drainageway is distinguishable from a "creek."

"Driveway" means a private roadway providing vehicular access to dwelling(s), structure(s) or parking spaces.

"Dwelling unit" means one or more rooms designed, occupied or intended for occupancy as separate living quarters for the exclusive use of one household, with a kitchen, sleeping facilities, and sanitary facilities.

Dwelling unit, second. "Second dwelling unit" means an additional, separate dwelling unit meeting defined standards, as specified in Section 14.16.285 of this title, and located on the same lot as a single-family dwelling within a residential district.

"Egress" means an exit.

Emergency shelter for the homeless, permanent. "Permanent emergency shelter for the homeless" means a permanent residential facility operated by a provider which provides emergency housing or temporary accommodations year-round to homeless persons and/or families on a nonprofit basis, and which meets the standards for shelters contained in this title. A facility under this section does not include temporary shelter provided by general relief in the wake of a disaster where assistance by the American Red Cross and/or federal disaster relief is provided.

Emergency shelter for the homeless, temporary or rotating. "Temporary or rotating emergency shelter for the homeless" means a nonprofit temporary or emergency housing facility for individuals and families authorized to operate up to six (6) consecutive months. A facility under this definition does not include temporary shelter provided by general relief in the wake of a disaster where assistance by the American Red Cross and/or federal disaster relief is provided.

"Emergency shelters" means housing as defined under the State Health and Safety Code Section 50801(e); i.e., with minimal supportive services for homeless person(s) that is limited to occupancy of six (6) months or less by a homeless person. No individual or household may be denied emergency shelter because of inability to pay.

Entertainment, live. See "Live entertainment."

"Equipment cabinet" means a cabinet, structure, or building used to house equipment associated with a wireless communication facility.

"Equivalent alternative action" means actions performed by a developer that the city council, in its sole discretion, determines will further the affordable housing goals of the city to an equal or greater extent than compliance with the requirements herein.

"Excavation" means removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

Family day care, large. See "Day care facility."

Family day care, small. See "Day care facility."

"Fast food restaurant" means a facility which specializes in rapidly prepared foods and beverages, served with dispensable (such as paper or plastic) plates and utensils for on- or off-site consumption. Table service is generally limited to delivery of counter-ordered meals and busing. Service to persons in vehicles may be a function of fast food restaurants. Fast food restaurants have high customer volume and high traffic generation, plus one or more of the following elements:

1. Drive-through service;
2. Late/early hours of operation (open after eleven p.m. (11:00 p.m.) or before six a.m. (6:00 a.m.));
3. Potential litter problems;
4. Noise (for example, from drive-through intercoms);
5. Potential outdoor gathering places.

"Federal Communication Commission (FCC)" is an independent United States government agency responsible for the regulation of interstate and international communications by radio, television, wire, satellite and cable.

"Fence" means an artificially constructed barrier of any material or combination of materials serving to enclose or screen areas of land.

"Fill" means earth or any other substance or material, including pilings, placed or deposited by humans.

"Financial services" see "Banks and financial services"

"Firearms dealer" means any person licensed to sell, lease or transfer firearms pursuant to California Penal Code Section 12071(a)(1).

"Fitness/recreation facility" means facilities providing equipment and areas for exercise, training, recreation and classes for individuals, groups or both. Examples of these facilities include, but are not limited to: health clubs, gymnasiums, indoor sports facilities, rock climbing facilities, etc. These facilities are primarily drop-in facilities, and may include accessory instructional uses. See "School, specialized education and training" definition for uses primarily involving instructional or educational training.

"Flashing sign" means any sign which is perceived as an intermittent or flashing light. Time and temperature signs are excluded from the category of flashing signs.

"Floor area ratio (FAR)" means the total building square footage (gross floor area) divided by the land area, as further defined in Section 14.16.150, Floor area ratios applicable to nonresidential development.

"Food service establishment" means a business serving food and/or beverages such as a restaurant, café, coffee shop, cocktail lounge or brew pub. Food service establishment is distinguishable from a "food service establishment, high volume" and "fast food restaurant" by volume, food type and/or service.

Food service establishment, high volume. "High volume food service establishment" means a food service establishment over one thousand (1,000) square feet in size which serves more than two hundred (200) lunches daily or equivalent volume at other mealtimes.

"Fortunetelling" means the telling of fortunes, forecasting of future events or furnishing of any information not otherwise obtainable by the ordinary process of knowledge, by means of any occult or psychic power, faculty or force.

"Fractional unit" occurs when the required percentage of affordable housing units results in less than one unit or a combination of affordable housing units and less than one full unit. For example: total number of new units twelve (12) multiplied by the required affordable housing units fifteen percent (15%) results in one full unit and a .80 fractional unit or eighty percent (80%) of a full unit.

"Freestanding sign" means any sign that is designed and constructed as a stand alone structure, which is self-supporting on the ground, not affixed to or attached to a building. Types of freestanding signs include pole or pylon signs and monument signs.

"Frontage, business or use" means the front face or front elevation of a building containing a single business or use that is most parallel to and fronts on a public street, public right-of-way, public parking lot or public parking garage. Frontage width is measured in linear feet.

"Game arcade" means a use with five (5) or more coin-operated amusement devices.

"Garage" means a building or structure, or part thereof, used or intended to be used for the parking and storage of vehicles. Includes public and commercial parking facilities. See also "Carport."

"Gasoline station" means a facility which dispenses automotive fuel to the general public.

"Grade" means the point of elevation as determined by the methods prescribed in the latest edition of the Uniform Building Code adopted by the city.

"Grading" means any cutting or excavation, filling or combination thereof.

"Grocery store and supermarket" means a retail business where the majority of the floor area that is open and accessible to the public is occupied by produce, food and beverage products, and household items that are packaged for preparation and consumption for daily living needs. Grocery stores and supermarkets are distinguished from "convenience stores" in that they typically contain a retail floor area greater than ten thousand (10,000) gross square feet. Smaller grocery stores may occupy a retail floor area between five thousand (5,000) and ten thousand (10,000) gross square feet. Supermarkets generally offer a greater variety of products and household items, and may also include accessory uses within the retail sales area including, but not limited to, a pharmacy, café, or financial services.

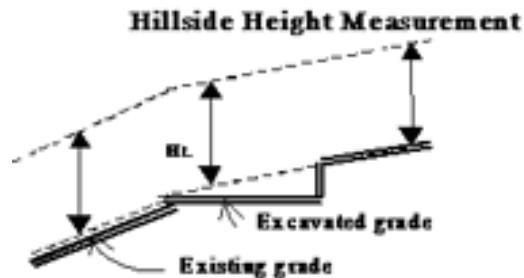
Gross building square footage, hillside areas. "Hillside areas gross building square footage" means the sum of all enclosed or covered areas of each floor or all structures on the site, measured to the exterior of the enclosing walls, columns or posts including basement areas, unfinished attic or loft spaces and other areas capable of being finished into habitable space as determined by the California Building Code; garages and carport areas six feet (6') or more above the natural grade, measured to the exterior face of surrounding walls, column, or posts; other roofs or covered areas supported by walls, columns or posts and capable of being enclosed, measured to the exterior face of surrounding walls, columns or posts; roof penthouses; and accessory structures greater than one hundred twenty (120) square feet in floor area. Excluded are areas permanently open to the sky; exterior areas under roof eaves, trellises or cantilevered overhangs and attic spaces and underfloor spaces that are not capable of being finished into habitable space.

"Gun shop" means an establishment or person engaged in the sale, lease or transfer of firearms pursuant to California Penal Code Section 12071(a)(1).

"Handicapped" means a person with a physical or mental impairment which substantially limits one or more of such person's major life activities, a record of having such an impairment or being regarded as having such an impairment, but such term does not include current illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802) as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988).

"Height, downtown mixed use district" means the height of all structures, fences and walls located within the downtown mixed use district measured in accordance with the methodology presented in the Downtown San Rafael Precise Plan Form-Based Code, which is adopted by separate ordinance.

"Height, hillside" means the height of all structures, fences and walls measured vertically from the existing grade (e.g., natural) grade to the uppermost point of the roof edge, wall parapet, mansard or other feature above the existing grade at any given point. See illustration below.



"Height, non-hillside " means the vertical distance above a reference datum measured to

- 1) The highest point of the coping of a flat roof or to the deck line of a mansard roof or
- 2) To the average height of the highest pitched roof (see Figure 3 for various roof types.) The reference datum shall be selected by either of the following, whichever yields a greater height of building:
 1. The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall (Figure 1) of the building when such sidewalk or ground surface is not more than ten (10) feet above the lowest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior of the building (see Figure 2A).
 2. An elevation ten (10) feet higher than the lowest grade when the highest adjoining sidewalk or ground surface described in Item 1 above is more than ten (10) feet above lowest grade (see Figure 2B).

The height of a stepped or terraced building may be determined based on the existing grade condition at each distinctive building segment, as determined by the community development director.

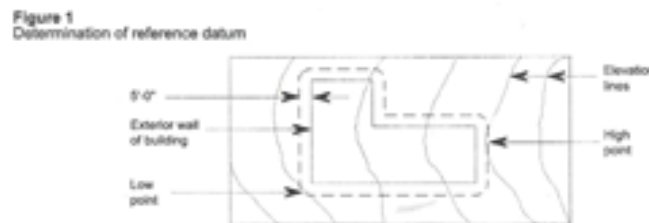


Figure 2
Building height by Building Code provisions

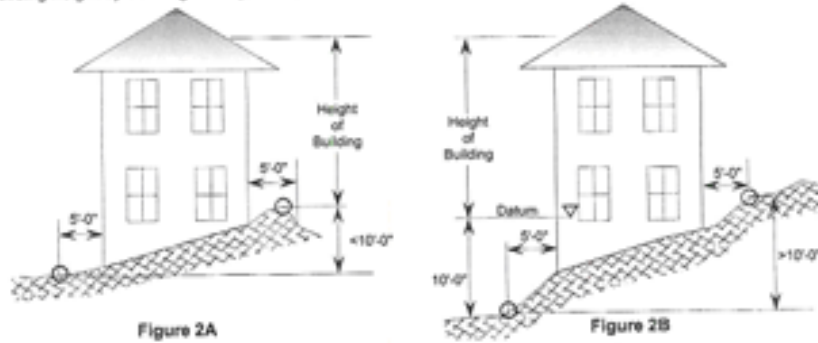
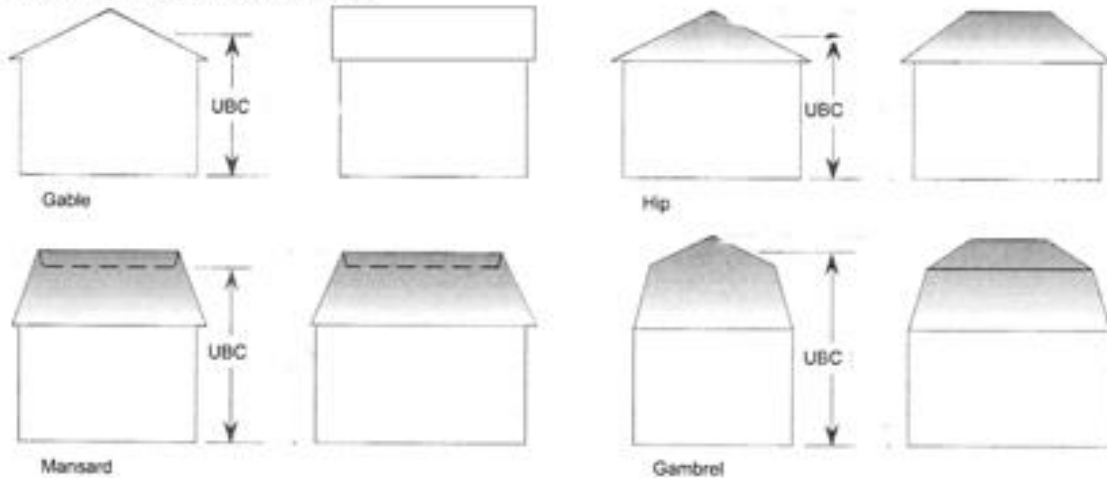


Figure 3
Building height for various roof types



"High top of creek bank" means the side of a creek, the top of which shall be the topographic line roughly parallel to the creek centerline, where the side slopes intersect the plane of the ground traversed by the creek. Where the banks do not distinguishably end, the surrounding country being an extension of the banks, the top of such banks shall be determined by the planning director.

"Home occupation" means an accessory use of a dwelling unit, conducted entirely within the dwelling unit, carried on by one (1) or more persons, all of whom reside within the dwelling unit, as further defined in Section 14.16.220, Home occupations, but not including those facilities defined as short-term rentals in Section 14.03.030 of this Code.

"Hospital" means a facility providing medical, psychiatric or surgical services for sick or injured persons primarily on an in-patient basis, including facilities for out-patient and emergency treatment, diagnostic services, training, research and administration, and services to patients, employees or visitors.

"Hotel" means any building or portion thereof designed for compensation, primarily for the accommodation of transient travelers, with eating, drinking, banquet and recreational facilities related to the hotel use, but not including those facilities defined as residential care facilities.

"Household" means one or more persons, whether or not related by blood, marriage or adoption, jointly occupying a dwelling unit in a living arrangement characterized by the sharing of common living areas, including area and facilities for food preparation. Indicia of a separate household include, but are not limited to, one (1) or more of the following: a separate exterior entrance, a separate address, a separate mail box designation, a separate utility service or meter, a separate cable television line, and the existence of a rental advertisement for the separate living quarters immediately preceding their occupancy.

"Identification sign" means a sign which serves to identify only the name, address and lawful use of the occupant, business or use upon which the sign is located, and which may include the emblem or insignia when used by an organization.

"Improvement" means the construction, alteration and repair of all buildings, structures and facilities permanently affixed to real property and appurtenances thereto.

"Informational sign" means a sign which is designed and erected solely for the purpose of communicating information for the safety or convenience of the public. Examples of such signs include no smoking, restrooms or telephone.

"Ingress" means access or entry.

"JADU" see definition for "Junior Accessory Dwelling Unit."

"Junior accessory dwelling unit" ("JADU") means an accessory dwelling unit that is no more than five hundred (500) square feet in size and contained entirely within the walls of a proposed or existing single-family residential space and meets the additional standards provided in section 14.16.285 C.2.

"Kiosk" means a small, freestanding accessory structure used for retail or service uses (see also Section 14.16.225).

"Kitchen" means any portion of a structure equipped, used or intended to be used for the storage, preparation, and cooking of foods with proximal arrangement of two (2) or more of the following: (a) sink (other than that associated with a bathroom), (b) food storage and preparation areas, (c) refrigerator, or (d) cooking appliances including a stove, microwave oven, convection oven, cooking burners or similar appliances. The storage of food in a pantry, freezer or refrigerator located in any area of the structure shall not, by itself, classify such area of the structure as a kitchen.

"Laboratories" means establishments providing medical or dental laboratory services or establishments providing photographic, analytical, or testing services.

"Landscaping" means an area devoted to or developed and maintained with native or exotic plantings including lawn, ground cover, gardens, trees, shrubs or other plant materials; as well as entry areas, courtyards and similar with decorative outdoor landscape elements such as pools, fountains, sculpture, seating and paved or decorated surfaces (excluding driveways, parking, loading, storage areas and sidewalks outside of the entry, courtyard or large planted areas).

"Level of service (LOS)" means a standard qualitative circulation measure describing traffic-operating conditions in terms of speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety. Six (6) levels of service are defined, from LOS A, representing the best operating conditions, to LOS F, representing the worst.

"Live entertainment" includes the following activities where they occur as part of a commercial use three (3) or more times during a calendar year:

1. Bands, dance bands or disc jockeys;
2. Performances (comedy, music, theatrical, dance) by one or more persons, regardless of whether performers are compensated.

A single performer, such as a singer or pianist providing background music (without billing or advertisement) at a restaurant or bar is exempt from this definition.

"Live/work quarters" means an area comprised of one or more rooms that accommodates joint work activity and residential occupancy, and which includes residential occupancy and work activity, and which includes: (1) working space reserved for and regularly used by one or more of the persons residing therein, and (2) cooking, sleeping and sanitary facilities. All living spaces shall be contiguous with and made an integral part of the working space with direct access between living and working areas.

"Loading space" means an off-street space or berth used for the loading or unloading of commercial vehicles.

Lodges. See "Clubs."

"Lot" means a specific area of land, the boundaries of which have been established according to the legal requirements in effect at the time the lot was created or which has been issued a certificate of compliance.

"Lot area" means the area of the property within the property boundaries as described in the recorded grant deed including any easements, and unaccepted offers and dedications of rights-of-way. Consistent with Section 15.06.030 (subdivision design standards), the panhandle portion of a flag lot that is primarily used and intended for access shall not be included in lot area for purposes of development and application of development standards.

"Lot coverage" means that portion of the lot covered by buildings, including stairways; covered walkways; covered patios; covered parking structures; covered decks or uncovered decks over thirty inches (30") in height; and detached recreational and storage structures that are greater than one hundred (120) square feet in size. Lot coverage excludes residential fences, ground level landscaped areas, walkways and paved areas, uncovered patios and decks thirty inches (30") or less in height, uncovered recreational and uncovered parking and driveway areas, detached garden sheds, tool sheds, playhouses and similar detached accessory structures that do not require a building permit and are not greater than one hundred twenty (120) square feet in size and no taller than eight feet (8') in height, and portions of structures that are located below grade.

"Lot depth" means the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.

"Lot line", see "Property line."

"Lot width" means lot area divided by lot depth.

Lot, corner. "Corner lot" means a lot bounded on two (2) or adjacent sides by street lines, providing that the angle of intersection does not exceed one hundred thirty-five degrees (135°).

"Lot, panhandle/flag" means a lot that is served by a narrow strip of land that is primarily intended and used for gaining access to a major portion of the lot or parcel. See Title 15, subdivisions, for regulations addressing the formation of a flag or panhandle lot.

Lot, reverse corner. "Reverse corner lot" means a corner lot, where the rear yard of a lot is adjacent to the side yard of an adjoining lot.

Lounge, cocktail. See "Cocktail lounge."

Low income. See "Affordable housing."

"Low income household" means households earning less than eighty percent (80%) of county median income according to the latest Federal Housing and Urban Development Department income limits table (or similar table provided by the Marin Housing Authority), or as otherwise defined by resolution of the city council.

"Mansard sign" means any sign attached to or supported by a sloped roof element such as a mansard or gable.

"Manufactured home" means a single-family detached structure that is manufactured under the authority of 42 U.S.C. Section 5401, the National Manufactured Home Construction and Safety Standards Act of 1974, and shall include structures known as manufactured homes or mobile homes.

"Marina" means a facility for storing, servicing, fueling, berthing and securing and launching of private pleasure craft or commercial boats, and which may include the sale of fuel and incidental supplies for the boat owners, crews and guests.

"Market rate housing units" means dwelling units in a residential or mixed-use project that are not affordable housing units.

"Marquee sign" means any sign that is on top, attached to the face of or suspended below a marquee, canopy, cantilevered covered walkway, or arcade, whether parallel to or at right angles with the face of the building.

"Massage" and/or "bodywork" means the skillful application of touch, including, but not limited to, pressure, stroking, kneading, compression on, or movement of the external surfaces of the body by a practitioner to produce increased awareness, relaxation, pain relief, injury rehabilitation, or neuromuscular reeducation.

"Massage and/or bodywork office or establishment" means any establishment having a fixed place of business, vehicle or vessel, where any person engages in, conducts, carries on, or permits to be engaged in, conducted, or carried on as regular functions any massage and/or bodywork activities as defined above. Any establishment engaging in or carrying on, or permitting any combination of massage and/or bodywork shall be deemed a massage and/or bodywork office or establishment.

"Massage and/or bodywork practitioner" means any individual who, for any consideration whatsoever, engages in the practice of massage and/or bodywork, whether or not employed on the premises of a massage and/or bodywork office or establishment or acting as an independent contractor or as an owner.

"Median income" means the median household income for the San Francisco Primary Metropolitan Statistical Area (PMSA)—comprised of San Francisco County, San Mateo County and Marin County—as published by the United States Department of Housing and Urban Development (HUD), Office of Economic Affairs, Economic and Market Analysis Division, with adjustments for smaller or larger households made according to HUD's standard adjustment factors for household size, or as otherwise defined by resolution of the city council.

"Medical cannabis" or "medicinal cannabis" means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), as further defined by SRMC 10.96.040.

Medical office. See "Office, medical."

"Mini-market" means a retail sales establishment operated in conjunction with a gasoline station, occupying a retail sales area open to the public between one hundred (100) square feet and one thousand (1,000) square feet, for the purpose of selling prepackaged food, beverages and similar small convenience items to gasoline station customers.

"Mixed-use project" means a development in which more than one use is combined in a single building or on a single site.

"Mobile home" means a structure, transportable in one or more sections, with or without a permanent foundation, designed to be used as a dwelling unit and connected to the required utilities. A mobile home does not include a recreational vehicle, motor coach, trailer coach or travel trailer.

"Mobile home lot" means a plot of land for placement of a single mobile home within a mobile home park; a mobile home pad.

"Mobile home park" means a residential facility with two (2) or more mobile home lots available for rent, lease or purchase, and providing services and facilities for the residents.

"Moderate income household" means a household with total gross annual earnings of less than one hundred twenty percent (120%) of median income as defined in this section.

"Monument sign" means a freestanding sign that is supported by a solid base or foundation rather than a pole or post.

"Motel." See "Hotel."

"Motor vehicle repairs and maintenance" means the repair, alteration, restoration, towing, painting, cleaning or finishing of vehicles as a primary use including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use is distinguished by two (2) categories: major repair of vehicles, which includes, but is not limited to, facilities providing major engine work, body work, and vehicle painting; and facilities providing minor repair and maintenance, which includes, but is not limited to, tune-ups, replacement and repair of brakes, batteries, tires, mufflers, and upholstery.

"Multiple copy sign" means a sign which advertises more than one business or use and the principal product or service.

"Multi-tenant sign" means a sign, which displays a list of multiple tenants, businesses or uses in one or more buildings located on one site.

"Mural" means a large painting that is executed directly on or permanently affixed to the surface of a wall depicting, among others, a scene or art.

"Mural sign" means a mural that depicts or includes written script, logo or art that is intended to display or advertise the sale of goods or services shall be considered a sign, subject to the provisions of Chapter 14.19, Signs.

"Nameplate" means a sign containing either or both the name of the occupant or building and the address of the site.

"Natural state" means all portions of lots that remain undeveloped and undisturbed. Grading, excavating, filling and/or the construction roadways, driveways, parking areas and structures are prohibited. Incidental minor grading for hiking trails, bicycle paths, equestrian trails, picnic areas and planting and landscaping which enhances the natural environment are permitted when approved through an environmental and design review permit.

Needed neighborhood-serving use. For the purposes of bonus trip allocations, "needed neighborhood-serving uses" consist of those needed service uses identified in a neighborhood plan, the general plan or as determined by resolution of the planning commission and/or city council.

"Nonconforming structure" means a structure or building, the size, dimensions or location of which was lawful prior to the adoption of this title or any subsequent revision or amendment, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

"Nonconforming use" means a use or activity which was lawful prior to the adoption of this title, or any subsequent revision or amendment of this zoning ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

"Office, administrative" means an office-type facility used for administrative purposes, and/or occupied by a business engaged in the production of intellectual property. Examples of these uses include, but are not limited to, advertising agencies, commercial art and design services, construction contractors (office facilities only), design services including architecture, engineering, landscape architecture, urban planning, educational, scientific and research organizations, media postproduction services, news services, photography studios, and writers' and artists' offices.

"Office, business" means an establishment providing direct services to consumers. Examples of these uses include, but are not limited to, employment agencies, insurance agent offices (small-scale customer service offices, not administrative), real estate offices, travel agencies, utility company payment offices (not administrative). This use does not include banks and financial services, which are separately defined.

Office, general. "General office" means a use providing administrative, professional or business services.

Office, medical. "Medical office" means a facility, other than a hospital, where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis. A medical office use would provide consultation, diagnosis, therapeutic, preventative or corrective treatment services by doctors, dentists, medical and dental laboratories, chiropractors, counselors, physical therapists, respiratory therapists, acupuncturists and psychiatrists, and similar practitioners of medical and healing arts for humans licensed for such practice by the state of California. Medical office uses typically require use of specialized medical equipment and medical training to evaluate, diagnose and administer treatments, medication or therapies which require a prescription (including administering oxygen or performing dialysis, and sleep diagnostics facilities); increased support staff needs; multiple patient treatment rooms; and patient waiting areas. Counseling services and other services provided by nonmedical professionals may also be included under "offices, general."

"Office, professional" means an office-type facility occupied by a business providing professional services. Examples of these uses include, but are not limited to, accounting, auditing and bookkeeping services, attorneys, counseling services, court reporting services, detective agencies and similar services, financial management and investment counseling, literary and talent agencies, management and public relations services, psychologists, secretarial, stenographic, word processing and temporary clerical employee services.

"Official sign" means a sign required by a governmental body that is to discharge its legally required functions.

"On-site" means located on the lot that is the subject of an application for development.

"Open space" means any lot or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

"Open water" means submerged lands lying below 4.5 NGVD (mean sea level datum) and/or as shown on the San Rafael zoning map.

"Outdoor eating area" means any outdoor eating area used in conjunction with a food service establishment.

"Outdoor storage" means the keeping in an unroofed area of any goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours.

"Overhang" means the part of a roof or wall which extends beyond the facade of a lower wall.

"Owner or operator" (also "provider or service provider") means the person, entity or agency primarily responsible for installation and maintenance of a wireless communication facility, which may or may not be the same person or entity which is the owner of the property on which the facility is located.

"P.M. peak hour trip" means the number of vehicular traffic movements entering and exiting a site during the highest volume consecutive sixty (60) minutes in the p.m. peak period from four p.m. (4:00 p.m.) to six p.m. (6:00 p.m.) on the local street system.

Parcel. See "Lot."

"Parking access" means the area of a parking lot that allows motor vehicles ingress and egress from the street.

"Parking area" means any public or private land area designed and used for parking motor vehicles, including, but not limited to, parking lots and garages.

Parking facility. See "Parking area."

"Parking lot" means an off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

"Parking space" means a space for the parking of a motor vehicle within a public or private parking area.

"Pedestrian-oriented design" means design qualities and elements that contribute to an active, inviting street-level environment, making the area a safe and attractive place for pedestrians.

"Performance standards" mean a set of criteria or limits relating to nuisance elements which a particular use or process may not exceed.

"Personal service" means provision of service of a personal nature. This classification includes, but is not limited to, barber and beauty shops, nail/manicure shops, dry cleaners, tailors, shoe repair shops, cosmetologist, skin-care consultant, esthetician, massage/bodywork and acupressure.

"Planning director" is synonymous with "community development director," as used in this Code.

"Pole or pylon sign" means a freestanding sign that is supported by a pole or post.

"Poolhall" means any use with two (2) or more billiard tables.

"Portable sign" means a sign that is constructed or designed to roll, slide or be moved from one location to another. Examples of portable signs include, but are not limited to, an A-frame sign and an I-frame sign.

"Private yard area" means a usable outdoor area adjoining a unit and intended for the private enjoyment of the occupants of the unit. Private yard area shall be defined such that its boundaries are evident. Private yard area may include balconies, decks, patios or porches.

Project. See "Development."

"Projecting or blade sign" means any sign, which projects from the face of a building and is supported by brackets, a projecting post or frame that is anchored to the building face. A blade sign is a small projecting sign.

"Property line" means the recorded boundary of a lot or parcel of land. When two (2) property lines meet or join at an angle that is greater than one hundred thirty (130) degrees, they are considered the same property line for the purpose of defining one (1) yard area and determining required yard setbacks.

"Public access" means permanent pedestrian, bicycle and/or vehicular access in or adjacent to natural amenities for study or enjoyment.

"Public improvement" means any improvement, facility or service together with its associated public site or right-of-way necessary to provide transportation, drainage, public or private utilities, energy or similar essential services.

Recreation facility. "Recreational facilities" may include, but are not limited to, community centers, swimming or wading pools, spas, court facilities (such as tennis, basketball, or volleyball), picnic or barbecue areas and enclosed tot lot facilities with play equipment.

"Related equipment" means all equipment ancillary to the transmission and reception of any signal via radio frequencies. Such equipment may include, but is not limited to, cable, guy wires, conduit, conductors and power lines and their supporting poles associated with a wireless communication facility.

"Religious institution" means a use located in a permanent building and providing regular or organized religious worship and religious education incidental thereto, but excluding a private educational facility. A property tax exemption obtained, pursuant to the Constitution of the State of California and of the Revenue and Taxation Code of the State of California, shall constitute prima facie evidence that such use is a religious institution as defined herein. Religious institution includes a seminary, retreat, monastery and conference center of similar use for the conduct of religious activities, including accessory housing incidental thereto, but excluding a private educational facility.

"Relocation assistance" means the provision of rental assistance to low-income residential unit tenants that are: a) required to vacate a dwelling unit due to unit renovation, conversion or demolition proposed in conjunction

with a development project or property improvements; and b) permanently displaced from the premises by a landlord or property owner, where the tenant is required to seek and secure new housing. A permanently displaced resident qualifying for relocation assistance shall be a tenant of record listed either on a current lease or rental agreement that meets the County of Marin criteria as a low-income household. Relocation assistance is administered under Section 14.16.279 of this Title.

"Research and development facility" means a use engaged in study, testing, design and analysis, and experimental development of products, processes or services, including incidental manufacturing of products or provision of service to others.

"Research and development industry" means establishments primarily engaged in the research, development and controlled production of high-technology electronic, industrial or scientific products or commodities for sale, but prohibits uses that may be objectionable in the opinion of the hearing body, by reason of production of offensive odor, dust, noise, vibration, or storage of hazardous materials. This classification includes biotechnology firms, and manufacturing of nontoxic computer components.

"Research and development services" mean establishments primarily engaged in industrial or scientific research, including limited product testing. Includes electron research firms or pharmaceutical research laboratories, but excludes manufacturing, except of prototypes, or medical testing and analysis.

Residential care facility, large. "Large residential care facility" means a dwelling unit licensed by the state to serve seven (7) or more clients, which provides twenty-four (24) hour nonmedical care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual.

Residential care facility, small. "Small residential care facility" means a dwelling unit licensed by the state to serve six (6) or fewer clients which provides twenty-four (24) hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

"Residential development project" means a project for the construction or placement of a dwelling unit or an accessory dwelling unit, manufactured home, or a mixed-use development as defined in this section or the subdivision of land for a residential development project or a mixed use project.

"Residential, duplex" means one (1) structure on a single lot containing two (2) dwelling units, each of which is functionally separate from the other. This definition includes use of a duplex unit(s) as a household for "transitional housing" and "supportive housing" as defined under the State Health and Safety Code.

"Residential, multifamily" means medium and high density residential development, including a "transitional housing development" or "supportive housing" as defined under State Health and Safety Code Section 50675.2 (and subsequent amendments), containing three (3) or more attached dwelling units in one (1) or more structures located on a single parcel or common lot.

"Residential nameplate" means a plate of metal, glass, wood, etc., bearing a person's name, such as is often placed on or near the door of a dwelling or mailbox.

"Residential, single-family" means low density residential development containing one (1) primary residential "dwelling unit" for use by a single household on a single parcel. This definition includes use of a single-family dwelling and/or accessory dwelling unit as a household for "transitional housing" or "supportive housing" as defined under the California Health and Safety Code.

"Retaining wall" means a wall that is constructed to hold back or support an earthen bank, slope or hillside.

Reverse corner lot. See "Lot, reverse corner."

"Ridgeline" means a line following the long axis of a ridge (e.g., a long, narrow, conspicuous elevation of land) or knoll, comprised of the points of the highest ground elevation in locations that have been identified on the

ridgeline map (aka, "City of San Rafael Ridgeline Map" on file with the planning division). For purposes of review under the -H hillside overlay zoning regulations, a "visually significant ridgeline" shall include the area within one hundred (100) vertical feet of a ridgeline as identified on the San Rafael Ridgeline Map and located within "visually significant hillside, ridges and landforms areas" as designated on the community design map exhibit of the general plan.

"Riparian" means vegetation which is located adjacent to a watercourse or drainageway.

"Roof signs" mean any sign erected upon or above a roof or parapet wall of a building or placed above the apparent flat roof or eaves of a building or the top of a mansard roof.

Rooming house. See "Boarding house."

School, parochial or private. "Parochial or private school" means any building or group of buildings, the use of which meets state requirements of primary, secondary or higher education and which does not secure the major part of its funding from any governmental agency.

"SB 9 housing development" means a development in compliance with the provisions of SB 9 HOME Act of SRMC Section 14.16.282 that contains no more than two (2) primary dwelling units.

School, parochial or private. "Parochial or private school" means any building or group of buildings, the use of which meets state requirements of primary, secondary or higher education and which does not secure the major part of its funding from any governmental agency.

"School, specialized education and training" means private school uses offering instruction in areas such as, but not limited to, art, business trade, dance, computers and electronics, drama, driver's education, language, music, performing arts, sports (e.g., individual or group golf or baseball, etc.) or vocational trades. Does not include preschools and child day care facilities (see "day care centers").

"Seasonal outdoor eating area" means any outdoor eating area used in conjunction with a food service establishment which is operated only during the months of March through November. Seasonal outdoor eating areas shall have only temporary, movable perimeter barriers, fixtures and sunshades.

"Senior housing" means residential development designed for households occupied by senior citizens. Any age restrictions must be consistent with federal and state requirements. Such development may include central recreation areas and accessory medical facilities.

"Service provider" means any authorized provider or carrier of wireless communications services.

"Setback" means the distance between the property line and the exterior wall of a structure, excluding architectural features and other structures referenced in Section 14.16.130 of this title. Building setbacks are measured from established lot lines, irrespective of location of easements. See also definition for "yard".

"Shopping center" means a group of commercial establishments, planned, developed, owned or managed as a unit, with off-street parking provided on the site.

"Shopping mall" means an enclosed group of commercial establishments, planned, owned or managed as a unit, with covered, common-gathering areas and off-street parking provided on the site.

"Short-term rental" means the rental of all or a portion of a dwelling unit for less than thirty (30) days consecutive tenancy.

"Sign" means any medium for visual communication, which is used or intended to be used to attract attention to a location, use, or subject matter for advertising, instruction, information or identification purposes. Seasonal decorations, such as holiday greetings and displays that do not include advertising, are not defined as a sign and are not subject to the provisions of this chapter.

"Sign program" means a program providing a coordinated signing plan for one (1) or more businesses or uses located on one (1) site or several contiguous sites, which utilizes one (1) or more common elements such as color, materials, lettering, illumination, sign type and sign shape.

Single-room occupancy development. See "boarding house."

"Site" means a lot or lots used as a unit for the development of a project which may consist of one (1) or more buildings.

Slope, average. The average slope of a parcel shall be calculated using the following formula:

$$S = \frac{.00229 \times L}{A}$$

Where S is the average percent of slope; .00229 is the conversion factor for square feet; L is the interval in feet; L is the summation of length of the contour lines in scale feet; and, A is the area of the parcel in acres.

"Small lot" means a legally subdivided lot in a given zone which is smaller in width and/or area than minimum requirements now required in the given zone.

"Small wind energy system" means a wind energy conversion system consisting of a freestanding or roof mounted wind turbine and associated control or conversion electronics which is intended to produce energy for use primarily on site.

"Small wireless facility" means a small wireless facility as defined by the FCC and that meets the following requirements:

- A. Meet one (1) of the following mounting requirements:
 - 1. Are mounted on structures fifty feet (50') or less in height including their antennas as defined in Section 1.1320(d), or
 - 2. Are mounted on structures no more than ten percent (10%) taller than other adjacent structures, or
 - 3. Do not extend existing structures on which they are located to a height of more than fifty feet (50') or by more than ten percent (10%), whichever is greater;
- B. Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in Section 1.1320(d)), is no more than three (3) cubic feet in volume;
- C. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than twenty-eight (28) cubic feet in volume.

Antenna equipment, means equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.

"Specialty retail" means stores which sell nonconvenience goods needed on an infrequent basis. Specialty retail may have a more limited focus in specific zoning districts, consistent with the purposes of each district.

Specialty retail, bulk. "Bulk specialty retail" means the sale of large, major purchase, nonconvenience items. Examples of specialty retail involving bulk retail goods include, but are not limited to, the following: appliance stores; motor vehicle sales, new or used; furniture stores; spa/hot tub sales.

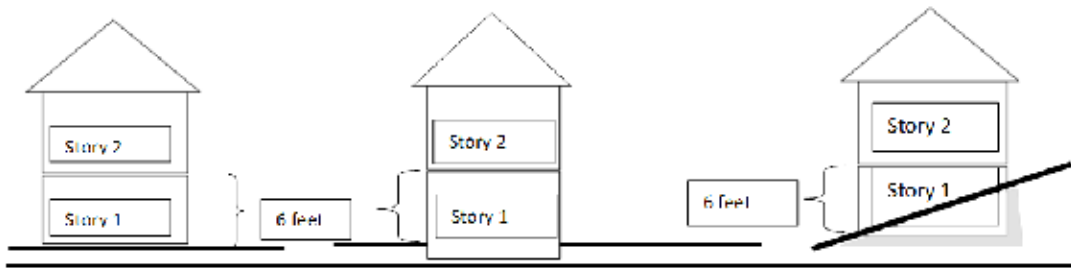
"Specialty retail, consistent with industrial uses" mean the retail sales of items which are related, supportive or complimentary to industrial uses. Examples include, but are not limited to, sales of the following: auto parts and supplies; building materials and supplies; motor vehicles, new or used.

"Specialty retail, consistent with office uses" mean the retail sales of items which are related, supportive or complimentary to office uses. Examples include, but are not limited to, sales of the following: computers; office furniture (sales or rentals); office supply and business machine shops.

Specialty retail, region-serving. "Region-serving specialty retail" means those retail uses which have a regional, rather than local or neighborhood, market base. These types of uses are generally high tax revenue generators and more than fifty thousand (50,000) square feet in size. Examples include, but are not limited to, the following: discount stores, large scale; furniture stores; home improvement stores; motor vehicle sales, new.

"Stealth design" means a wireless communication facility design that blends in with the surrounding environment by means of screening, concealment or camouflage.

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



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

Structure, accessory. See "Accessory structure."

"Subdivision or neighborhood identification sign" means a sign containing the name of a subdivision, development or neighborhood.

"Subterranean" means a structure, improvement or building floor level that is constructed entirely below ground with all points to the top of the structure or floor level being situated entirely below natural and finished grade; exclusive of any excavations made to provide required ingress or egress.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population (i.e., adults with low-income having one (1) or more disabilities including mental illness, HIV or AIDS, substance abuse or other chronic health conditions, or individuals eligible for services provided under the Lanterman Development Disabilities Services Act Division 4.5, commencing with Section 4500 of the Welfare and Institutions Code and may include, among other populations, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting institutional settings, veterans, or homeless people) and that is linked to on- or off-site services that assist the supportive housing residents in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

"Taxi station" means taxi headquarters with administrative and/or dispatch offices and taxicab parking and storage.

"Temporary window sign" means any temporary sign painted on a window or constructed of paper, cloth or other light material and attached to the window, or located within three feet (3') of the interior side of the window, and displayed so as to call attention of persons outside of the building to a sale of merchandise or change in the status of a business or use.

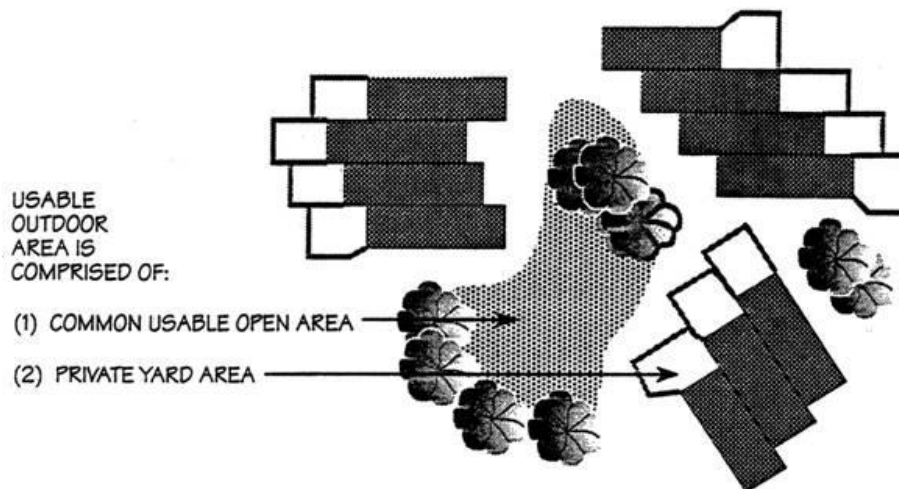
"Tobacco retailer, significant" means a retail establishment that devotes twenty percent (20%) or more of its sales or display area to, or derives seventy-five percent (75%) or more of its gross sales receipts from, the sale of tobacco products and/or tobacco paraphernalia.

"Transitional housing" and "transitional housing development" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted units to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months.

"Transportation System Management (TSM)" means the use of incentives and/or disincentives by local employers to assist in reducing the number of single-passenger auto commute trips and peak-hour trips by increasing the use of carpools, vanpools, public transit, bicycles and walking, and through the use of flex-time.

"Usable outdoor area" means an area open to the sky with a slope less than ten percent (10%). The usable outdoor area shall be a well-defined coherent space that is an integral component of the project design. Usable outdoor area includes private yard areas and common areas suitable for passive and active recreation use. Such areas may be located on the ground, roof, balcony, patio or terrace; and excludes minor decorative landscaping, driveway areas, parking facilities, and utility or service area. Common usable outdoor area shall have a minimum dimension of twelve feet (12').

**Diagram B for Section 14.03.030
USABLE OUTDOOR AREA**



Vehicle, recreational. "Recreational vehicle" means a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. The term recreational vehicle shall include, but shall not be limited to, travel trailers, pick-up campers, camping trailers, motor coach homes, converted trucks and buses, boats, and boat trailers.

"Very-low income household" means a household with total gross annual earnings of less than fifty percent (50%) of median income as defined in this section.

"Wall sign" means any sign painted on or attached parallel to the wall of a building and projecting not more than twelve inches (12") from the building face.

"Warehousing" means the commercial or industrial use of a building or buildings primarily for the storage of goods or materials.

"Water-efficient landscape" means landscaping and irrigation that has been designed and installed to comply with Marin Municipal Water District (MMWD) Ordinance No. 414, as adopted by reference in Section 14.16.370 of

this Title. A water-efficient landscape is designed to conserve water usage by establishing and applying a "maximum applied water allowance," which is the upper limit of annual applied water for a landscape area based on the local evaporation factor, and site-specific factors such as soil, slope and planting conditions. The requirements for a water-efficient landscape are administered under Section 14.16.370 of this Title.

"Water-oriented" means uses which are either water frontage dependent, or which attract people to the waterfront.

"Wetland creation" means a human activity bringing a wetland into existence at a site in which it did not formerly exist.

"Wetland restoration" means a human activity that returns a former wetland from an altered condition, in which all or virtually all wetland functions and values have been lost, to a condition with full wetland functions and values. Restoration does not mean enhancement of wetlands which, though degraded, nonetheless provide significant biological wetland functions or values.

"Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (same as U.S. Army Corps of Engineers). (See Section 14.13.050(A), Determination of Wetland Boundaries).

"Wholesale" means a use engaged primarily in the selling of any type of goods for purpose of resale, including related storage and distribution.

"Wildlife" means animals, including fish and fowl, and/or plants existing in their natural habitat.

"Wind-blown device" means any man-made device which visibly moves when blown in the wind.

"Window sign" means a sign painted on or attached to a window or located inside within a distance equal to the greatest dimension of the window (either width or height) and designed to be viewed from the outside of the building in which the window is located.

"Wind turbine" means a rotating machine which converts kinetic energy in wind into mechanical energy, which it then converts into electricity.

"Wireless communication facilities" means facilities regulated by the FCC that transmit and/or receive electromagnetic signals for cellular technology, personal communication services, enhanced specialized mobile services, paging systems, and radio and television broadcast transmission facilities. Facilities include antennas, microwave dishes, parabolic antennas, and all other types of equipment (but does not include small wireless facility, which is defined separately under "small wireless facility") used in the transmission or reception of such signals; telecommunication towers or similar structures supporting said equipment; associated equipment cabinets and/or buildings; and all other accessory development. These facilities include amateur radio antenna structures that exceed thirty feet (30') in height but do not include government-operated public safety networks.

Wrecking yard, motor vehicle. "Motor vehicle wrecking yard" means any use of premises for the conduct of a business whereon two (2) or more vehicles not in operating condition are standing and/or on which used motor vehicles, or parts thereof, are dismantled and/or stored.

"Yacht club" means a private social club which may include a club house, private berthing for club members, tie-up visitor docking, on-site parking for automobiles and boat trailers; and which may include dry storage for members' boats. The berthing or storage of boats for commercial purposes, party boats, and rental boats are specifically excluded.

Yard, front. "Front yard" means an open area extending along the full width of a lot between side lot lines and from the front lot line to a parallel line at a distance equal to the depth of the required yard (i.e., required setback area), within which no structure shall be located except as provided and/or permitted in this title. The front yard should be consistent with the orientation of the other lots and improvements on the same side of the

street or consistent with any prior determination that was made to define the front yard. The front yard is usually the side where the main building entrance is located and in the general direction in which the main building faces. Front yards shall be determined for lots as follows:

1. For a corner lot with two (2) street frontages, the front yard is typically the narrower of the two (2) frontages, except where an existing front building setback has clearly been established by prior property development.
2. For an interior lot with an irregular-shaped frontage, the front yard is defined as all portions of the lot that are parallel to and immediately front the road right-of-way or easement that provides access to the lot.
3. For a triangular shaped lot with fewer than four (4) lot lines, the director may determine the front yard location based on orientation of the building entrance and surrounding development pattern.
4. For a flag or panhandle lot, the front yard is defined as all portions of the lot within the required front setback measured from the longest property line that is most parallel and nearest to the public street. The panhandle portion of the lot shall not be used in determining the required setbacks. See Title 15, Section 15.06.030(d).

Yard, rear. "Rear yard" means an open area extending across the full width of the lot between side lot lines and from the rear lot line to a line at a distance equal to the depth of the required yard, within which no structure shall be located except as provided in this title.

Yard, side. "Side yard" means an open area extending between the front yard and the rear yard and between the side lot line and a line at a distance equal to the depth of the required yard, within which no structure shall be located except as provided in this title.

(Ord. 1853 § 1, 2007; Ord. 1838 §§ 16, 17, 2005; Ord. 1831 § 1 (part), 2004; Ord. 1825 § 2 (Exh. A) (part), 2004; Ord. 1823 § 1 (Exh. A) (part), 2004; Ord. 1797 § 1, 2003; Ord. 1765 § 1 (part) (Exh. A), 2001; Ord. 1756 § 1, 2000; Ord. 1751 § 1, 2000; Ord. 1748 § 1, 2000; Ord. 1742 § 1, 1999; Ord. 1740 § 1, 1999; Ord. 1731 § 1, 1998; Ord. 1713 § 1, 1997; Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1663 § 1 (part), 1994; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1879, § 9, 2-1-10; Ord. No. 1882, Exh. A, §§ 4—6, 6-21-2010; Ord. No. 1923, § 2(Exh. A), 6-16-2014; Ord. No. 1937, § 2, 1-19-2016; Ord. No. 1955, (Exh. A, §§ 1, 2), 3-19-2018; Ord. No. 1964, § 2(Exh. B) § 1, 11-19-2018; Ord. No. 1967, §§ 1, 2, 12-17-2018; Ord. No. 1976, div. 2, 11-18-2019; Ord. No. 1996, div. 2(Exh. A, 3.1), div. 2(Exh. C, 1.1), 8-16-2021; Ord. No. 2002, div. 4, 12-6-2021; Ord. No. 2013, § 4, 8-1-2022)

Division II BASE DISTRICT REGULATIONS

Chapter 14.04 RESIDENTIAL DISTRICTS (R, DR, MR, HR)

14.04.010 Specific purposes.

In addition to the general purposes listed in Section 14.01.030, the specific purposes of the residential zoning districts include the following:

- A. To provide a wide variety of housing opportunities in terms of housing types, and neighborhoods with varying densities, lot sizes, and development standards;
- B. To protect and enhance existing residential neighborhoods through retention of existing land development patterns and retention of their varied design character;

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- C. To promote new residential development compatible with environmental site constraints and nearby neighborhood development;
 - D. To provide opportunities for churches, day care facilities, residential care facilities and other uses which are considered to be compatible and desirable land uses within residential neighborhoods;
 - E. To provide outdoor recreational amenities for residents;
 - F. To ensure the provision of public services and facilities needed to accommodate planned residential densities;
 - G. To promote sensitive hillside residential design.

The additional purposes of each residential zoning district follow.

- H. Single-Family Residential Districts (R5, R7.5, R10, R20, R1a, R2a).
 - 1. The single-family residential districts provide opportunities for low-density, detached single-family residential development. Development densities are based on existing development patterns in the area and environmental site constraints. In hillside areas, development shall conform to the hillside development standards and review procedures established in Chapter 14.12, Hillside Development Overlay District.
 - 2. Single-family residential districts include hillside resource residential land use categories with minimum densities of two (2) or more acres for minimum lot sizes; hillside residential and residential estate categories with densities from twenty thousand (20,000) square foot to two (2) acre lot minimums; and low-density residential land use categories with densities ranging from five thousand (5,000) square foot to twenty thousand (20,000) square foot lot minimums.
- I. Duplex Residential District (DR).
 - 1. The duplex residential district provides opportunities for single-family and duplex residential development. As a transitional area between single-family and multifamily districts, an intent of the district is to maintain the design character of single-family districts.
 - 2. The duplex residential district is included in the medium-density residential land use category with a density of two thousand five hundred (2,500) square feet per dwelling unit.
- J. Multifamily Residential Districts: Medium-Density (MR2, MR2.5, MR3, MR5).
 - 1. The medium-density residential districts provide opportunities for a mixture of residential types, including detached single-family residences, duplexes and multifamily dwellings at medium densities. Desired styles of development within this district include garden apartments and condominiums.
 - 2. Medium-density multifamily residential districts are included in the medium-density residential land use category with densities ranging from two thousand (2,000) square feet to three thousand (3,000) square feet per dwelling unit.
- K. Multifamily Residential Districts: High-Density (HR1, HR1.5, HR1.8).
 - 1. The high-density residential districts provide opportunities for high-density multifamily residential development.
 - 2. High-density multifamily residential districts are included in the high-density residential land use category with densities ranging from one thousand (1,000) square feet to one thousand eight hundred (1,800) square feet per dwelling unit.
- L. Planned Development District (PD). Planned development districts on large residential lots promote clustering of residences to avoid sensitive portions of the site. Densities are consistent with the general

plan and typically are low. See Chapter 14.07, Planned Development District, for additional information.

(Ord. 1625 § 1 (part), 1992).

14.04.020 Land use regulations (R, DR, MR, HR, PD).

P: Permitted by right; C: Conditional use permit; A: Administrative use permit; Blank: Not allowed.

Table 14.04.020

Type of Land Use	R	DR	MR	HR	PD	Additional Use Regulations
Residential Uses						
Single-family residential	P	P	P	P	C	
Duplex residential	P*	P	P	P	C	*Pursuant to regulations and restrictions outlined in Section 14.16.282
Multifamily residential			P	P	C	
Accessory dwelling unit (ADU)	P	P	P	P	P	See standards, Section 14.16.285
Junior accessory dwelling unit (JADU)	P	P	P	P	P	See standards, Section 14.16.285
Animal keeping	A	A	A	A	A	See standards, Chapter 14.17.020 See Chapter 6.04
Boardinghouse or roominghouse			C	C	C	
Conversion of senior housing to nonsenior housing	C	C	C	C	C	
Emergency shelters for the homeless						
Permanent				C		See standards, Section 14.16.115
Temporary or rotating	C	C	C	C	C	
Home occupations	P	P	P	P	P	See standards, Chapter 14.16
Mobile home parks				C	C	See standards, Chapter 14.17
Residential care facilities for the handicapped						
Small (0–6 residents)	P	P	P	P	C	
Large (7 or more residents)	P	P	P	P	C	
Residential care facilities, other						
Small (0–6 residents)	P	P	P	P	C	
Large (7 or more residents)				C	C	
Visitor Accommodations						
Bed and breakfast inns	C*		C	C	C	*On nonhillside lots, 20,000 square feet or larger.
Hotels and motels				C	C	
Day Care						
Day care facility, child or adult						

Family day care home						
Small (0—8 children or adults)	P	P	P	P	P	
Large (9—14 children)	A	A	A	A	A	See standards, Chapter 14.17
Large (9—14 adults)	C	C	C	C	C	
Day care center (15 or more children or adults)	C*	C	C	C	C*	*Prohibited in R2a, R1a and PD districts, and R20 hillside residential lots.
Public, Quasi-Public and Community Uses						
Clubs and lodges, including youth groups			C	C	C	
Community gardens	P	P	P	P	P	Subject to performance standards outlined in Chapter 14.17.
Open space	P	P	P	P	P	
Public parks, playgrounds and recreation facilities	P	P	P	P	P	
Religious institutions	C*	C	C	C	C*	*Prohibited in R2a, R1a and PD-hillside districts, and R20 hillside residential lots.
Schools						
Public	P*	P	P	P	C*	*Prohibited in R2a, R1a and PD-hillside districts, and R20 hillside residential lots.
Parochial, private	C*	C	C	C	C*	*Prohibited in R2a, R1a and PD-hillside districts, and R20 hillside residential lots.
Use of closed school sites	C*	C	C	C	C*	May include: child care programs; educational, recreational, cultural and religious classes, programs, and activities; administrative offices incidental to educational service uses; churches; counseling groups and those private business uses which would be permitted as home occupations. *Prohibited in R2a, R1a, and PD-hillside districts, and R20 hillside residential lots.
Offices and Related Uses						
Medical services (medical, dental and health-related services with sale of articles clearly incidental to the services provided)						
Hospitals				C	C	
Major medical facilities, including extended care facilities (treatment and			C	C	C	

convalescent) and children's treatment facilities						
Commercial Uses						
Plant nurseries and garden supply		C	C	C	C	
Transportation Facilities						
Parking lot, public or private			C	C	C	See regulations, Chapter 14.18
Accessory Structures and Uses						
Accessory structures and uses customarily incidental to a permitted use and contained on the same site	P	P	P	P	P	See regulations, Chapter 14.16

(Ord. 1838 § 18, 2005; Ord. 1831 § 1 (part), 2004; Ord. 1802 § 2, 2003; Ord. 1663 § 1 (part), 1994; Ord. 1652 § 1, 1993; Ord. 1641 § 1 (part), 1993; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 7, 6-21-2010; Ord. No. 1923, § 2(Exh. A), 6-16-2014; Ord. No. 1924, § 1, 9-15-2014 ; Ord. No. 1937 , § 1, 1-19-2016; Ord. No. 1964 , § 2(Exh. B) § 2, 11-19-2018; Ord. No. 2002 , div. 5, 12-6-2021; Ord. No. 2013 , § 4, 8-1-2022)

14.04.030 Property development standards (R).

N.R.: Not required unless otherwise noted in Additional Standards. Note: See Chapter 14.16, Site and Use Regulations, for additional regulations pertaining to site development standards. See Chapter 14.23, Variances, and Chapter 14.24, Exceptions, for allowable adjustments to these standards. See Chapter 14.25, Environmental and Design Review Permits, a listing of improvements subject to review (including upper story additions), and design guidelines and criteria for development.

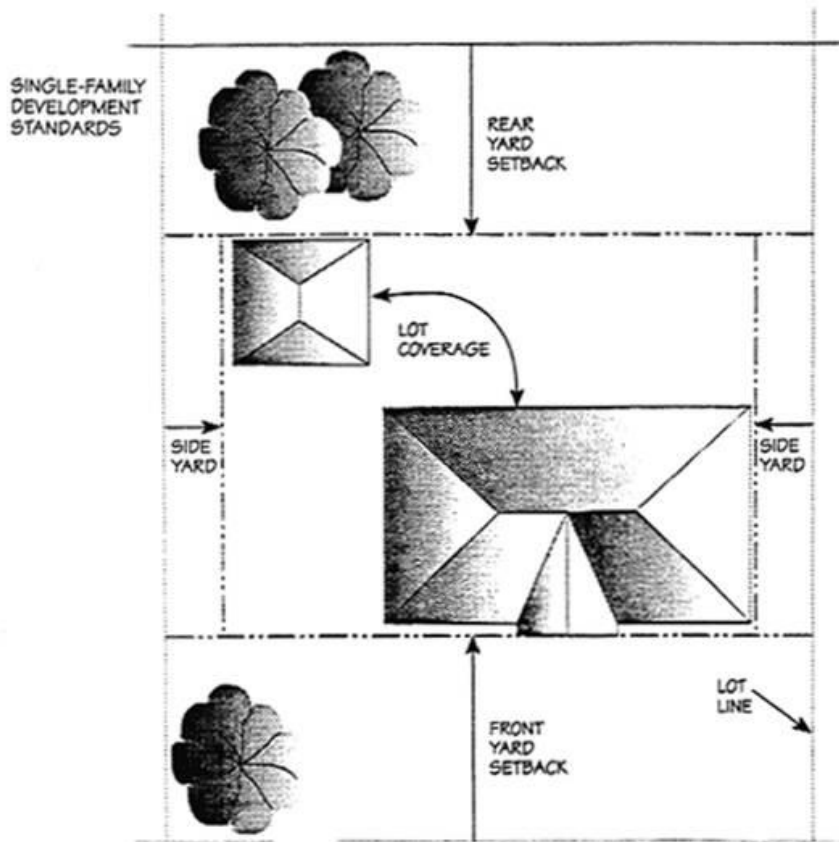
Table 14.04.030

	R2a	R1a	R20	R10	R7.5	R5	Additional Standards
Minimum lot area (sq. ft.)	2 acres	1 acre	20,000	10,000	7,500	5,000/6,000 (corner)	(I)
Minimum lot width (ft.)	150	150	100	75	60	50/60 (corner)	(I)
Minimum yards							
Front (ft.)	20	20	20	20	15	15	(A), (B)
Side/street side (ft.)	15	15	12'6"	10	6	10% of lot width, min. 3', max. 5'	(C), (D), (H)
Rear (ft.)	25	25	10	10	10	10	(H)
Maximum height of	30	30	30	30	30	30	(E), (H)

structure (ft.)							
Maximum lot coverage	20%	25%	30%	40%	40%	40%	
Maximum upper story floor size	50%/75% of lot coverage calculation	50%/75% of lot coverage calculation	50%/75% of lot coverage calculation	50%/75% of lot coverage calculation	50%/75% of lot coverage calculation	50%/75% of lot coverage calculation	(E), (F), (G)
Private yard area	NR	NR	NR	NR	NR	NR	
Parking	*	*	*	*	*	*	* Based on use. See 14.18.040., (H)

- (A) Where two (2) or more lots in a block have been improved with buildings, the minimum required shall be the average of improved lots on both sides of the street for the length of the block. For purposes of determining average front setback on developed lots, setback should be measured from the property line to closest wall of any principal structure.
- (B) Where there is a driveway perpendicular to the street, any garage built after January 1, 1992, or carport built after January 1, 2006, shall be set back twenty feet (20').
- (C) On a reverse corner lot, the rear twenty feet (20') of the street side yard shall have a fifteen-foot (15') setback.
- (D) In the R7.5, R10 and R20 districts, where two (2) or more lots in a block have been improved with buildings, the minimum required shall be the average of improved lots within the same district on both sides of the street for the length of the block.
- (E) In the -EA Combining District, maximum height of seventeen feet (17') to peak, and one habitable floor.
- (F) For design criteria for upper-story construction, see Section 14.25.050(F)(6), Upper-Story Additions.
- (G) For lots less than five thousand (5,000) square feet, the maximum upper story shall be fifty percent (50%) of the maximum lot coverage calculation; for lots five thousand (5,000) square feet or larger, maximum upper story size shall be seventy-five percent (75%) of maximum lot coverage calculation.
- (H) See Section 14.16.282.C. for property development standard applicable to SB 9 Housing Developments.
- (I) Parcels created through Chapter 15.155 (Urban Lot Splits) are exempt from these standards.

Diagram for Section 14.04.030



(Ord. 1838 § 19, 2005; Ord. 1820 § 1, 2004; Ord. 1802 § 3, 2003; Ord. 1663 § 1 (part), 1994; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, §§ 8, 9, 6-21-2010; Ord. No. 2002, div. 6, 12-6-2021; Ord. No. 2013, § 4, 8-1-2022)

14.04.040 Property development standards—Duplex residential (DR), medium density residential (MR), high density residential (HR).

NA: Not applicable.

Note: See Chapter 14.16, Site and Use Regulations, for additional regulations pertaining to other site development standards, Chapter 14.23, Variances, Chapter 14.24, Exceptions, for allowable adjustments to these standards, and Chapter 14.25, Environmental and Design Review Permits, for a listing of improvements subject to review (including addition of new units or additions of floor area to existing units) and design guidelines and criteria for development.

Table 14.04.040									
	DR	MR5	MR3	MR2.5	MR2	HR1.8	HR1.5	HR1	Additional Standards
Minimum lot area (sq. ft.)	5,000/6,000 (corner)	6,000	6,000	6,000	6,000	6,000	6,000	6,000	

Minimum lot area/dwelling unit (sq. ft.) (Max. residential intensity)	2,500	5,000	3,000	2,500	2,000	1,800	1,500	1,000	(B), (C)
Minimum lot width (ft.)	50/60 (corner lot)	60	60	60	60	60	60	60	
Minimum yards									
Front (ft.)	15	15	15	15	15	15	15	15	(D), (E)
Side (ft.)	10% of lot width, min. 3', max. 5'	10	10	10	10	10% of lot width, min. 3', max. 5'	10% of lot width, min. 3', max. 5'	10% of lot width, min. 3', max. 5'	
Street side (ft.)	10	10	10	10	10	10	10	10	(E), (F), (G)
Side providing pedestrian access (ft.)	NA	15	15	15	15	12	12	12	(F), (N)
Rear (ft.)	10	5	5	5	5	5	5	5	(F), (H), (I)
Distance between res. structures									
No primary pedestrian access to structures (ft.)	NA	15	15	15	15	8	8	8	(N)
Primary pedestrian access to structures (ft.)	NA	20	20	20	20	20	20	20	
Maximum height of structure (ft.)	30	36	36	36	36	36	36	36	(J), (K)
Maximum lot coverage	40%	40%	50%	50%	50%	60%	60%	60%	
Minimum usable outdoor area (common and/or private)/Dwelling unit (sq. ft.)	200	200	200	200	200	150	150	100	(L)
Landscaping	50% front and street side yards	50% front and street side yards	50% front and street side yards	50% front and street side yards	50% front and street side yards	50% front and street side yards	50% front and street side yards	50% front and street side yards	(M)

Parking	*	*	*	*	*	*	*	*	* Based on use. See Section 14.18.040.
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- (A) Intentionally not used.
- (B) The minimum lot area for a boarding house is five hundred (500) square feet per guest room.
- (C) A density bonus may be granted, as provided for in Section 14.16.030 (Density bonus).
- (D) Where two (2) or more lots in a block have been improved with buildings, the minimum required shall be standard, or the average of improved lots on both sides of the street for the length of the block, whichever is less.
- (E) Where there is a driveway perpendicular to the street, any garage built after January 1, 1991, shall be set back twenty feet (20’).
- (F) Parking and maneuvering areas, excluding access driveways, shall be prohibited in all required yards, per Section 14.18.200 (Location of parking and maneuvering areas) of this title.
- (G) In the DR and MR district, on a reverse corner lot, the rear twenty feet (20’) of the street side shall have a fifteen-foot setback.
- (H) In the MR or HR districts, where development is adjacent to a single-family district, the rear yard setback shall be ten feet (10’).
- (I) In order to provide adequate privacy and sunlight, additional separation may be required through design review.
- (J) The height limit in the Latham Street neighborhood is specified in the Downtown San Rafael Precise Plan Form-Based Code adopted by separate ordinance.
- (K) A height bonus may be granted, as provided for in Section 14.16.190 (Height bonus).
- (L) Private yard areas shall have a minimum dimension of six feet (6’). In the HR districts, common indoor area suitable for recreational uses may be counted toward the usable outdoor area requirement.
- (M) Where a driveway is located in a side yard, a minimum of three feet (3’) of buffer landscaping shall be provided between the driveway and side property line. The required rear yard shall be landscaped to provide a buffer.
- (N) Setback distances apply to areas that provide a primary pedestrian access only.

(Ord. 1838 § 20, 2005; Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1663 § 1 (part), 1994; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, §§ 10, 11, 6-21-2010; Ord. No. 1990 , div. 1.1, 3-1-2021; Ord. No. 1996 , div. 2(Exh. A, 4.1), 8-16-2021)

Chapter 14.05 COMMERCIAL AND OFFICE DISTRICTS

14.05.010 Specific purposes.

In addition to the general purposes listed in Section 14.01.030, the specific purposes of the commercial and office districts include the following:

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- A. To promote specialized commercial environments which provide appropriately located areas for retail, service and office development, and provide the city with a wide range of neighborhood, local and regional serving uses;
 - B. To promote appropriately located businesses which provide local employment opportunities and/or generate tax revenue for the city;
 - C. To promote commercial and office projects at appropriate building intensities and trip-generation characteristics which will maintain acceptable traffic-operating standards;
 - D. To promote high-quality design in new or remodeled commercial and office development consistent with design guidelines;
 - E. To promote and encourage commercial and office sites and designs which are accessible by a variety of transportation means;
 - F. To promote San Rafael's downtown area as a viable commercial and financial center, and as an urban center with a mixture of civic, social, entertainment, cultural and residential uses;
 - G. To retain and enhance the Northgate Shopping Center and surrounding retail area as a regional shopping center;
 - H. To provide housing opportunities by encouraging a variety of housing in mixed-use districts.

The additional purposes of each commercial district follow.

- I. General Commercial District (GC). The general commercial district promotes a full range of retail and service uses in major shopping centers and certain areas of the city which have freeway or major street access and visibility. Residential use is allowed with a use permit. Offices are a conditional secondary use, for example, on portions of sites with poor retail visibility. Floor area ratio (FAR), trip allocation and design criteria vary throughout the district in response to specialized conditions recognized in the general plan.
- J. Neighborhood Commercial District (NC).
 - 1. The neighborhood commercial district provides convenient shopping areas within residential neighborhoods for retail items and personal services which may be needed on a frequent basis for vicinity residents. Examples of convenience goods or services include supermarkets, pharmacies, dry cleaners and personal service establishments. Within this district, a limited amount of office and residential use may be allowed, only if in mixed-use developments. Office uses shall provide a service convenience to local residents. Neighborhood commercial areas are intended to reduce trips to more distant major commercial areas.
 - 2. Neighborhood commercial retail uses are limited in order to ensure compatibility with residential neighborhoods and to concentrate region-serving goods and services in locations outside of neighborhoods and in proximity with one another.
 - 3. Neighborhood commercial development is intended to be compatible with the surrounding residential neighborhood in terms of building height (typically one to two (2) stories, with up to three stories for a retail/residential mixed-use building), setbacks and landscaping.
- K. Office District (O). The office district provides opportunities for the siting of a variety of administrative, professional, medical and general business offices. This district also allows residential use, and limited convenience retail and service uses to support office uses and serve local employees. The office district is intended to provide an attractive, landscaped environment with outdoor amenities such as courtyards, plazas, benches, seating areas and pedestrian/bicycle paths. FAR, trip allocation and design criteria vary throughout the district in response to localized conditions recognized in the general plan.

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- L. Downtown Mixed Use (DMU) District. The downtown mixed use district encompasses the 265-acre downtown area, which is the commerce and employment center of the city. Allowable uses, design intent, and development standards and regulations are defined and specified in the Downtown San Rafael Precise Plan and form-base code which is adopted by separate ordinance and incorporated herein by reference.
 - M. Commercial/Office District (C/O). The commercial/office district promotes retail, office, mixed retail/office/residential uses, and cultural facilities. The commercial/office district is different from the downtown zoning districts in that it provides greater opportunity for office and financial uses in first-floor locations. Residential units are promoted to provide evening and weekend activity, increase the city's supply of housing units and support downtown activities and uses.
 - N. Residential/Office Districts (R/O).
 - 1. The residential/office district is a transitional area between the downtown zoning districts and nearby residential areas. This district promotes residential, office, and mixed-use residential/office projects. This district also provides limited retail and personal service uses which support residential and office uses, and which are compatible with such uses. Gasoline service stations are allowed along major arterials such as Second Street.
 - 2. This district is characterized by lower development intensity than in the downtown zoning districts. The residential/office district is also intended to be less intense in terms of evening and weekend activity than the downtown zoning districts.
 - O. Francisco Boulevard West Commercial District (FBWC).
 - 1. The Francisco Boulevard West commercial district provides a wide range of specialty retail uses with regional appeal, including sales of automobiles, bulk retail items, building materials and other region-serving goods. The Francisco Boulevard West district is intended to accommodate large-scale developments and shopping centers with specialty retail tenants. Assemblage of parcels shall be encouraged in this district in order to promote larger scale development projects. Residential use is also allowed in this district.
 - 2. This area is expected to be the focus of major redevelopment in the future. Until redevelopment occurs, it is recognized that there will be many nonconforming uses within the Francisco Boulevard West commercial district, and it is intended that existing legal nonconforming uses may remain as viable interim uses. Section 14.16.270, Nonconforming structures and uses, contains general provisions on nonconforming uses which apply in these instances. However, these types of interim uses are not permitted on any additional sites within the Francisco Boulevard West district.

(Ord. 1831 § 1 (part), 2004; Ord. 1757 § 1, 2000; Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1996 , div. 2(Exh. A, 5.1), 8-16-2021)

14.05.020 Land use regulations (GC, NC, O, C/O, R/O, FBWC).

- A. Francisco Boulevard West Commercial District (FBWC): Land use regulations for new development and/or redevelopment.
 - 1. New development and redevelopment within the Francisco Boulevard West commercial district shall be subject to initial use permit review by the planning

commission. Master use permits shall be required for multi-tenant shopping center developments, specifying the types of uses which may go into the center, approving an initial roster of tenants, and identifying procedures for subsequent review and approval of future tenants when changes in occupancy occur.

2. Prerequisites for initiating the use permit review process are as follows:
 - a. The proposed use is listed on the commercial matrix as requiring a conditional use permit and meets the review criteria specified in subsection (A)(3) of this section;
 - b. In the event the proposed use is not listed on the commercial matrix as requiring a conditional use permit, but the proposed use meets the review criteria specified below, application for determination may be made to the planning commission. The planning commission shall determine whether the proposed use is consistent with the specified review criteria for the Francisco Boulevard West commercial district.
3. Review criteria for evaluating proposed uses in new development and redevelopment projects in the Francisco Boulevard West commercial district are listed below. In order to initiate the use permit process as indicated in either subsection (A)(2)(a) or (A)(2)(b) of this section, the proposed project must meet one (1) or more of the following criteria:
 - a. Generates high tax revenue;
 - b. Constitutes a large-scale business;
 - c. Constitutes a multi-tenant center with shops which provide related services or types of goods; and/or
 - d. Has a regional market base.

P: Permitted by right; C: Conditional use permit; CZ: Conditional use permit/zoning administrator; A: Administrative use permit; Blank: Not allowed.

Table 14.05.020

Type of Land Use	GC	NC	O	C/O	R/O	FBWC*	Additional Use Regulations
Commercial Uses							
Animal sales and service, excluding exterior kennels, pens or runs							See Chapter 10.24
Animal care facilities	CZ	CZ	CZ	CZ			See Chapter 14.17 standards.
Animal retail sales	P	P		P			
Boat sales	CZ					CZ	
Building materials and supplies							
Brick, gravel, rock, concrete, lumber and tile sales	P*			P*		C	*See Outdoor storage.
Electrical supply stores	P*			P*		C	
Equipment rental business	P*			P*		C	
Glass and window stores	P*			P*		C	
Hardware stores	P*	P*		P*	P*	C	
Paint stores	P*			P*		C	
Plumbing stores (and ancillary service)	P*			P*		C	
Business sales and service							
Blueprint and photocopy shops	P		P	P	P		

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	Computer services	P		P	P	P		
	Locksmith shop	P		P	P	P		
	Office furniture sales and rentals	P		P	P	P	C	
	Office supply and business machine shops	P		P	P	P	C	
	Printing shops	P		P	P	CZ		
Cannabis Related Uses								
	Cannabis Testing/lab			P (2)	P (2)			*Subject to additional regulations and permitting (See SRMC Chapter 10.96)
	Cannabis Delivery			P (2)	P (2)			*Subject to additional regulations and permitting (See SRMC Chapter 10.96)
	Cannabis Manufacturing							
	Cannabis Distribution							
Card rooms								See Chapter 10.36
	Coffee roasters	CZ			CZ			
Food and beverage service establishments								
	Brew pubs	CZ			CZ		CZ	
	Catering establishments	P	CZ		P			
	Cocktail lounges	C			C			
	Fast food restaurants	C	C		C			
	Food service establishment, high volume	C			C			
	Food service establishment (with or without incidental serving of beer or wine or ancillary bar), but without a cocktail lounge, live entertainment as defined under Chapter 14.03, and/or dancing							
	(1) 1,000 sq. ft. or less in size	P	P	P	P	P	C	
	(2) More than 1,000 sq. ft. in size	P	CZ	CZ	P	CZ	CZ	
	Food service establishment with a cocktail lounge, live entertainment, and/or dancing	CZ			CZ	CZ	CZ	
	Live entertainment/dancing (without food service)	C			C		C	
	Outdoor eating areas	A*	A*	A*	A*	A*	A*	For outdoor eating areas on private property see Section 14.17.110 standards. For outdoor seating areas located on city sidewalks, see Section 14.16.277 standards. For outdoor eating

								areas on parking spaces within the public right-of-way, see Chapter 11.70— "Streetaries" Outdoor Eating Areas.
Food and beverage stores								
	Bakeries, retail (and ancillary food service)	P	P	P	P	P	C	
	Candy stores and confectioneries	P	P		P			
	Convenience markets	CZ	CZ		CZ	CZ		
	Grocery stores and supermarkets	P*	P*		P*	C	C	*Operating between 11 p.m. and 6 a.m. requires a use permit (CZ) to review lighting, noise, and compatibility with surrounding residential uses.
Liquor stores								
	(1) Less than 200 ft. from residential district	CZ	CZ		CZ	CZ	CZ	
	(2) 200 ft. or more from residential district	P	P		P	C	C	
Fortunetelling		A			A			See Chapter 14.17 standards. *Rear ground level or 2nd floor or above.
Funeral interment services (including mortuaries, but excluding crematories)		CZ				CZ		
Kiosks		A	A	A	A	A		See Section 14.16.225 standards
Motor vehicle sales and service (including automobiles, motorcycles, trailers, trucks and recreational vehicles)								
	Auto detailing	CZ						
	Coin-op washing	C	C		C	C		
	Gasoline stations (including mini-markets, and minor repair, such as tune-ups, brakes, batteries, tires, and mufflers)	C	C	C	C	C	C	See Section 14.16.160 regulations. For repair, see Chapter 14.17 standards.
	Rentals	CZ		CZ	CZ			
	Repairs, major (engine work, painting, and body work)	CZ						See Chapter 14.17 standards.
	Repairs, minor (tune-ups, brakes, batteries, tires, mufflers and upholstery)	CZ	CZ		CZ	CZ	C	See Chapter 14.17 standards.

	Sales, new or used vehicles							
	(1) Five or fewer vehicles displayed or stored on-site	CZ			CZ		CZ	
	(2) More than five vehicles displayed or stored on-site	C			C		C	
	Sales, parts and supplies	P			P		C	
	Sales, tires and ancillary service	CZ			CZ		CZ	
	Music rehearsal/recording studios	CZ			CZ			
	Outdoor storage, including temporary or permanent storage containers	CZ	CZ	CZ	CZ		C	
	Personal service establishments							
	Artistic and photographic studios, without sale of equipment or supplies	P			P	P		
	Barber shops/beauty salons	P	P	P	P	P	C	
	Dry cleaning establishments, with no on-site processing	P	P	P	P	P		
	Dry cleaning establishments, with on-site processing	CZ	CZ	CZ	CZ	CZ		
	Laundromats (self service)	P	P		P	P		
	Massage and/or bodywork offices or establishments	P	P	P	P	P		See Chapter 8.34
	Nail salons	P	P	P	P	P		
	Seamstress/tailor	P	P	P	P	P		
	Shoe repair	P	P	P	P	P		
	Recreational facilities (indoors)							
	Bowling alleys	C	C		C			See Chapter 10.32
	Game arcades	C			C			See Chapter 14.17 standards.
	Fitness/recreation facility	CZ	CZ	CZ	CZ	CZ		
	Poolhalls/billiards	C	C		C			
	Theaters	C	C		C		C	
	Retail							
	Antique stores	P			P		C	
	Apparel stores	P			P		C	
	Appliance stores (and ancillary repair)	P			P		C	
	Art, craft, music and photographic supply stores	P	P		P		C	
	Auctions	P				P		See Chapter 10.16
	Bicycle shops	P	P		P		C	
	Book, gift, stationery stores	P	P		P		C	
	Department stores	P			P		C	
	Discount stores	P			P		C	
	Drug stores and pharmacies	P*	P*		P*	C	C	*Operating between 11 p.m. and 6 a.m. requires a use permit (CZ) to review lighting,

								noise, and compatibility with surrounding residential uses.
	Electronics sales (televisions, radios, computers, etc.)	P			P		C	
	Florist shops	P	P	P	P	P		
	Furniture stores and upholstery shops (and ancillary repair)	P			P		C	
	Gun shops	C					C	See Chapter 14.17 standards.
	Jewelry stores	P			P			
	Plant nurseries and garden supply	P*	P*		P*		C	*See Outdoor storage.
	Secondhand stores and pawnshops	CZ			CZ			See Chapter 10.20
	Shoe stores	P			P		C	
	Shopping centers	C	C		C		C	
	Sporting goods stores	P			P		C	
	Stamp and coin shops	P			P			
	Swimming pool supplies	P			P			
	Tobacco retailer, significant	C			C		C	Shall not be located within 1,000 feet from schools (public and private elementary, junior high, and high schools), public parks, public libraries, arcades, youth/teen centers, community/recreation centers, licensed day care centers for children, shopping malls, and houses of worship with organized youth programs, as measured from the property lines of each parcel.
	Toy stores	P	P		P		C	
	Variety stores	P			P		C	
	Video sales and rentals	P	P		P			
Offices and Related Uses								
	Financial services and institutions	P	P	P	P	P	P	
	Medical services (medical, dental and health-related services, with sale of articles clearly incidental to the services provided)							

Clinics	C	C	C	C**	C		**4th Street west of D Street: Rear ground level or 2nd floor or above.
Hospitals			C				
Major medical facilities, including extended care facilities (treatment and convalescent) and children's treatment facilities			C		C		
Laboratories	CZ	CZ	CZ	CZ**	CZ		**4th Street west of D Street: Rear ground level or 2nd floor or above.
Medical offices	CZ	CZ	P	P*	P		*4th Street west of D Street: Rear ground level or 2nd floor or above.
Offices, general	CZ	P*	P	P**	P		*Rear ground level or 2nd floor or above. **4th Street west of D Street: Rear ground level or 2nd floor or above.
Public, Quasi-Public and Community Uses							
Clubs and lodges, including youth groups	C		C	C			
Community gardens	P	P	P	P	P	P	Subject to performance standards outlined in Chapter 14.17.
Public facilities							
Administrative offices	C		P	P*	P		*Rear ground level or 2nd floor or above.
Day services center	C	C	C	C	C		
Job center	C						
Libraries, museums and other cultural facilities	C	C	C	C	C		
Public and utility facilities (corporation, maintenance or storage yards, utility distribution facilities, etc.)						C	
Public facilities, other (police, fire, paramedic, post office, etc.)	C	C	C	C	C	C	
Public parks, playgrounds, and recreation facilities	P	P	P	P	P		
Religious institutions	C	C	C	C	C		
Schools							

	Parochial, private	C		C	C*	C		*Rear ground level or 2nd floor or above.
	Public	P	P	P	P	P		
	Specialized education and training	CZ		CZ	CZ	CZ		
Residential Uses			*		*	*		*See Chapter 14.17 standards.
	Single-family residential		C			C		
	Duplex residential					C		
	Multifamily residential	A(3)	A(3)	P	A(3)	P	A(3)	
	Accessory dwelling units	P	P	P	P	P	P	See standards, Section 14.16.285
	Junior accessory dwelling units	P	P	P	P	P	P	See standards, Section 14.16.285
	Animal keeping	CZ	CZ	CZ	CZ	CZ	CZ	See Chapter 14.17 standards.
	Caretaker's residence	CZ	CZ	CZ	CZ	CZ	C	
	Emergency shelters for the homeless							
	Permanent	P/C			C	C		See Section 14.16.115.
	Temporary or rotating	C	C	C	C	C	C	
	Home occupations	P	P	P	P	P	P	See Chapter 14.16 regulations.
	Live/work quarters	A	A	A	A	A	A	See Chapter 14.17 standards.
	Mobile home park						C	
	Residential care facilities for the handicapped							
	Small (0—6 residents)	P	P	P	P	P	P	
	Large (7 or more residents)	P	P	P	P	P	P	
	Residential care facilities, other							
	Small (0—6 residents)	P	P	P	P	P	P	
	Large (7 or more residents)	C	C	C	C	C	C	
	Rooming or boarding houses	A	C	A	A	A	A	See Chapter 14.17 standards.
Day Care								
	Day care facility, child or adult							
	Family day care							
	Small (0—8 children or adults)		P		P	P		
	Large (9—14 children)		CZ		CZ	A		See Chapter 14.17 standards.
	Large (9—14 adults)		CZ		CZ	CZ		
	Day care center (15 or more children or adults)	CZ	CZ	CZ	CZ	CZ	C	
Visitor Accommodations								
	Hotels, motels, or bed and breakfast inns	C			C	C	C	
Transportation Facilities								
	Bus stations	C			C		C	
	"Park and ride" facilities	CZ			CZ	CZ	C	

Parking facilities, commercial or municipal	CZ		CZ	CZ	CZ	C	
Taxi stations	C			C		C	
Transit stations or transitways	C			C		C	See Chapter 10.60
Temporary Uses							
Temporary uses	A	A	A	A	CZ	A	See Chapter 14.17 standards.
Accessory Structures and Uses							
Accessory structures and uses customarily incidental to a permitted use and contained on the same site	P	P	P	P	P	P	See Chapter 14.16 regulations.

(1) Reserved.

(2) Shall not be located within six hundred feet (600') from schools (public and private), as measured from the property lines of each parcel.

(3) See Section 14.17.100 (Residential uses in commercial districts).

(Ord. 1838 § 21, 2005; Ord. 1831 § 1 (part), 2004; Ord. 1815 § 1, 2004; Ord. 1797 § 3, 2003; Ord. 1765 § 1 (part) (Exh. B (part)), 2001; Ord. 1751 § 2, 2000; Ord. 1742 § 2, 1999; Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1693 § 1, 1996; Ord. 1689 § 1, 1995; Ord. 1663 § 1 (part), 1994; Ord. 1641 § 1 (part), 1993; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 12, 6-21-2010; Ord. No. 1923, § 2(Exh. A), 6-16-2014; Ord. No. 1924, § 1, 9-15-2014 ; Ord. No. 1955, (Exh. A, §§ 3, 4), 3-19-2018; Ord. No. 1964, § 2(Exh. B) §§ 3, 4, 11-19-2018; Ord. No. 1996, div. 2(Exh. C, 2.1), 8-16-2021; Ord. No. 2002, div. 7, 12-6-2021; Ord. No. 2015, § 2, 9-6-2022; Ord. No. 2016, § 3, 10-3-2022)

14.05.022 Land use regulations (DMU).

All land use regulations applicable to the DMU district are contained within the Downtown San Rafael Precise Plan Form-Based Code, which is adopted by separate ordinance and incorporated herein by reference.

(Ord. 1838 § 22, 2005; Ord. 1831 § 1 (part), 2004; Ord. 1815 § 2, 2004; Ord. 1797 § 4, 2003; Ord. 1765 § 1 (Exh. B (part)), 2001; Ord. 1763 § 1 (part), 2001; Ord. 1757 § 2 (Exh. Z-1), 2000; Ord. 1751 § 2, 2000; Ord. 1742 § 2, 1999; Ord. 1725 § 1 (Exh. A), 1998; Ord. 1694 § 1 (Exh. A) (part), 1996).

(Ord. No. 1882, Exh. A, § 13, 6-21-2010; Ord. No. 1923, § 2(Exh. A), 6-16-2014; Ord. No. 1924, § 1, 9-15-2014; Ord. No. 1996, div. 2(Exh. A, 5.2), 8-16-2021; Ord. No. 2002, div. 8, 12-6-2021)

14.05.030 Property development standards (GC, NC, O, C/O, R/O, FBWC).

NR: Not required unless otherwise noted in additional standards. NA: Not applicable.

Note: See Chapter 14.16, Site and Use Regulations, for additional regulations pertaining to floor area ratio, and site development standards. See Chapter 14.23, Variances, and Chapter 14.24, Exceptions, for allowable adjustments to these standards, and Chapter 14.25, Environmental and Design Review Permits, for a listing of improvements subject to review and design guidelines and criteria for development.

Table 14.05.030

	GC	NC	O	C/O	R/O	FBWC	Additional Standards
Minimum lot area (sq. ft.)	6,000	6,000	7,500	2,000/ building	6,000	6,000	
Minimum lot area/dwelling unit (sf) (Max. residential intensity)	1,000	1,800	1,000	1,000	1,000	1,000	(A), (O)
Floor area ratio (Max. nonresidential intensity)	*	*	*	*	*	*	* See Section 14.16.150
Minimum lot width (ft.)	60	60	60	NR	60	60	
Minimum yards:							
Front (ft.)	NR	NR	20	NR	NR	NR	(B)
Side (ft.)	NR	NR	6	NR	NR	NR	(B)
Street side (ft.)	NR	NR	10	NR	NR	NR	(B)
Rear (ft.)	NR	NR	20	NR	NR	NR	(B)
Maximum height of structure (ft.)	36	36 feet; 30 feet for a residential-only building	36	36	36	36	(C), (D), (E), (F), (G), (H)
Maximum lot coverage	NR	NR	40%	NR	NR	NR	(P)
Minimum landscaping	15%	10%	25%	NR	10%	15%	(I), (J), (K), (L)
Usable outdoor area	NR	NR	NR	NR	NR	NR	(M)
Parking	*	*	*	*	*	*	* Based on use. See Section 14.18.040

(A) There is no minimum lot area requirement for a boarding house.

(B) Where the frontage of a block is partially in an R district, the front yard shall be the same as required for that R district, and when the side and/or rear of the lot(s) abuts an R district, the respective side

and/or rear yard shall be ten feet (10'). Parking or maneuvering shall be permitted within the required side and rear yards provided that a minimum six-foot (6') wide landscape buffer area, excluding curbs, is provided adjacent to the side and rear property lines.

- (C) Exceptions may be granted for a height above thirty-six feet (36'), subject to the provisions of Chapter 14.24, Exceptions.
- (D) Hotels have a four (4) story fifty-four-foot (54') height limit. A one-story twelve-foot (12') height bonus may be approved as part of a design review permit by the planning commission if it finds that the hotel will provide a significant community benefit, and the design is consistent with this title.
- (E) Repealed 3/18/96.
- (F) Buildings existing or approved as of January 1, 1987 which are more than three (3) stories in height shall not be considered nonconforming, and are listed in Section 14.16.040, Buildings over three (3) stories.
- (G) See general plan downtown height map for lot-specific height limits.
- (H) A height bonus may be permitted in residential development as provided for in Section 14.16.190, Height bonus.
- (I) Where the frontage of the lot(s) is adjacent to or across from an R district, fifty percent (50%) of the front yard shall be landscaped. Where the side yard abuts an R district, a minimum three feet (3') of buffer landscaping must be provided. Where the rear of the lot abuts an R district, ten feet (10') of buffer landscaping must be provided.
- (J) In the GC district, a minimum fifteen feet (15') of the front setback must be landscaped. Landscaped portions of the public right-of-way may be included, subject to approval by the hearing body.
- (K) For parking lot landscaping, see Section 14.18.160, Parking lot screening and landscaping.
- (L) A landscaped amenity area for employees and the public is encouraged in office and commercial projects.
- (M) Provision of usable outdoor area is encouraged in residential development as part of a mixed-use project.
- (N) Intentionally not used.
- (O) A density bonus may be granted, as provided for in Section 14.16.030.
- (P) The maximum lot coverage restriction established for the office (O) district shall not apply to solar panels installed over existing paved parking spaces; consistent with Section 14.16.307.

(Ord. 1838 § 23, 2005; Ord. 1831 § 1 (part), 2004; Ord. 1782 Exh. A (part), 2002; Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, §§ 14, 15, 6-21-2010; Ord. No. 1923, § 2(Exh. A), 6-16-2014; Ord. No. 1964, § 2(Exh. B) § 5, 11-19-2018; Ord. No. 1990, div. 1.2, 3-1-2021)

14.05.032 Property development standards (DMU).

All property development standards applicable to the DMU district are contained within the Downtown San Rafael Precise Plan Form-Based Code, which is adopted by separate ordinance and incorporated herein by reference.

(Ord. 1838 § 24, 2005; Ord. 1782 Exh. A (part), 2002; Ord. 1694 § 1 (Exh. A) (part), 1996).

Chapter 14.06 INDUSTRIAL DISTRICTS (I, LI/O, CCI/O, LMU)

14.06.010 Specific purposes.

In addition to the general purposes listed in Section 14.01.030, the specific purposes of the industrial districts include the following:

- A. To provide appropriately located areas for a range of light and heavy industrial uses, including the building trades and automotive service industries, which serve area residents and businesses;
- B. To preserve and expand the contribution of industrial, building trades and auto service uses to the overall economic base and employment opportunities of the city;
- C. To provide a suitable environment for industrial uses and minimize potential land use conflicts by limiting nonindustrial uses within the industrial districts;
- D. To minimize the impacts of industrial uses on adjacent nonindustrial districts;
- E. To upgrade appearance and parking conditions to a reasonable extent while maintaining the vitality of the industrial districts;
- F. To promote industrial development at appropriate building intensities and trip-generation characteristics which will maintain acceptable traffic operating standards.

The additional purposes of each industrial district follow.

- G. Industrial District (I). The industrial district provides opportunities for a full range of heavy and light industrial uses, including the building trades and automotive service industry. The industrial district protects general industrial uses from disruption and competition for space from unrelated retail, commercial and office uses that could be more appropriately located elsewhere in the city. However, ancillary office, small office and certain retail and service uses are allowed for the convenience of area businesses and employees.
- H. Light Industrial/Office District (LI/O). The light industrial/office district provides landscaped settings for light industrial uses, research and development facilities, warehousing, wholesale distributing and office uses. Incidental employee-serving retail and service uses are encouraged. Specialty retail uses consistent with light industrial or office uses, region-serving specialty retail and retail uses supportive of and related to industrial uses may be permitted provided the proposed use is consistent with floor area ratio (FAR) and trip allocation standards. FAR requirements, trip allocation standards and design criteria vary throughout the district in response to specialized conditions recognized in the general plan.
- I. Core Canal Industrial/Office District (CCI/O).
 - 1. The core canal industrial/office district provides sites for light industrial, automotive service and small-scale office uses. Specialty retail uses consistent with industrial uses may be allowed provided the proposed use complies with FAR requirements and trip allocation standards. Because this area suffers from severe parking congestion, and typically has small lot sizes and narrow street widths, high trip-generating uses such as general retail, personal service or food service establishments are restricted in this district. These types of uses are more appropriately located in nearby commercial districts.

2. Within the core canal industrial/office district, new development and building remodels shall achieve upgraded design and reduce any adverse circulation and parking impacts. Fringe sites and buildings shall also provide an appropriate transition to adjacent residential and commercial districts.

J. Lindaro Mixed-Use District (LMU). The Lindaro mixed-use district provides sites for a mix of industrial and light industrial uses. To facilitate the transition of this district to a more compatible use with the adjacent school, to encourage the development of a more attractive entryway to the neighborhoods to the south, and to help meet the housing needs of artists and other professionals who want to combine their work and residence, allow live/work uses in addition to the existing industrial and light industrial uses.

(Ord. 1831 § 1 (part), 2004; Ord. 1625 § 1 (part), 1992).

14.06.020 Land use regulations (I, LI/O, CCI/O, LMU).

P: Permitted; C: Conditional use permit; CZ: Conditional use permit/zoning administrator; A: Administrative use permit; Blank: Not allowed.

Table 14.06.020

Types of Land Use	I	LI/O	CCI/O	LMU	Additional Use Regulations
Industrial Uses					
Boat building and repair	C				
Industry, general					
Asphalt mix plants	C				
Assembly plants	P	P	P	P*	*Permitted by right unless within 300 feet of a residential district, in which case it is "CZ," subject to a use permit.
Biotechnology firms	C	C	C	C	
Cabinet shops	P*	P*	P*	P*	*Permitted by right unless within 300 feet of a residential district, in which case it is "CZ," subject to a use permit.
Candle-making shop	P*	P*	P*	P*	*Permitted by right unless within 300 feet of a residential district, in which case it is "CZ," subject to a use permit.
Ceramic shop	P	P*	P*	P*	*Permitted by right unless within 300 feet of a residential district, in which case it is "CZ," subject to a use permit.
Chemical manufacture or processing	C				
Clothing manufacturing	P	P	P	P	
Concrete mix plants	C				
Contractor's yards (screened)	P	CZ	CZ	CZ	
Dry boat storage	C	C	C		
Dry cleaning plants	P	P	P	P*	*Permitted by right unless within 300 feet of a residential district, in

					which case it is "CZ," subject to a use permit.
Electronics industry	CZ	CZ	C	C	
Food manufacture or processing	P*	P*	P*	P*	*Permitted by right unless within 300 feet of a residential district, in which case it is "CZ," subject to a use permit.
Fuel yards	C				
Furniture manufacturing	P*	P*	P*	P*	*Permitted by right unless within 300 feet of a residential district, in which case it is "CZ," subject to a use permit.
Furniture refinishing or repair	P*	P*	P*	P*	*Permitted by right unless within 300 feet of a residential district, in which case it is "CZ," subject to a use permit.
Laboratories	CZ	CZ	CZ	CZ	
Machine shops	P*		P*	P*	*Permitted by right unless within 300 feet of a residential district, in which case it is "CZ," subject to a use permit.
Metal fabrication, forging or welding shops	CZ	C	C	C	
Packaging plants	P*	P*	P*	P*	*Permitted by right unless within 300 feet of a residential district, in which case it is "CZ," subject to a use permit.
Pharmaceutical manufacturing	C	C	C	C	
Planing mills	C			C	
Printing shops	P	P	P	P	
Research and development facilities		C			
Research and development industry	CZ	CZ		C	
Research and development services		P	P	P	
Rock, sand or gravel plants (crushing, screening and stockpiling)	C				
Mini-storage	P	P	P	P	See Section 14.16.150(G)(4) for FAR exception. For lots facing Highway 101 or 580 or the Bay, mini-storage use must be located behind an active street front or bay front use.
Moving companies	P	CZ	C	C	
Storage, warehousing and distribution	P	P	P	P	See Outdoor storage.
Trucking yards and terminals	C				
Waste Management					
Hazardous waste transfer, storage, treatment and recycling	C				See hazardous waste management plan standards.
Resource recovery and recycling	CZ				

Solid waste management (collection, disposal)	C				See Chapter 10.72
Transfer stations	C				
Wholesale and distribution	P	P	P	P	
Offices and Related Uses					
Financial services and institutions		CZ	CZ		
Medical services (medical, dental and health-related services, with sale of articles clearly incidental to the services provided)					
Clinics		C	C		
Laboratories	C	C	C	C	
Offices, medical		C	C	C*	*Max. of 5,000 sq. ft. or less.
Offices, general	C*	C**	C	C*	*5,000 sq. ft. or less. **See Section 14.16.150(B)(2).
Commercial Uses					
Animal care facilities (with or without exterior kennels, pens or runs)	CZ	CZ	CZ	CZ*	See Chapter 14.17 standards. *Without exterior kennels, pens or runs (See Chapter 10.24).
Building materials and supplies					
Brick, gravel, rock, concrete, lumber, tile sales	P*	P*	P*	P*	*See Outdoor storage.
Electrical supply stores	P*	P*	P*	P*	*See Outdoor storage.
Equipment rental business	P*	P*	P*	P*	*See Outdoor storage.
Glass and window stores	P*	P*	P*	P*	*See Outdoor storage.
Hardware stores	P*	P*	P*	P*	*See Outdoor storage.
Paint stores	P*	P*	P*	P*	*See Outdoor storage.
Plumbing supply stores (and ancillary service)	P*	P*	P*	P*	*See Outdoor storage.
Business sales and service					
Blueprint and photocopy shops	P	P	P	P	
Computer services		P	P	P	
Locksmith shop	P	P	P	P	
Office furniture sales and rentals		P	P	P	
Office supply and business machine shops		P	P	P	
Printing shops	P	P	P	P	
Cannabis Related Uses					
Cannabis Testing/lab	P (1)	P (1)	P (1)		*Subject to additional regulations and permitting (See SRMC Chapter 10.96)
Cannabis Delivery	P(1)	P(1)	P(1)		*Subject to additional regulations and permitting (See SRMC Chapter 10.96)
Cannabis Manufacturing	P(1)	P(1)	P(1)		*Subject to additional regulations and permitting (See SRMC Chapter 10.96)
Cannabis Distribution	P(1)	P(1)	P(1)		

Card rooms	C				See Chapter 10.36
Coffee roasters	P	P	P	C	
Food and beverage establishments					
Brew pubs	CZ	CZ	CZ		
Catering	P	P	P	P	
Cocktail lounges (without food service)		C			
Fast food restaurants	C	C			
Food service establishment, high volume		C	C		
Food service establishment (with or without incidental service of beer or wine or ancillary bar), but without a cocktail lounge, live entertainment as defined under Chapter 14.03, and/or dancing					
(1) 1,000 sq. ft. or less in size	CZ	CZ	CZ	CZ	
(2) More than 1,000 sq. ft. in size		CZ		CZ	
Food service establishment, with a cocktail lounge, live entertainment and/or dancing		C			
Live entertainment and/or dancing (without food service)		C			
Outdoor eating areas	A	A	A	A	For outdoor eating areas on private property, see Section 14.17.110 standards. For outdoor seating areas located on city sidewalks, see Section 14.16.277 standards. For outdoor seating areas on parking spaces within the public right-of-way, see Chapter 11.70— "Streetaries" Outdoor Eating Areas.
Food and beverage stores					
Bakeries (with ancillary food service 1,000 sq. ft. or less in size)					
(1) Retail		P		P	
(2) Wholesale	P	P	P	P	
Funeral interment services					
Mortuaries	P	P	P		
Crematories	C				Must be located at least 650 ft. from any residential zoning district and/or schools, including private, parochial, public, nursery, preschool and child day care facilities; Crematory stack and delivery entrance may not be visible from public streets.
Maintenance and repair services					
Appliance repair	P*	P*	P*	P*	*See Outdoor storage.

Building maintenance services	P*	P*	P*	P*	*See Outdoor storage.
Furniture upholstery	P*	P*	P*	P*	*See Outdoor storage.
General contractors	P*	P*	P*	P*	*See Outdoor storage.
Motor vehicle sales and service (including automobiles, motorcycles, trailers, trucks and recreational vehicles)					
Auto detailing	P	CZ	CZ	C	
Coin-op washing	C	C	C	C	
Gasoline stations (including mini-markets, and minor repair, such as tune-ups, brakes, batteries, tires and mufflers)	C	C	C		See Chapter 14.16 regulations. For repair, see Chapter 14.17 standards.
Rentals	CZ	CZ	CZ	CZ	See Chapter 10.84
Repairs, major (engine work, painting, body work)	A	A	A	CZ	See Chapter 14.17 standards.
Repairs, minor (tune-ups, brakes, batteries, tires, mufflers, upholstery)	A	A	A	CZ	See Chapter 14.17 standards.
Sales, new or used vehicles	C/CZ*	C/CZ*	C/CZ*	C/CZ*	*For sales of five or fewer cars.
Sales, parts and supplies	P	P	P	P	
Towing businesses	C	C	C	C	
Wrecking yards	C				See Chapter 10.52
Kiosks		A			See Section 14.16.225
Music rehearsal/recording studios	P	CZ	CZ	CZ	
Outdoor storage	CZ	CZ	CZ	CZ	
Personal service establishments					
Artistic and photographic studios, without sale of equipment or supplies		P	P	P	
Barber shops/beauty salons		P	P	P	
Dry cleaning establishments with or without on-site processing facilities	P	P	P	P	
Laundromat (self service)		P	P	P	
Nail salon		P	P	P	
Seamstress/tailor		P	P	P	
Shoe repair		P	P	P	
Recreational facilities (indoors)					
Bowling alleys		CZ	CZ	CZ	
Fitness/recreation facility		CZ	CZ	CZ	
Retail					
Drug stores and pharmacies		C			
Florist		C			
Specialty retail, region-serving		C			
Public, Quasi-Public and Community Uses					
Clubs and lodges, including youth groups		C	C	C	
Community gardens	P	P	P	P	Subject to performance standards outlined in Chapter 14.17.

Public facilities					
Administrative offices	C*	P	P	P	*5,000 sq. ft. or less.
Day services center	C	C	C		
Job center	C	C	C		
Public and utility facilities (corporation, maintenance or storage yards, utility distribution facilities, etc.)	C	C	C	C	
Public facilities, other (police, fire, paramedics, post office, etc.)	P	P	P	P	
Public parks, playgrounds and recreation facilities		C			
Religious institutions		C	C	C	
Schools					
Parochial, private		C		C	
Public		P		P	
Specialized education and training		CZ	CZ	CZ	
Residential, Day Care and Visitor Accommodation Uses					
Live/work quarters				A	See Section 14.17.100(C)(9) (Live/work quarters).
Caretaker's residence	CZ	CZ	CZ	CZ	
Day care centers	CZ	CZ	CZ	CZ	
Emergency shelters for the homeless					
Permanent	C	P/C	C	C	See Section 14.16.115
Rotating or temporary	C	C	C	C	
Hotels or motels		C	C		
Transportation facilities					
Bus stations	C	C	C		
Heliport		C			
"Park and ride" facilities	CZ	CZ	CZ		
Parking facilities, commercial or public	CZ	CZ	CZ		
Taxi stations	C	C	C		See Chapter 10.60
Transit stations or transitways	C	C	C		
Temporary Uses					
Temporary uses	A	A	A	A	See Chapter 14.17 standards.
Accessory Structures and Uses					
Accessory structures and uses customarily incidental and contained on the same site	P	P	P	P	See Chapter 14.16 regulations.

(1) Shall not be located within three hundred (300) feet from schools (public and private), as measured from the property lines of each parcel.

(Ord. 1838 § 25, 2005; Ord. 1831 § 1 (part), 2004; Ord. 1815 § 3, 2004; Ord. 1751 § 2, 2000; Ord. 1742 § 2, 1999; Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1663 § 1 (part), 1994; Ord. 1641 § 1 (part), 1993; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 19, 6-21-2010; Ord. No. 1923, § 2(Exh. A), 6-16-2014; Ord. No. 1955, (Exh. A, §§ 5, 6), 3-19-2018; Ord. No. 1964, § 2(Exh. B) §§ 6, 7, 11-19-2018; Ord. No. 1996, div. 2(Exh. C, 3.1), 8-6-2021; Ord. No. 2015, § 3, 9-6-2022; Ord. No. 2016, § 4, 10-3-2022)

14.06.030 Property development standards (I, LI/O, CCI/O, LMU).

NR: Not required, unless otherwise noted in Additional Standards.

Note: See Chapter 14.16, Site and Use Regulations, for additional regulations pertaining to floor area ratio and site development standards. See Chapter 14.23, (Variances) and Chapter 14.24 (Exceptions) for allowable adjustments to these standards, and Chapter 14.25 (Environmental and design review permits) for a listing of improvements subject to review and design guidelines and criteria for development.

Table 14.06.030

	I	LI/O	CCI/O	LMU	Additional Standards
Minimum lot area (sq. ft.)	6,000	6,000	6,000	6,000	
Minimum lot width (ft.)	60	60	60	60	
Floor area ratio (Max. non-residential intensity)	*	*	*	*	* See Section 14.16.150
Minimum yards:					
Front (ft.)	NR	20	NR	NR	(A)
Side (ft.)	NR	10 or 20/0	NR	NR	(A), (B)
Rear (ft.)	NR	10	NR	NR	(A), (B)
Maximum height of structure (ft.)	36	36	36	36	(C)
Maximum lot coverage	NR	NR	NR	NR	
Minimum landscaping	10%	20%	10%	10%	(D), (E), (F), (G), (H), (I)
Parking	*	*	*	*	* Based on use. See Section 14.18.040

- (A) Where the frontage of a block is partially in a residential district, the front yard shall be the same as required for that residential district, and when the side and/or rear of the lot(s) abuts a residential district, the respective side and/or rear shall be ten feet (10’).
- (B) Parking and maneuvering shall be permitted within the required side and rear yards provided that a minimum six-foot wide landscape buffer area, excluding curbs, is provided adjacent to the side and rear property lines.
- (C) Buildings existing or approved as of January 1, 1987, which are more than three (3) stories in height shall not be considered nonconforming, and are listed in Section 14.16.040, Buildings over three (3) stories.
- (D) In the LI/O and CCI/O districts, street trees shall be included in landscaping plans for development fronting Harbor Street, Medway Road, and Bellam Blvd.; in the LMU district, for development facing Lindaro Street, and in the I district, for development fronting Woodland Avenue, Irwin Street, Lincoln Avenue, Andersen Drive and DuBois Street.
- (E) Where the frontage of the lot(s) is adjacent to or across from a residential district, fifty percent (50%) of the front yard shall be landscaped. Where the side yard abuts a residential district, a minimum three feet (3’) of buffer landscaping must be provided. Where the rear of the lot abuts a residential district, ten feet (10’) of buffer landscaping must be provided.

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- (F) For parking lot landscaping, see Section 14.18.160, Parking lot screening and landscaping.
 - (G) Landscaping is encouraged along entryways to neighborhoods, including Irwin Street, Harbor Street, Medway Road, Bellam Boulevard, Lindaro Street and Woodland Avenue.
 - (H) Exception may be granted for required minimum landscaping standards, subject to the provisions of Chapter 14.24, Exceptions.
 - (I) In the LI/O district, a minimum twenty feet (20') of the front setback must be landscaped.

(Ord. 1831 § 1 (part), 2004; Ord. 1663 § 1 (part), 1994; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, §§ 20, 21, 6-21-2010)

Chapter 14.07 PLANNED DEVELOPMENT DISTRICT (PD)

14.07.010 Specific purposes.

The specific purposes of the planned development (PD) district are to:

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

(Ord. 1625 § 1 (part), 1992).

14.07.020 Land use regulations.

- A. No use other than an existing use or a temporary use approved pursuant to section D, below, shall be permitted in a PD district except in accord with a valid development plan. Any permitted or conditional use authorized by this title may be included in an approved development plan, consistent with the general plan land use designation(s) and intensities for land within the PD district. The PD zoning approval shall establish the range of allowable land uses for the development.
- B. A master use permit or individual use permits may be required to establish specific uses on the property consistent with general plan land uses and parking standards. A master use permit shall be required for nonresidential, phased and/or multi-tenant development.
- C. A development plan is not required for existing school sites located in the PD district. A use permit shall be required for any nonpublic school uses of the site, or for reuse of any existing school facilities, per Section

14.09.020, land use regulations (P/QP). A development plan shall be required when such property redevelops.

- D. Temporary uses may be permitted within a PD district, with or without an approved or valid development plan. The performance standards and provisions of Section 14.17.130 of this Title shall apply to temporary uses, and shall be administered through a use permit (zoning administrator).

(Ord. 1838 § 26, 2005; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 22, 6-21-2010)

14.07.030 Property development regulations.

- A. Minimum Area. The minimum net area of a PD district shall be 2.5 acres, provided that a PD district may be subdivided in accord with a valid PD plan; exceptions to this provision are lots over 0.5 acres in size where developed to provide affordable housing and hillside residential lots over one acre in size where unusual site characteristics exist.
- B. Residential Unit Density. The total number of dwelling units in a PD plan shall not exceed the maximum number permitted by the general plan density for the total site area. Density bonuses for senior housing development and affordable housing development may be considered consistent with general plan policies and state law.
- C. Nonresidential Intensity. Nonresidential development shall not exceed floor area ratios, as specified in the general plan, except in the downtown where a one-time ten percent (10%) bonus may apply for business expansion.
- D. Building Height Limits. Building heights shall be consistent with height standards contained in the general plan.
- E. Other Development Regulations. Other development regulations shall be as prescribed by the development plan.

(Ord. 1838 § 27, 2005; Ord. 1831 § 1 (part), 2004; Ord. 1625 § 1 (part), 1992).

14.07.035 Established PD district containing no development standards or regulations.

When an established PD district does not contain or include site-specific regulations or spatial standards necessary to guide and approve building additions, modifications or property improvements, the following shall apply:

- A. For proposed additions and modifications to principal structures and primary uses, the community development director shall determine, based on development characteristics, use and density, and the contiguous zoning districts, a zoning district adopted within this title that is most compatible to the PD district. The regulations and spatial standards of the most compatible zoning district shall be applied, subject to the approval of an environmental and design review permit.
- B. For accessory structures, fences and other ancillary improvements, the regulations of Chapter 14.16 of this Title shall apply.
- C. The community development director shall determine if the improvements proposed per A and B above are major or minor. Improvements determined to be major shall require an amendment to the PD zoning per Section 14.07.150 of this chapter. Improvements determined to be minor shall not require an amendment to the PD zoning.

(Ord. No. 1882, Exh. A, § 23, 6-21-2010)

14.07.040 Authority.

The planning commission shall recommend approval, conditional approval or denial of applications to reclassify property to the PD district and/or applications for development plans to the city council. The city council shall have the authority to approve, conditionally approve or deny rezonings and/or development plan applications.

(Ord. 1625 § 1 (part), 1992).

14.07.050 Application.

- A. An application to reclassify property to PD shall be initiated by a property owner or authorized agent, the planning commission or the city council. If the property is not under single ownership, all owners shall join in an application initiated by property owners, and a map showing the extent of ownerships shall be submitted with application materials. Applications to rezone property to PD shall be filed and processed in accordance with Chapter 14.27, Amendments. If property is already zoned PD, an approved development plan is required to develop the property.
- B. Applications for development plans shall be initiated by submitting the following information to the planning department: a completed application form, signed by the property owner(s) or authorized agent, accompanied by the required fee, and any other information, plans or maps prescribed by the planning director. Standard information required for a development plan application is listed below in Section 14.07.060. Application procedures and processing timeframes shall be in accordance with state law and procedural guidelines established by the planning director.

(Ord. 1625 § 1 (part), 1992).

14.07.060 Required plans and materials.

In addition to the plans and materials required to accompany an application for a zoning map amendment as per Chapter 14.27, Amendments, an application for rezoning to a PD district shall include a development plan incorporating the information described below:

- A. A map showing proposed district boundaries and the relationship of the district to uses and structures within a three hundred foot (300') radius of the district boundaries;
- B. A map or aerial photo of the proposed district and three hundred feet (300') beyond its boundary showing sufficient topographic data to indicate clearly the character of the terrain; ridgelines and creeks; the type, location and condition of mature trees and other natural vegetation; and the location of existing development;
- C. The proposed pattern of land use, with acreage, residential density or commercial intensity calculations. This shall include the total square footage of each type of nonresidential use proposed in order to assess parking and traffic impacts;
- D. A site plan showing proposed street and lot patterns, and the location of all proposed buildings, structures, and other general site improvements;
- E. A description of proposed setbacks, yard areas and height limits;

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- F. A plan showing location, grades, and widths of all streets; location and size of all utilities; drainage structures; parking areas; walkways; and other improvements;
 - G. Parking plan showing proposed parking layout and provisions for bicycle parking/storage;
 - H. A topographical map with average site slopes, or slopes of proposed lots, if applicable, and slopes of proposed streets;
 - I. Geotechnical data (preliminary geologic report, geotechnical investigation report, and/or hazardous waste investigation report, as per general plan appendices, geotechnical review matrix);
 - J. Traffic study;
 - K. Description of all open space and/or undeveloped areas and a statement indicating their intended disposition (i.e., deeded to property owners, dedicated to city, etc.);
 - L. Proposed subdivision map if property is proposed to be divided;
 - M. An enumeration of deviations between typical zoning ordinance standards for such uses and the proposed plan;
 - N. Phasing plan, if any;
 - O. Other information as may be prescribed by the planning director, depending on the type, location and potential impacts of the proposed development.

An application for development plan may be accompanied by an application for environmental and design review. If the development plan application is not accompanied by the environmental and design review application, the following preliminary design review information shall also be submitted as part of the development plan application:

- P. Preliminary architectural elevations of all proposed buildings and structures;
- Q. Conceptual landscape plans;
- R. Preliminary grading plan;
- S. Site photographs showing site and adjacent properties;
- T. Other information as may be prescribed by the planning director.

(Ord. 1625 § 1 (part), 1992).

14.07.070 Initial consultation—Concept plan review.

Applicants may request an initial consultation with the planning director (or the planning director's designated appointee) and/or a preliminary review by the design review board to review proposed development at the conceptual plan stage. See Section 14.25.030, Application.

(Ord. 1625 § 1 (part), 1992).

14.07.080 Public notice and hearing.

- A. The planning commission and city council shall hold public hearings to consider applications to rezone property to the PD district and/or a development plan application.
- B. Notice of public hearings shall be given consistent with Chapter 14.29, Public Notice.

(Ord. 1824 § 1 (Exh. A) (part), 2004; Ord. 1625 § 1 (part), 1992).

14.07.090 Findings.

A recommendation by the planning commission to the city council or a decision by the city council to reclassify property to the PD district and/or to approve a development plan shall be based on the following set of required findings:

- A. The development plan is consistent with the general plan, adopted neighborhood plans and other applicable city plans or policies;
- B. Any residential development shall constitute a residential environment of sustained desirability and stability in harmony with the character of the surrounding neighborhood, and where applicable, adequate open space shall be provided;
- C. Any nonresidential uses shall be appropriate in area, location and overall planning for the purpose intended, and the design and development standards shall create a nonresidential environment of sustained desirability and stability, and where applicable, adequate open space shall be provided;
- D. The applicant demonstrates that public facilities are provided to serve the anticipated population;
- E. The development is improved by deviations from typical zoning ordinance property development and parking standards; and
- F. The auto, bicycle and pedestrian traffic system is adequately designed for circulation needs and public safety. Emergency vehicle access is provided to serve the proposed development.

(Ord. 1625 § 1 (part), 1992).

14.07.100 Contents of PD zoning approvals.

- A. PD zoning approvals shall include a text summary of the approved development plan, including the range of allowable land uses, residential density, number and type(s) of residential units, commercial/industrial intensity, building square footage devoted to each type of nonresidential land use, site development standards including setbacks, building envelopes, lot coverage and height limits, parking, open space areas, outdoor amenities and any other critical components of development approval.
- B. A master use permit or individual use permit(s) may be required as per Section 14.07.020 to establish specific use approvals and to evaluate compliance with trip allocations and parking standards.

(Ord. 1625 § 1 (part), 1992).

14.07.110 Notice of decision.

The planning commission or city council shall prepare a written decision which shall contain the findings of fact upon which such decision is based and conditions of approval, if any. The decision shall be mailed to the applicant(s).

(Ord. 1625 § 1 (part), 1992).

14.07.120 Effect of failure to give notice.

No action, inaction or recommendation regarding any development by the planning commission or city council shall be held void or invalid or be set aside by any court by reason of error or omission pertaining to the notices, including the failure to give any notice required by this section, unless the court after an examination of

the entire case shall be of the opinion that the error or omission complained of was prejudicial, and that by reason of such error or omission the party complaining or appealing sustained and suffered substantial injury, and that a different result would have been probable if such error or omission had not occurred or existed. There shall be no presumption that the error or omission is prejudicial or that injury was done if error or omission is shown.

(Ord. 1625 § 1 (part), 1992).

14.07.130 Effective date—Status of development plan.

PD zone designations without development plans are effective upon adoption of this zoning ordinance. Development plans for these PD districts, and any other PD districts with development plans, shall be effective on the same date as the ordinance for which they were or are approved. PD ordinances shall expire only upon rezoning to another zoning district. If no action has been taken on an approved development plan within five (5) years of its approval (or other timeframes specified by the approval) the city may initiate rezoning of the property.

(Ord. 1625 § 1 (part), 1992).

14.07.140 Zoning map designation.

A planned development district shall be noted by the designation "PD." PD districts with approved development plans shall be noted by the designation "PD," followed by the ordinance number approving the development plan.

(Ord. 1625 § 1 (part), 1992).

14.07.150 Amendments to PD zoning and development plans—New application.

Requests for changes in the contents of approval of a PD zoning and development plan shall be treated as a zoning amendment (rezoning). Rezoning shall be heard and decided by the city council. The procedures for filing and processing a rezoning shall be the same as those established for an initial PD zoning and development plan application.

(Ord. 1625 § 1 (part), 1992).

14.07.160 Revocation.

Any violation of a condition of approval of a development plan or a provision of this title shall be grounds for permit revocation, as provided in Chapter 14.29, Enforcement.

(Ord. 1625 § 1 (part), 1992).

14.07.170 New applications following denial or revocation.

If an application for a development plan is denied or revoked, no new application for the same, or substantially the same, development plan shall be filed within one year of the date of denial or revocation of the initial application, unless the denial is made without prejudice.

(Ord. 1625 § 1 (part), 1992).

Chapter 14.08 MARINE DISTRICT (M)

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(Supp. No. 36, Update 2)

14.08.010 Specific purposes.

In addition to the general purposes listed in Section 14.01.030, the specific purposes of the marine district (M) include the following:

- A. To promote the canal as a navigable waterway and viable boating/maritime district;
- B. To preserve limited canal-front sites for water-frontage-dependent uses in order to maintain the canal as a viable maritime/boating district;
- C. To provide site opportunities for marine-related businesses which may benefit from proximity to water-frontage-dependent businesses and contribute to the maritime character of the district;
- D. To provide site opportunities for canal-front parks and marine-related recreation;
- E. To allow residential and nonmarine related office uses on the second floor or above of a mixed-use project;
- F. To promote building design sensitive to waterfront locations;
- G. To promote public access along the waterfront.
- H. To allow site opportunities for retail, hotels and restaurants which promote public access to the canal.

(Ord. 1831 § 1 (part), 2004: Ord. 1625 § 1 (part), 1992).

14.08.020 Land use regulations (M).

P: Permitted by right; C: Conditional use permit; CZ: Conditional use permit/zoning administrator; A: Administrative use permit; Blank: Not allowed.

Table 14.08.020

Type of Land Use	M	Additional Use Regulations
Marine Uses		
Boat building and repair	C	
Boat sales and rentals	P	
Charter boat businesses	P	
Clubs and lodges, including youth groups, with a marine focus or purpose (boating, fishing, study of marine biology, etc.)	C	
Contractor's shops related to marine activities, including welding, small machinery repair and marine engine repair	CZ	
Equipment rentals related to boating, fishing, etc.	P	
Fish and bait sales, retail		
Indoors	P	
Outdoors	C	
Fishing enterprises, commercial and/or recreational, including support facilities (hoist, ice plant, storage, packing and sales area and related offices)	C	
Fishing supply stores, including bait and stores	P	
Fuel yards strictly for boats	C	
Marinas, including boat slips, offices (sales, management, etc.), harbor, clubhouse, marine-related retail and support	C	

services (restrooms, showers, laundry, caretaker's residence, pump-outs, etc.)		
Marine electronics: sales, manufacturing, assembly, testing or repairs (including electrical, electromechanical or electronic equipment, or systems related to harbor or marine activities)	C	
Marine industry sales, including boat machinery, parts and incidental hardware	P	
Marine supply stores	P	
Marine testing laboratories, research and development facilities	C	
Museum, marine-related	C	
Offices, business support for marine industry, including security	P	
Outdoor storage, including temporary or permanent storage containers	CZ	
Parks with marine recreational features or concessions	P	
Schools, sailing, boating, etc.	P	
Storage, boat (wet or dry)	P	
Warehousing, strictly for storage of boats, boat trailers and fishing gear	CZ	
Yacht clubs	C	
Commercial		
Food and beverage service establishments		
Cocktail lounges (without food service)	C	
Food service establishments (with or without incidental serving of beer or wine) and without a cocktail lounge, live entertainment and/or dancing		
(1) 1,000 sq. ft. or less in size	P	
(2) More than 1,000 sq. ft. in size	CZ	
Food service establishments with a cocktail lounge, live entertainment and/or dancing	CZ	
Live entertainment and/or dancing (without food service)	C	
Outdoor eating areas	A	For outdoor eating areas on private property, see Section 14.17.110 standards. For outdoor seating areas located on city sidewalks, see Section 14.16.277 standards. For outdoor eating areas on parking spaces within the public right-of-way, see Chapter 11.70—"Streetaries" Outdoor Eating Areas.
Retail and Office Uses		
Retail and administrative, business and professional office uses listed as permitted or subject to use permit in general commercial district	P/C/A*	*See "Retail" heading in the General Commercial district for permitted and conditional retail and office uses. Non-marine related office use allowed on second floor or above in a mixed-use

		building. Ground floor non-marine office use is not allowed.
Public and Quasi-Public Uses		
Public utility facilities	C	
Residential and Visitor Accommodation Uses		Allowed on the second floor or above in a mixed-use project.
Multifamily residential	A	
Emergency shelters for the homeless		
Permanent	C	See Section 14.16.115 standards.
Temporary	C	
Home occupations	P	See Section 14.16.220 (Home Occupations).
Live/work quarters	A	See Section 14.17.100(C)(9) (Live/Work Quarters regulations).
Residential care facilities for the handicapped		
Small (0—6 residents)	P	
Large (7 or more residents)	P	
Residential care facilities, other		
Small (0—6 residents)	P	
Large (7 or more residents)	C	
Rooming or boarding houses	C	See Section 14.17.100(C)(8) (Boarding House regulations). Allowed on the second floor or above in a mixed-use project.
Caretaker's residence	CZ	
Hotels or motels	C	
Transportation Facilities		
"Park and ride" facilities	CZ	
Parking facilities, public	CZ	
Temporary Uses		
Temporary uses	A	See Chapter 14.17 standards.
Accessory Uses and Structures		
Accessory uses and structures customarily incidental to a permitted use and contained on the same site	P	See Chapter 14.16 regulations.

(Ord. 1838 § 28, 2005; Ord. 1831 § 1 (part), 2004; Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, §§ 25, 26, 6-21-2010; Ord. No. 1923, § 2(Exh. A), 6-16-2014; Ord. No. 2016, § 5, 10-3-2022)

14.08.030 Property development standards (M).

NR: Not required unless otherwise noted in Additional Standards.

Note: See Chapter 14.16, Site and Use Regulations, for additional regulations pertaining to floor area ratio and site development standards. See Chapters 14.23, Variances, and 14.24, Exceptions, for allowable adjustments to these standards. See Chapter 14.25, Environmental and Design Review Permits, for a listing of improvements subject to review and design guidelines and criteria for development.

Table 14.08.030

	M	Additional Standards
Minimum lot area (sq. ft.)	6,000	
Minimum lot area/dwelling unit (sq. ft.) (Max. residential intensity)	2,000	(G)
Floor area ratio (Max. non-residential intensity)	*	*See Section 14.16.150
Minimum lot width (ft.)	60	
Minimum yards:		
Front (ft.)	NR	(A)
Side (ft.)	NR	(A)
Rear (ft.)	NR	(A)
Maximum height of structure (ft.)	36	(B), (C), (D)
Minimum landscaping	10%	(E)
Usable outdoor area		(F)
Parking	*	*Based on use. See Section 14.18.040.

- (A) Where the frontage of a block is partially in a residential district, the front yard shall be the same as required for that residential district, and when the side and/or rear of the lot(s) abuts a residential district, the respective side and/or rear yard shall be ten feet (10').
- (B) Exceptions may be granted for a height above thirty-six feet (36'), subject to the provisions of Chapter 14.24, Exceptions. Lower height may be required consistent with the canal front review overlay district, Chapter 14.15.
- (C) Buildings existing or approved as of January 1, 1987, which are more than three (3) stories in height shall not be considered nonconforming, and are listed in Section 14.16.040, Buildings over three (3) stories.
- (D) Hotels have a four-story height limit. A five-story height may be approved as part of an environmental and design review permit by the planning commission if it finds that the hotel will provide a significant community benefit, and the design is consistent with this title.
- (E) For parking lot landscaping, see Section 14.18.160, Parking lot screening and landscaping.
- (F) Provision of usable outdoor area is encouraged in residential development as part of a mixed-use project.

(G) A density bonus may be granted, as provided for in Section 14.16.090.

(Ord. 1831 § 1 (part), 2004; Ord. 1663 § 1 (part), 1994; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, §§ 27, 28, 6-21-2010)

Chapter 14.09 PUBLIC/QUASI-PUBLIC DISTRICT (P/QP)

14.09.010 Specific purposes.

In addition to the general purposes listed in Section 14.01.030, the specific purposes of the public/quasi-public district include the following:

- A. To provide sites for governmental, educational, public safety, public utility, residential and public transportation facilities.
- B. To provide site opportunities for recreation and nonprofit community service facilities.

(Ord. 1831 § 1 (part), 2004; Ord. 1625 § 1 (part), 1992).

14.09.020 Land use regulations (P/QP).

P: Permitted by right; C: Conditional use permit; CZ: Conditional use permit/zoning administrator; A: Administrative use permit; Blank: Not allowed.

Table 14.09.020

Type of Land Use	P/QP	Additional Use Regulations
Public, Quasi-Public and Community Uses		
Community Gardens	P	Subject to Performance Standards Outlined in Chapter 14.17.
Public facilities		
Administrative offices (city and county, special district, public utility, etc.)	P	
Libraries, museums and other cultural facilities	P	
Public and utility facilities (corporation, maintenance or storage yards, pump stations, utility substations, storm drainage ponds, water tanks, utility distribution facilities, etc.)	C	
Safety facilities (police, fire or paramedics)	P	
Sewage or water treatment facilities, including wastewater ponds and irrigation areas	P	
Quasi-public service uses, including clubs and other service organizations, which pursue or provide programs such as day care, religious or similar use	C	
Schools		
Parochial, private	C	
Public	P	
Business, performing arts, vocational	CZ	
Use of school sites for other uses	C*	*May include: child care programs; educational, recreational, cultural and religious classes, programs and activities; administrative offices incidental to educational service

		uses; churches; counseling groups; and those private business uses which quality as home occupations.
Commercial Uses		
Funeral and interment services		
Cemeteries, mausoleums	P	
Recreation facilities (indoors or outdoors)	C	
Transportation Facilities		
Bus stations, public	C	
"Park and ride" facilities	CZ	
Road right-of-ways, slope easements or similar public improvements	C	
Transit stations, public, or transitways	C	
Residential Uses		
Single-family residential	C	
Duplex residential	C	
Multifamily residential	C	See Chapter 14.17 standards.
Rooming or boarding houses	C	See Chapter 14.17 standards.
Home occupations	P	See Chapter 14.16 standards.
Live/work quarters	A	See Chapter 14.17 standards.
Residential care facilities for the handicapped		
Small (0—6 residents)	P	
Large (7 or more residents)	P	
Residential care facilities, other		
Small (0—6 residents)	P	
Large (7 or more residents)	C	
Rooming or boarding houses	A	
Family day care		See Chapter 14.17 standards.
Small (0—6 children or adults)	P	
Large (7—12 children)	A	See Chapter 14.17 standards
Large (7—12 adults)	C	See Chapter 14.17 standards
Emergency shelters for the homeless		
Permanent	C	See Section 14.16.115
Rotating or temporary	C	
Day care center	CZ	
Temporary Uses		
Temporary uses	A	See Chapter 14.17 standards.
Accessory Structures and Uses		

Accessory structures and uses customarily incidental to a permitted use and contained on the same site.	P	See Chapter 14.16 regulations.
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(Ord. 1831 § 1 (part), 2004; Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1641 § 1 (part), 1993; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1923, § 2(Exh. A), 6-16-2014; Ord. No. 1964, § 2(Exh. B) § 8, 11-19-2018)

14.09.030 Property development standards (P/QP).

NR: Not required unless otherwise noted in Additional Standards.

Note: See Chapter 14.16, Site and Use Regulations, for additional regulations pertaining to floor area ratio and site development standards. See Chapters 14.23, Variances, and 14.24, Exceptions, for allowable adjustments to these standards. See Chapter 14.25, Environmental and Design Review Permits, for a listing of improvements subject to review and design guidelines and criteria for development.

Table 14.09.030

	P/QP	Additional Standards
Minimum lot area (sq. ft.)	NR	
Minimum lot area/dwelling unit (sq. ft.) (Max. residential intensity)	1,800	
Floor area ratio (Max. non-residential intensity)	*	* See Section 14.16.150
Minimum lot width (sq. ft.)	NR	
Minimum yards:		
Front (ft.)	NR	(A)
Side (ft.)	NR	(A)
Rear (ft.)	NR	(A)
Maximum height of structure (ft.)	36	(B), (C)
Maximum lot coverage	NR	
Minimum landscaping	10%	(D)
Parking	*	* Based on use. See Section 14.18.040

- (A) Where the frontage of a block is partially in a residential district, the front yard shall be the same as required for that residential district, and when the side and/or rear of the lot(s) abuts a residential district, the respective side and/or rear yard shall be ten feet (10’).
- (B) Exceptions may be granted for a height above thirty-six feet (36’), subject to the provisions of Chapter 14.24, Exceptions.
- (C) Buildings existing or approved as of January 1, 1987 which are more than three (3) stories in height shall not be considered nonconforming, and are listed in Section 14.16.040, Buildings over three (3) stories.
- (D) For parking lot landscaping, see Section 14.18.160, Parking lot screening and landscaping.

(Ord. 1831 § 1 (part), 2004; Ord. 1663 § 1 (part), 1994; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, §§ 29, 30, 6-21-2010)

Chapter 14.10 PARKS/OPEN SPACE DISTRICT (P/OS)

14.10.010 Specific purposes.

In addition to the general purposes listed in Section 14.01.030, the specific purposes of the parks/open space district include the following:

- A. To provide appropriately located land throughout the city for public parks;
- B. To provide opportunity for recreational uses in public parks;
- C. To promote an integrated pattern of open space areas within the city to serve as visual greenbelts and community separators and to protect environmental resources;
- D. To protect the public health and safety by limiting lands subject to flooding, slides or other hazards to open space use;
- E. To preserve baylands, waterways and wetlands as open space;
- F. To retain open space land in a natural open state;
- G. To discourage public utility facilities in open space areas to minimize harm to the area's visual quality;
- H. To allow low-intensity, passive recreational uses within open space areas and provide opportunity in appropriate locations for more intensive uses of open space which are consistent with the preservation of open space natural values and have minimal impacts on the environment.

(Ord. 1625 § 1 (part), 1992).

14.10.020 Land use regulations (P/OS).

P: Permitted by right; C: Conditional use permit; A: Administrative use permit; Blank: Not allowed.

Table 14.10.020

Type of Land Use	P/OS	Additional Use Regulations
Open space, public		
Animal grazing	C	
Animal husbandry	C	
Community Gardens	CZ	Subject to performance standards outlined in Chapter 14.17.
Horse keeping	C	
Riding stables	C	
Picnic area	C	
Trails (bicycle, equestrian, pedestrian)	C	
Wildlife preserves or sanctuaries	P	

Open space, private	P*	*Any of the uses listed under public open space, subject to any additional restrictions or other approved uses on an easement, grant, deed, map of record or private covenant.
Public parks, playgrounds and recreation facilities	P	
Private concessions in public parks	C	
Public/Quasi-Public Uses		
Public facilities		
Public and utility facilities (including pump stations, utility substations, storm drainage ponds and water tanks, and excluding corporation, maintenance or storage yards)	C	
Sewage or water treatment facilities, including wastewater ponds and irrigation areas	C	
Temporary Uses		
Temporary uses	A	See Chapter 14.17 standards.
Accessory Structures and Uses		
Accessory structures and uses customarily incidental to a permitted use and contained on the same site	P	See Chapter 14.16 regulations.

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1964 , § 2(Exh. B) § 9, 11-19-2018)

14.10.030 Property development standards (P/OS).

NR: Not required, unless otherwise noted in Additional Standards.

Note: See Chapter 14.16, Site and Use Regulations, for additional regulations pertaining to floor area ratio and site development standards. See Chapters 14.23, Variances, and 14.24, Exceptions, for allowable adjustments to these standards. See Chapter 14.25, Environmental and Design Review Permits, for a listing of improvements subject to review and design guidelines and criteria for development.

Table 14.10.030

	P/OS	Additional Standards
Minimum lot area (sq. ft.)	NR	
Minimum lot width (ft.)	NR	
Minimum yards:		
Front (ft.)	NR	
Side (ft.)	NR	
Rear (ft.)	NR	
Maximum height of structure	36	(A)

Parking	*	* Based on use. See Section 14.18.040
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(A) Exceptions may be granted for a height above thirty-six feet (36'), subject to the provisions of Chapter 14.24, Exceptions.

(Ord. 1663 § 1 (part), 1994; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, §§ 31, 32, 6-21-2010)

Chapter 14.11 WATER DISTRICT (W)

14.11.010 Specific purposes.

In addition to the general purposes listed in Section 14.01.030, the purposes of the water district include the following:

- A. To promote the waters of San Rafael as a navigable waterway and viable boating/maritime district;
- B. To provide opportunities for limited water-dependent uses which require access to the water as a central element of its basic function, and which contribute to the maritime character of the district;
- C. To provide opportunities for marine-related recreation;
- D. To protect property from erosion from storms and high tides;
- E. To improve water quality by preventing or reducing pollution caused by any means;
- F. To protect and enhance wildlife habitat;
- G. To provide opportunities for education and scientific research.

(Ord. 1625 § 1 (part), 1992).

14.11.020 Land use regulations (W).

P: Permitted by right; C: Conditional use permit; A: Administrative use permit; Blank: Not allowed.

Table 14.11.020

Type of Land Use	W	Additional Use Regulations
Boat docking facilities		
Ancillary use to a single-family residence	P	
Part of a marina or other nonresidential use	C	
Boat launching ramps	C	
Boat storage, wet	P	At docking facilities only or in areas designated by Chapter 17.20.
Charter boat businesses	P	At docking facilities only or in areas designated by Chapter 17.20.

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(Supp. No. 36, Update 2)

Commercial fishing, shell fishing and trapping	C	
Open space, private	C	Limited to outdoor water-oriented recreational activities such as canoeing, boating and fishing.
Open space, public	P*	As permitted by the open space management plan and/or park master plan. If a plan has not been adopted, then a use permit is required.
Pier or wharf	C	
Parks, public, and recreation facilities	P*	
Recreation facilities, private, outdoors	C	Limited to outdoor water-oriented recreational activities such as canoeing, boating and fishing.
Terminal, ferry or similar marine transportation	C	
Wildlife preserve or sanctuary	P	
Public/Quasi-Public Uses		
Public facilities		
Public and utility facilities	P	
Public improvements (bridges, roads, seawalls, levees)	P	
Schools, sailing, boating, etc.	C	
Temporary Uses		
Temporary uses	C	
Accessory Structures and Uses		
Accessory structures and uses customarily incidental to a permitted use and contained on the same site.	C	See Chapter 14.16 regulations.

(Ord. 1625 § 1 (part), 1992).

14.11.030 Property development standards (W).

NR: Not required, unless otherwise noted in Additional Standards.

Note: See Chapter 14.16, Site and Use Regulations, for additional regulations pertaining to floor area ratio and site development standards. See Chapters 14.23, Variances, and 14.24, Exceptions, for allowable adjustments to these standards. See Chapter 14.25, Environmental and Design Review Permits, for a listing of improvements subject to review and design guidelines and criteria for development.

Table 14.11.030

	W	Additional Standards
Minimum lot area (sq. ft.)	NR	(A)
Minimum lot width (feet)	NR	
Minimum yards:		
Front (ft.)	NR	(B)
Side (ft.)	NR	(B)
Rear (ft.)	NR	(B)
Maximum height of structure (feet)	36	

Maximum lot coverage (percent)	NR	(A), (C), (D), (E), (F)
Parking	*	* Based on use. See Section 14.18.040

- (A) Loss of open waters due to filling shall be strictly avoided. Fill is subject to the provisions of Section 14.13.040(G), Fill. A use permit shall be required consistent with Sections 14.13.050, Application for a use permit, and 14.13.070, Findings. (Note: Fill in open waters is also subject to issuance of a tidelands permit from the department of public works, and any other permit required by local, state or federal law.)
- (B) Development should not encroach into sensitive wildlife habitat areas, limit normal range areas or create barriers which cut off access to food or shelter.
- (C) Other proposed activities, such as dredging within tidelands and/or open waters, requires a tidelands permit from the department of public works and may require other permits.
- (D) Public access to the water or shoreline should be provided as identified on the recreation plan and the canal land use and access map of the general plan, and is encouraged elsewhere where appropriate.
- (E) Views of the water shall be provided as identified on community design map A of the general plan, and is encouraged elsewhere through project design.
- (F) For setbacks from creeks, the San Rafael Canal and drainageways, see Section 14.16.080, Creeks and other watercourses. For setbacks from wetlands, see Section 14.13.040(B), Wetland Setbacks.

(Ord. 1663 § 1 (part), 1994; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, §§ 33, 34, 6-21-2010)

Division III OVERLAY DISTRICT REGULATIONS

Chapter 14.12 HILLSIDE DEVELOPMENT OVERLAY DISTRICT (-H)

14.12.010 Specific purposes.

In addition to the general purposes listed in Section 14.01.030, the purposes of the hillside development overlay district include the following:

- A. To protect public health and safety by minimizing hazards, including seismic and landslide risks, soil erosion and fire danger associated with development on steep and/or unstable slopes;
- B. To encourage preservation of natural hillside features;
- C. To ensure adequate emergency access by providing on-site parking;
- D. To implement the residential site design policies of the general plan and the Hillside Residential Design Guidelines Manual.

(Ord. 1625 § 1 (part), 1992).

14.12.020 Criteria for establishment of hillside development overlay district.

- A. These regulations shall apply to all lots with an average slope of twenty-five percent (25%) or greater, or located in the hillside resource residential or hillside residential general plan land use designations. The hillside development overlay district on the zoning map is placed on those lots which are in the hillside resource residential or hillside residential general plan land use districts.
- B. Lots with an average slope greater than twenty-five percent (25%) not shown in the hillside development overlay district are presumed to exist in the city and are protected under all of the terms and provisions of this chapter. Development on such lots requires compliance with the requirements of the hillside development overlay district, except that such lots need not be rezoned to the hillside development overlay designations.

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 35, 6-21-2010; Ord. No. 1923, § 2(Exh. A), 6-16-2014)

14.12.030 Property development standards (-H).

Development standards shall be those of the underlying zoning district with which a hillside development overlay district is combined, provided that the following shall be in addition and shall govern where conflicts arise, except for subsection G, lot standards, where the lot size standard of the underlying zoning district applies when more restrictive than the subdivision ordinance. Subsections B, F, G, and I shall not apply to SB 9 Housing Developments (regulated by Section 14.15.282) or urban lot splits (regulated by Chapter 15.155—Urban Lot Splits).

- A. Building Stepback. A building stepback is established to limit the height of structures to avoid excessive building bulk. The required stepback shall be follows:
 - 1. On any downhill slope a twenty-foot (20') height limit measured from existing grade shall be observed. This height limit shall be construed to mean that wall planes shall be broken into single wall heights of no more than twenty feet (20') beyond which a stepback of at least five feet (5') is required, unless otherwise determined through the environmental and design review permit process. Regardless, the maximum overall building height shall not exceed the height allowed by the zoning district.
 - 2. On non-downhill slope, walls facing front and side property lines shall have a twenty-foot (20') height limit measured from existing grade shall be observed within all areas within fifteen feet (15') of the maximum building envelope limit. To allow for design flexibility on non-downhill slopes, an encroachment into the street front, street side and interior side stepback is permitted along twenty-five percent (25%) of the building length.

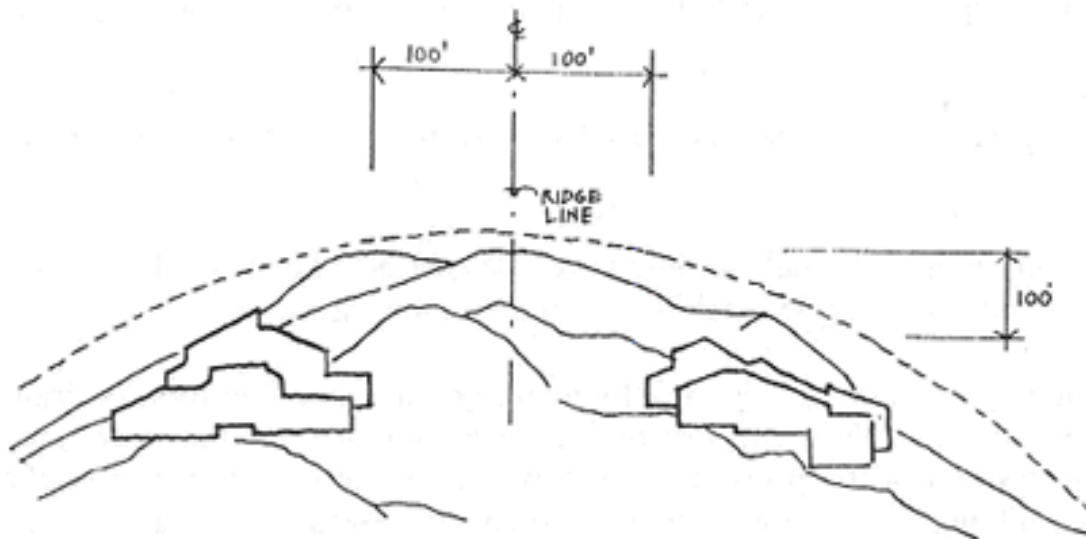
Note: Please refer to the San Rafael Hillside Design Guidelines for examples.

- B. Setbacks. Structures may encroach into a required yard or setback for a distance of not more than one-half (½) of the required yard or setback **provided that the decrease minimizes the impact of hillside development and grading**, subject to approval by the hearing body of an environmental and design review permit, ~~with the recommendation of the design review board that the decrease minimizes the impact of hillside development and grading~~. If such a reduction is granted, a compensating increase in setback is required in the opposing setback, i.e., a five-foot reduction in a front yard setback would increase the rear yard setback by five feet (5').
- C. Natural State. A minimum area of twenty-five percent (25%) of the lot area plus the percentage figure of average slope, not to exceed a maximum of eighty-five percent (85%), must remain in its natural

state. This standard may be waived or reduced for lots zoned PD (planned district) or developed with clustered development with the recommendation of the design review board, subject to approval by the hearing body. This requirement does not apply to properties where the general plan has adopted a medium density residential or high density residential land use designation.

- D. Gross Building Square Footage. The maximum permitted gross building square footage of all structures (including garages and accessory structures over one hundred twenty (120) square feet) is limited to two thousand five hundred (2,500) square feet plus ten percent (10%) of the lot area with the maximum gross square footage set at six thousand five hundred (6,500) square feet. This requirement does not apply to properties where the general plan has adopted a medium density residential or high density residential land use designation.
- E. Ridgeline Development. Development of new structures within one hundred (100) vertical feet of a visually significant ridgeline, as shown on the community design map of the general plan, is prohibited unless this restriction precludes all reasonable economic use of the property. Exception: an exception to the ridgeline regulation may be granted if the decision-making body makes the findings that:
 - 1. There are no site development alternatives which avoid ridgeline development;
 - 2. The density has been reduced to the minimum allowed by the general plan land use designation density range;
 - 3. No new subdivision lots are created which will result in ridgeline development; and
 - 4. The proposed development will not have significant adverse visual impacts due to modifications for height, bulk, design, size, location, siting and landscaping which avoid or minimize the visual impacts of the development, as viewed from all public viewing areas.

ILLUSTRATION 14.12.030



- F. Parking Requirements. On streets less than twenty-six feet (26') wide, a minimum of two (2) additional on-site parking spaces shall be provided (not on the driveway apron) for single-family residential development. These spaces should be conveniently placed relative to the dwelling unit which they predominately serve. This requirement may be waived or reduced by the hearing body when deemed appropriate or necessary to reduce the need for excessive grading or tree removal, and suitable off-site

parking is determined to be available. Further, vehicles should not be allowed to back-out onto a street less than twenty-six feet (26') wide unless approved by the hearing body as necessary to reduce the need for excessive grading or tree removal, or lessen driveway slope, and adequate sight distance, maneuvering area, driveway area, and backup space (which may include paved right-of-way) are provided to facilitate safe and efficient vehicle ingress/egress, as recommended by the public works department, fire marshal and community development director. Driveway and maneuvering areas shall consist of suitable all-weather pavement or permeable hardscape surface approved by the city.

- G. Lot Standards. Minimum lot sizes and widths for lots created after November 21, 1991 are subject to the slope tables established under Chapter 15.07 of the subdivision ordinance.
- H. Street and Driveways. New street and driveway grades shall not exceed eighteen percent (18%) unless an exception has been granted by the hearing body, and the design has been recommended by the design review board public works director and fire marshal to allow a driveway or street slope up to a maximum twenty-five percent (25%) grade. Streets and driveways with slopes over fifteen percent (15%) shall be a permanent, durable, non-asphalt hardscape surface. Streets and driveways with slopes over eighteen percent (18%) shall have grooves/scoring for traction. A suitable transition shall be provided at the street and driveway apron to allow vehicles to safely transition to/from roadways and parking areas, as recommended by the department of public works. Further, the design of the driveway apron at the garage shall be subject to review and recommendation from the department of public works to ensure safe and efficient vehicle ingress and egress.
- I. Design Review Requirement. An environmental and design review permit may be required, consistent with the requirements of Chapter 14.25, Environmental and Design Review Permits. All applications shall be evaluated for conformity with the Hillside Residential Design Guidelines Manual.

(Ord. 1838 § 29, 2005; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, §§ 36—38, 6-21-2010; Ord. No. 1923, § 2(Exh. A), 6-16-2014; Ord. No. 1964, § 2(Exh. B) § 10, 11-19-2018; Ord. No. 2013, § 4, 8-1-2022)

14.12.040 Exceptions to property development standards.

City Council Exception Required. Exceptions to the property development standards of this chapter may be approved by the city council, upon the recommendation of the design review board and the planning commission, when the applicant has demonstrated that alternative design concepts carry out the objectives of this chapter and are consistent with the general plan based on the following criteria:

- A. The project design alternative meets the stated objectives of the hillside design guidelines to preserve the inherent characteristics of hillside sites, display sensitivity to the natural hillside setting and compatibility with nearby hillside neighborhoods, and maintain a strong relationship to the natural setting; and
- B. Alternative design solutions which minimize grading, retain more of the project site in its natural state, minimize visual impacts, protect significant trees, or protect natural resources result in a demonstrably superior project with greater sensitivity to the natural setting and compatibility with and sensitivity to nearby structures.

This section shall not apply to SB 9 Housing Developments (regulated by Section 14.15.282) or urban lot splits (regulated by Chapter 15.155—Urban Lot Splits).

(Ord. 1663 § 1 (part), 1994).

(Ord. No. 1882, Exh. A, § 39, 6-21-2010; Ord. No. 2013, § 4, 8-1-2022)

Chapter 14.13 WETLAND OVERLAY DISTRICT (-WO)

14.13.010 Specific purposes.

Wetlands are indispensable and fragile natural resources subject to flooding, erosion, soil-bearing capacity limitations and other hazards. Destruction of or damage to wetlands threatens public safety and the general welfare. In addition to the general purposes listed in Section 14.01.030 and the purposes of the underlying zoning district, the purposes of the wetland overlay district include the following:

- A. To preserve and enhance the remaining wetlands in San Rafael by encouraging their use only for purposes compatible with their natural functions and environmental benefits;
- B. To prohibit in wetlands and discourage at adjacent upland sites those development activities that may adversely affect wetlands;
- C. To design development to avoid or minimize adverse impacts on wetland habitat;
- D. To encourage restoration of wetland sites;
- E. To prevent loss of life, property damage and other losses and risks associated with flooding by providing floodwater passage for stormwater runoff and floodwaters that coincide with high tides;
- F. To protect property values by preventing damage from erosion from storms and high tides;
- G. To contribute to improved water quality by preventing or reducing increases in pollution caused by any means;
- H. To protect and enhance wildlife habitat, including that of rare, threatened and endangered plant and animal species;
- I. To provide sites for education and scientific research;
- J. To provide opportunities for recreational activities compatible with wetland habitat.

(Ord. 1625 § 1 (part), 1992).

14.13.020 Criteria for establishment of wetland overlay (-WO) district for identified and unidentified wetlands.

- A. These regulations shall apply to all properties located within the city of San Rafael that contain wetlands. The wetland overlay district that is classified on the city's zoning map is applied and adopted on those properties which contain wetlands that have been identified and confirmed by the U.S. Army Corps of Engineers. An inventory of properties that contain known and confirmed wetlands is available in the community development department.
- B. Wetlands are known to exist throughout the community that are not identified or shown in the wetland overlay district, as they are typically discovered and confirmed as part of a site-specific assessment. Nonetheless, all wetlands are protected under all of the terms and provisions of this chapter. A property containing wetlands that have been confirmed by the U.S. Army Corps of Engineers shall be rezoned to combine the wetland overlay district with the base zoning adopted for the property.

C. Submerged properties and tidelands lots that are located within the Water (W) District require compliance with the provisions of the -WO District, except that such properties need not be rezoned to the -WO District.

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1923, § 2(Exh. A), 6-16-2014)

14.13.030 Land use regulations (-WO).

P: Permitted by right; C: Conditional use permit; Blank: Not allowed.

Table 14.13.030

Type of Land Use	WO	Additional Use Regulations
Underlying Zoning District Uses	C	(A), (B), (C), (D)
Open Space/Parks/Recreation		
Agriculture, cultivation of crops	C	Excludes cultivation of cannabis, which is prohibited throughout the City of San Rafael
Open space, private		
Uses allowed in a public open space	C	(A), (B), (C), (D)
Uses allowed in a private covenant	C	(A), (B), (C), (D)
Open space, public		
Animal grazing	P*	*As permitted by the open space management plan and/or park plan conforming with the wetland use regulations. If a plan has not been adopted, then use regulations (A), (B), (C) and (D) apply with a use permit.
Animal husbandry	p*	
Horse keeping	p*	
Riding stables	p*	
Picnic areas	p*	
Trails	p*	
Public parks, playgrounds and recreation facilities	p*	
Private concessions in public parks	p*	
Recreation facilities, private (indoors and outdoors)	C	(A), (B), (C), (D)
Wildlife preserves or sanctuaries	C	(A), (B), (C), (D)
Public/Quasi-Public Uses		
Public facilities		
Public and utility facilities (pump stations, utility substations, storm drainage, ponds, water tanks, transmission facilities)	P*	
Public improvements (bridges, roads and levees)	P*	
Sewage or water treatment facilities, including wastewater ponds and irrigation areas	P*	
Schools		
Parochial, private	C	(A), (B), (C), (D)
Public	C	(A), (B), (C), (D)

- (A) In wetlands, the only uses allowed are the construction and maintenance of water-related structures such as piers, docks, walkways, observation decks and shelters, fences, wildlife management shelters, stormwater pumps and bridges.
- (B) Provided that any and all necessary permits or approvals required by local, state or federal law shall be obtained.
- (C) Uses in or near wetland areas shall be controlled or designed to have minimal adverse impact on wetland habitat.

-
- (D) Recreation/scientific activities in or near wetlands should be low intensity uses, such as bird watching, fishing, nature photography and study, wildlife observation and scientific research and education.

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1955 , (Exh. A, § 7), 3-19-2018)

14.13.040 Property development regulations (-WO).

The required and applied development standards shall be those standards adopted for the underlying zoning district with which a -WO District is combined, provided that the following additional requirements shall apply and shall govern where conflicts arise.

- A. Structures in Wetlands. Any structures that are allowed to be placed in wetland areas (per Section 14.13.030(A)) must be designed and constructed to minimize adverse impacts on wetlands through construction on pilings to allow unobstructed flow of water, so as to preserve the natural contour of the wetland and to minimize impairment, alteration or loss of wetlands.
- B. Wetland Setbacks.
 - 1. A wetland setback shall be measured from the edge of a wetland, as determined through application of the procedures in Section 14.13.05(A), Determination of wetland boundaries. The setback from a creek or drainage way wetland, or from the San Rafael Canal, shall be established and measured consistent with the provisions of Section 14.16.080, Creeks and other watercourses of this title.
 - 2. For wetlands which are neither creeks nor drainage ways, a development-free setback of fifty feet (50'), including but not limited to paving and structures, shall be required. A wetland setback of greater than fifty feet (50') in width may be required on properties larger than two (2) acres in size, as determined through the site development review process.
 - 3. An exception to the minimum wetland setback requirement may be granted by the planning commission for minor encroachments, which would permit a setback reduction of no more than ten percent (10%) of the minimum setback requirement. A minor encroachment may be granted provided that the following can be demonstrated by a qualified wetland expert to the satisfaction of the city:
 - a. The reduced setback or minor encroachment adequately protects the functions of the wetland to the maximum extent feasible; and the environmental values of the wetland will not be impacted by the reduced setback or minor encroachment.

City review of an exception from the minimum wetland setback requirement shall include consultation with, and consideration of, comments from the appropriate resource agencies such as the State of California Department of Fish and Wildlife.

- C. Buffer Measures within Wetland Setback. Within the wetland setback, appropriate measures, such as fencing and screening, landscaping, and natural habitat areas are required to minimize adverse impacts on wetlands and wetland habitat.
- D. Landscaping and Vegetation within Wetland Setback. Landscaping and vegetation installed within the wetland setback shall be native plant species that are indigenous to the area and selected to enhance and/or protect habitat for the present wildlife species.
- E. Erosion and Sedimentation Control. During construction, every precaution shall be taken to prevent the disruption or degradation of adjacent wetlands. Best-management practices shall be required to minimize siltation, sedimentation and erosion, subject to approval by the department of public works.

To ensure that sediment remains on the site and is not transported into wetlands, erosion and sediment controls shall be left in place until the site is stabilized with permanent vegetation.

- F. Stormwater Runoff. Stormwater runoff systems shall be designed to:
- 1) Maintain adequate water flows to the wetland so as to maintain its integrity; and
 - 2) Ensure that stormwater runoff is substantially free of debris, pollutants and silt. Stormwater runoff management proposals shall be submitted and are subject to approval by the community development department, planning division and the department of public works.
- G. Fill. Loss of wetlands due to filling shall be strictly avoided, unless it is not possible or practical. Filling of wetlands is permitted only when it is demonstrated and determined that, due to site constraints and unique site conditions, wetland fill cannot be avoided by reducing the size, scope, configuration, intensity or density of the development, or by changing the design of the development in a way that would avoid or result in fewer adverse effects on the wetland.
1. Mitigation for fill. If it is demonstrated that wetland fill cannot be avoided, the planning commission may approve a use permit to authorize this fill, provided that the filled wetland is replaced, in-kind and on-site at a minimum ratio of 2:1 (two (2) acres of new wetland for every one (1) acre of wetland that is filled). If it is not possible or practical to create new, on-site wetland, off-site, in-kind replacement shall be required at a minimum ratio of 3:1. All wetland fill and replacement shall be reviewed and authorized consistent with the provisions of Section 14.13.080(C), Required wetland restoration or creation, and Section 14.13.070, Findings.
 2. Waiver. A waiver to the fill regulations may be granted by the planning commission for fill of small wetlands that are 0.1-acre in size provided that:
 - a. the wetland is isolated meaning that it is not within, a part of, directly connected with or hydrologically-linked by natural flow to a creek, drainageway, wetland or submerged tidelands;
 - b. it is demonstrated by a qualified wetland expert the preservation of the wetland is not practical as it would not result in a functioning, biological resources because of its isolation;
 - c. the city has determined that filling will result in a more appropriate and desirable site plan for the project; and
 - d. the city consults with and considers comments received from the appropriate resource agencies with wetland oversight (e.g., California Department of Fish and Wildlife and/or California Regional Water Quality Control Board).
- H. Incentives for Wetland Creation. To encourage the creation of new wetland areas, an exception to the property development regulations of the underlying zoning district pertaining to setbacks, height, landscaping and useable outdoor area may be granted consistent with Section 14.13.080(A), Incentives for wetland creation.
- I. Wetland Vegetation. Removal of wetland vegetation or changing of drainage characteristics by private parties which adversely affects wetlands shall be avoided and requires a use permit (see Section 14.13.070, Findings).

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1923, § 2(Exh. A), 6-16-2014)

14.13.050 Application for a use permit.

- A. Determination of Wetland Boundaries. The specific boundaries of a wetland shall be determined by one (1) of the following methods:
1. The U.S. Army Corps of Engineers will, at the request of the applicant, make a jurisdictional determination delineating wetland boundaries; or,
 2. A qualified wetland expert, at the request of the applicant, may identify the wetland boundary in accordance with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, as most recently adopted. The Corps shall verify the accuracy of, and may render adjustments to, the boundary delineation. The wetland boundaries shall be those with which the Corps concurs. Corps concurrence shall occur prior to issuance of a building and/or grading permit. Should there be an adjustment by the Corps to a wetland boundary which affects wetland setbacks or a use permit for fill, a use permit amendment shall be required, consistent with Chapter 14.22, Use Permits.
 3. For development where no fill of wetlands is proposed, a qualified wetland expert, at the expense of the applicant, may identify the wetland boundary in accordance with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, as most recently adopted. In lieu of Corps verification of the delineation, the applicant may pay the city for the hiring of an independent, qualified wetlands biologist to verify and, if necessary, modify the wetland boundaries.
- B. Agency/Organization Consultations. The applicant for a use permit is strongly encouraged to consult with the U.S. Army Corps of Engineers, as well as the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, California Department of Fish and Game, California Coastal Conservancy, California State Lands Commission, San Francisco Bay conservation and development commission, San Francisco Bay regional water quality control board, Marin-Sonoma mosquito abatement district and any other appropriate agencies or organizations early in the planning process. The application for a use permit should include a record of the persons consulted in each of the appropriate agencies or organizations.
- C. Required Information. In addition to the above requirements, the following information shall be submitted by an applicant for a use permit in the wetland overlay district.
1. Project description with an assessment of impacts of the proposed use and development on wetlands and associated wildlife, including adjacent wetlands and adjacent uplands. For development which proposes a wetland setback less than one hundred feet (100') on a lot larger than two (two) acres in size, and/or a setback from a drainageway, include a description of how the proposed setback adequately protects the value of the wetland habitat. For development which proposes fill in a wetland, include the following:
 - a. An explanation of why the proposed development cannot be accomplished by a reduction in the size, scope, configuration or density of a development,
 - b. A biological assessment of the current habitat values of any wetlands proposed to be lost including local and regional habitat values,
 - c. Identify mitigation site(s) and how it would be permanently protected;
 2. Project purpose, stating the general function and objectives of the development, and showing that, if achieved, the proposed avoidance or mitigation measures would result in no net loss of wetlands;
 3. Wetland map drawn to scale, delineating the extent of the wetland(s) on the site; indicating the jurisdictional boundaries of the Corps and other public agencies; mapping soil and vegetation types according to the classification system outlined in the Federal Manual for Identifying and Delineating

Jurisdictional Wetlands as most recently adopted; and, showing water sources with a general characterization of the wildlife habitat;

4. Site plan showing the location and dimensions of all existing and proposed structures, roads and other installations within two hundred feet (200') of the wetland boundaries, both on-site and off-site; and the relationship of the proposed activity and any potentially affected wetland to the entire site owned by the applicant;
 5. Grading and drainage plan showing elevations of the site and adjacent lands within a minimum of two hundred feet (200') of the wetland boundaries, both on-site and off-site, at one (1) foot contour intervals; water sources; the location and specifications for all proposed filling, grading and vegetation removal, including the amounts and methods; and drainage patterns. Demonstrate acceptable erosion and sedimentation control, appropriate stormwater runoff management and adequate wildlife habitat protection during the construction period;
 6. Construction schedule of the proposed construction sequence, showing when each stage of the development will be completed, including the total area of soil surface to be disturbed during each stage and estimated starting and completion dates. In no case shall the existing natural vegetation be destroyed, removed or disturbed more than fifteen (15) days prior to initiation of the construction activities.
- D. Modifications to List of Required Information. The planning director may, prior to determination of completeness date, waive the submission of listed information, or may require additional information when necessary to verify compliance with the provisions of this chapter, or to evaluate the proposed use.

(Ord. 1625 § 1 (part), 1992).

14.13.060 Conditions of approval.

In approving a use permit, the planning commission may impose reasonable conditions. If a use adversely affects existing wetlands, such as altering hydrological conditions, the use permit application may be denied, or mitigation measures may be required. Where fill is proposed, wetland restoration or creation shall be required, accordant with Section 14.13.080(C), Required wetland restoration or creation. Where applicable, and as a condition of approval prior to issuance of a building permit, the following may be required by the planning department:

- A. Verification of Corps concurrence with the applicant's determination of wetland boundaries; and/or,
- B. A Section 404 or Section 10 permit (or its equivalent successor) from the U.S. Army Corps of Engineers; and/or,
- C. A letter from the California State Department of Fish and Game stating compliance with its Wetlands Policy; and/or,
- D. A Certificate of Conformance With Water Quality Standards issued by the State Water Resources Control Board; and/or,
- E. A permit from the bay conservation and development commission.

(Ord. 1625 § 1 (part), 1992).

14.13.070 Findings.

- A. Uses Within a Wetland. The planning commission may approve an application for a use permit for a proposed use within a wetland as allowed in Section 14.13.030, Land use regulations, if it is found that the

proposed use is consistent with the purposes of Section 14.13.010, Specific purposes, and that the proposed use:

1. Is a water-related structure as identified in Section 14.13.030, Land use regulations; and,
 2. Minimizes impairment to the wetland's functional characteristics, existing contour and wildlife habitat; and,
 3. Complies with all wetland regulations contained herein; and,
 4. Cannot be accomplished by a reduction in the size, scope, configuration or density of the development as proposed, or by changing the design of the development in a way that would avoid or result in fewer adverse effects on the wetland.
- B. Uses Outside of a Wetland. The planning commission may approve an application for a use permit for a proposed use outside a wetland as allowed in Section 14.13.030, Land use regulations, if it is found that the proposed use is consistent with the purposes of the base district, and:
1. Minimizes impairment to the adjacent wetland's functional characteristics and wildlife habitat; and,
 2. Complies with all wetland regulations contained herein.

(Ord. 1625 § 1 (part), 1992).

14.13.080 Wetland restoration and creation.

- A. Incentives for Wetland Creation. Where a property owner proposes to expand an existing on-site wetland, and where no fill in an existing wetland is proposed, the planning commission may grant an exception to the property development standards of the underlying base district. An exception shall not be granted for wetlands created as a condition of approval for fill in a wetland, and is limited to the following site development regulations:
1. Setbacks. The minimum setbacks from the lot lines of the underlying zoning district may be decreased where the proposed setback is in character with the surrounding development, and where such decrease will not unreasonably affect abutting sites nor reduce wetland setbacks.
 2. Height. The maximum allowed building height for a residential structure may be increased to no greater than thirty-six (36') feet where scenic views or solar access on surrounding properties are not affected, and where the proposed height is in character with the surrounding development.
 3. Landscaping. Wetlands may be included as fulfilling part of the landscaping requirements, except that the requirement for parking lot landscaping shall be met.
 4. Usable Outdoor Area. Wetlands may be included as fulfilling part of the usable outdoor area requirements of this title where the building and landscape design is such that the residents of the building may participate in passive outdoor recreational activities such as bird watching, fishing and nature photography.
- B. The planning commission may approve an exception to the property development standards of the underlying base district, if it finds that:
1. The proposed development is consistent with the intent of the provisions of the underlying zoning district development regulations and with other applicable provisions of this title;
 2. The proposed development adequately protects the value of the wetland habitat; and,
 3. There is a net gain in wetland quality and no fill in or damage to existing wetlands on the site.

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- C. Required Wetland Restoration or Creation. The purpose of this section is to prevent a loss of wetlands by ensuring new wetlands when fill is proposed. Wetland restoration or creation shall be required for fill in a wetland, per Section 14.13.040(G), Fill. Wetland restoration or creation shall meet the following minimum standards and shall occur pursuant to an approved wetland management plan (Section 14.13.090):
1. On-Site Wetland Restoration or Creation. The restoration or creation of wetlands shall be of at least equal quality and of a similar type to that of the existing wetlands, and on or adjacent to the site, where possible.
 2. Off-Site Wetland Restoration or Creation. Where the applicant has demonstrated to the planning commission that restoration or creation on-site or adjacent to the site is infeasible due to technical constraints, such as lot or wetland size or wetland type, or that a wetland of a different type or location is strongly justified based on regional needs or the functional value of the impacted wetland, the planning commission may accept or recommend an alternative proposal for restoration or creation of a wetland off-site.
 3. Timing of Wetland Restoration or Creation. Restoration or creation of wetlands should be completed prior to construction of the development. Where implementation of a development would adversely affect mitigation efforts, construction activities may be started prior to restoration or creation of wetlands.

(Ord. 1625 § 1 (part), 1992).

14.13.090 Wetland management plan.

An applicant for a use permit for fill shall be required to submit a wetland management plan prepared by a qualified wetlands expert. An applicant for a use permit for a conditional use in a wetland, or as part of environmental review under the California Environmental Quality Act may be required to prepare a wetland management plan.

- A. Required Information. A wetland management plan shall include any or all of the following items as deemed necessary by the planning director:
1. Goals and objectives, including a description of the functional relationships sought in the new wetland, such as habitat areas, topography and soil characteristics, water flow patterns and water levels, and upland buffers;
 2. Wetland preservation, restoration, and creation techniques and standards, identifying the location and size of wetland areas to be preserved, restored or created, and including:
 - a. Water-quality parameters, water source, water depths, water-control structures and water-level maintenance practices needed to achieve the necessary ambient water conditions and characteristics,
 - b. Planting plans (identifying target wildlife species) specifying plant species, quantities, locations, size, spacing or density; source of plant materials or seeds; timing, season, water and nutrient requirements for planting; and, plant protection measures,
 - c. Site preparation specifications for, if needed, soil amendments, removal of unsuitable fill and weed control,
 - d. Wetland protection measures for minimizing impacts during grading and construction, and for minimizing disturbances to wildlife habitat,
 - e. Mosquito management, demonstrating ecological mosquito control developed in consultation with the Marin-Sonoma mosquito abatement district, and

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- f. For wetland creation, identification of disposal area for any dredged material;
- 3. Implementation and monitoring plan, providing:
 - a. Specific criteria for evaluating whether or not the goals of the wetland management plan are being achieved at various stages in the development,
 - b. Specifications for irrigation as needed, removal of exotic and nuisance vegetation, and maintenance,
 - c. Responsibility for monitoring the hydrology, vegetation and wildlife of the wetland with a specified monitoring time frame (five (5) years recommended for tidal marshes and ten (10) years recommended for other wetlands),
 - d. Provision for correction of design defects in the plan and any needed plant replacement,
 - e. Identification of method(s) used to ensure that the wetland will be protected in perpetuity;
 - 4. Management organization, demonstrating fiscal, administrative and technical competence of sufficient standing to successfully execute the overall development;
 - 5. Cost estimate, sufficient to cover the cost of implementing and maintaining the wetland. In addition, bonds ensuring fulfillment of the development may be required.
- B. Approval of a Wetland Management Plan. A wetland management plan may be approved, approved with conditions or disapproved by the planning commission, with the commission's decision appealable to the city council, upon finding that it is consistent with the purposes of this chapter.

(Ord. 1625 § 1 (part), 1992).

14.13.100 Enforcement.

In the event of illegal fill or similar activity, such as grading, dredging, removal of wetland vegetation by private parties or changing of drainage characteristics by private parties which adversely impacts a wetland, the city council shall have the power to order wetland restoration and creation measures for the damaged or destroyed wetland area by the person or agent responsible for the violation, consistent with the fill regulations in Section 14.13.040(G), Fill. If the responsible person or agent does not complete such measures within a reasonable time following the order, the city may undertake to restore the affected wetland to its prior condition and/or create or restore other wetlands for the purpose of offsetting losses sustained as a result of the violation at the expense of the property owner and/or the person or agent responsible for the violation. Covered expenses include all wetland restoration or creation costs as well as administration and enforcement costs. To guide restoration and creation actions, the planning department shall have the power to order the property owner and/or the person or agent responsible for the violation to develop a plan as described in Section 14.13.090, Wetland management plan.

(Ord. 1625 § 1 (part), 1992).

Chapter 14.14 EICHLER AND ALLIANCE HOMES OVERLAY DISTRICT (-E/A)

14.14.010 Specific purposes.

The Eichler and Alliance Homes overlay district is intended to modify the site development regulations of the R residential districts to preserve and maintain the predominately single-story and unique design character of neighborhoods composed exclusively of Eichler and Alliance homes.

(Ord. 1819 § 1 (part), 2004).

14.14.020 Property development standards.

For sites within the Eichler and Alliance Homes overlay district, the following site development regulations shall apply in lieu of the otherwise applicable site development regulations of Section 14.04.030:

- a. Height. The maximum height shall be seventeen feet (17'), as measured from grade to the peak of the roof.
- b. Habitable Floor Limitations. There shall be a limit of one habitable floor. Habitable floors include lofts, mezzanines and similar areas.

(Ord. 1819 § 1 (part), 2004).

14.14.030 Design review of roof modifications.

Modifications which increase the height of roof structures by more than six inches (6") or change the roof pitch, including the creation of raised or sloping roofs, covered atriums that exceed the existing roof height, clerestories or exposed exterior ducting, but excluding the addition of solar collectors, shall be subject to design review as set forth in Section 14.25.040(C) of this title. The measurement of the increase in roof height for building additions shall be made from the immediately adjacent roof elevations.

(Ord. 1838 § 30, 2005; Ord. 1819 § 1 (part), 2004).

Chapter 14.15 CANALFRONT REVIEW OVERLAY DISTRICT (-C)

14.15.010 Specific purposes.

In addition to the general purposes listed in Section 14.01.030, Purposes, and the purposes of the underlying zoning district, the specific purposes of the canalfront review overlay district include the following:

- A. Protect the unique physical and social characteristics of the canalfront area;
- B. Enhance the canalfront orientation of existing structures;
- C. Insure canalfront-oriented design in new development;
- D. Improve public views and access to the canalfront;
- E. Promote design excellence by encouraging creative development project design and the innovative use of materials and methods and techniques.

(Ord. 1625 § 1 (part), 1992).

14.15.020 Authority.

The planning commission, zoning administrator or planning director may approve, conditionally approve or deny applications for an environmental and design review permit in the canalfront review overlay district. The authority for determination on major, minor and administrative environmental and design review permits in the canalfront review overlay district is identified in Section 14.25.020, Authority.

(Ord. 1625 § 1 (part), 1992).

14.15.030 Application.

An application for an environmental and design review permit in the canalfront review overlay district shall be initiated by submitting to the planning department a completed application form, signed by the property owner or authorized agent, accompanied by the required fee and information as required by Section 14.25.030, Application.

(Ord. 1625 § 1 (part), 1992).

14.15.040 Improvements subject to review.

No improvement subject to review in Section 14.25.040, Improvements subject to review, shall hereafter be constructed, located, repaired, altered, expanded or thereafter maintained, except in accordance with a design approved as consistent with the canalfront design review guidelines.

(Ord. 1625 § 1 (part), 1992).

14.15.050 Canalfront design criteria.

Development standards shall be those of the underlying zoning district with which the canalfront review overlay district is combined, provided that the following mandatory requirements shall be in addition and shall govern where conflicts arise. The discretionary guidelines are intended to assist the designer in understanding city design policies for development in the canalfront area. The following criteria shall be in addition to the design criteria of Section 14.25.050, Review criteria.

- A. Site Design. Design factors which must be considered include the development of the canal as an attractive amenity; orientation of the development to the canalfront; pedestrian and bicycle access and linkages where appropriate; and canal view protection and enhancement. Setbacks along the canal are required to preserve and enhance wildlife habitat, to provide public access and/or to provide for levee maintenance.
- B. Architecture. Low-scale buildings that protect public views of the water and which do not dominate the canal shall be required. High quality waterfront-oriented design as viewed from the canal as well as the street is encouraged.
- C. Colors/Materials. Colors and materials shall be consistent with Section 14.25.050(F)(2), Materials and Colors.

(Ord. 1625 § 1 (part), 1992).

14.15.060 Processing.

The application for a canalfront review overlay district design review permit shall be processed consistent with the provisions of Chapter 14.25, Environmental and Design Review Permits.

(Ord. 1625 § 1 (part), 1992).

Division IV REGULATIONS APPLYING IN ALL OR SEVERAL DISTRICTS

Chapter 14.16 SITE AND USE REGULATIONS

14.16.010 Specific purposes and applicability.

Site and use regulations are development standards that are applicable to sites in all or several districts. The site and use regulations listed in this section are intended to ensure that new uses and development will contribute to and be harmonious with existing development, will reduce hazards to the public resulting from the inappropriate location, use or design of buildings and other improvements, and will be consistent with the policies of the general plan. These regulations shall be applied as specified in the district regulations, and as presented in this chapter.

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1923, § 2(Exh. A), 6-16-2014)

14.16.020 Accessory structures.

An accessory structure (i.e., a customarily incidental structure detached from a principal building on the same lot) shall comply with all requirements for principal buildings, with the following exceptions and additional requirements:

- A. Applicability. These standards shall apply to all zoning districts that permit accessory structures (i.e. a structure detached from a principal building on the same lot, as defined in Section 14.03.030), and shall be in addition to all other standards regulating development of the site. Where any conflict is found to exist, the more restrictive standard shall be applied.
- B. Timing of Installation. An accessory structure shall be constructed concurrent with or subsequent to the construction of a principal building on the property.
- C. Building code compliance. Additional setbacks from property lines or adjacent structures shall be provided where required to comply with applicable building codes, as determined by the building official.
- D. Small Wind Energy Systems. Small wind energy systems shall be permitted as regulated under Section 14.16.305.
- E. Residential Accessory Structures. The following standards shall apply to accessory structures in residential districts:
 1. Front and Street Side Yard Setbacks.
 - a. Fountains, trellises, statues and similar decorative yard improvements up to four feet (4') in height, fences, small retaining walls and minor decorative entryway treatments as permitted pursuant to Section 14.16.140.A.1, decks less than twelve inches (12") above grade, and access driveways and walkways may be located within the required front yard setback and/or street side yard setback; provided that such accessory structure shall not conflict with the sight distance triangle of an intersections or driveway required pursuant to Section 14.16.295.

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

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3. Alley Setback. An accessory structure shall be located a minimum of five feet (5') from an alley.
 4. Coverage. In addition to counting toward the total lot coverage limit that applies to all structures on a parcel, residential accessory structures shall not exceed a maximum of thirty percent (30%) of the required side or rear yard areas. Required front yard areas shall maintain at least forty-percent (40%) pervious landscape area.
 5. Height. The height of an accessory structure shall not exceed a height of fifteen feet (15') except as permitted through design review.
- F. Nonresidential Accessory Structures. The following standards shall apply to accessory structures where permitted in a non-residential zoning district.
1. In a nonresidential district, above ground accessory structures are permitted when such structures do not alter the character of the premises, and when constructed in conformity with all applicable requirements of this title; including floor area ratio requirements of this Chapter 14.16, Chapter 14.18 (Parking Standards) and Chapter 14.25 (Design Review).
 2. Shipping and Storage Containers. Shipping and storage containers (e.g., "cargo" containers), or similar all-weather storage containers, may be allowed within an outdoor storage yard that has been approved consistent with the provisions of the underlying commercial and industrial district land use tables, and Section 14.17.120 (Outdoor storage). In all other instances, a storage container shall only be considered as a permanent structure that shall be subject to all of the underlying zoning district development standards, design criteria and provisions of this title (including floor area ratio requirements, parking standards, and Chapter 14.25 (Design Review)). See Section 14.17.130 (Temporary uses) for regulation of a storage container proposed for a temporary use.

(Ord. 1802 § 4, 2003; Ord. 1731 § 2, 1998; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1923, § 2(Exh. A), 6-16-2014; Ord. No. 1964, § 2(Exh. B) § 11, 11-19-2018; Ord. No. 2002, div. 9, 12-6-2021)

14.16.025 Refuse enclosure requirement.

Suitable area shall be provided on-site for collection of trash and recyclable materials for all multi-family, mixed-use and non-residential development projects. Refuse storage areas shall be adequately screened from view. The refuse area enclosure shall be designed to meet the minimum recommended dimensional standards of the local refuse collection agency, as well as any requirements of other agencies responsible for review and permitting of the facility; such as building, fire, public works or county health. See Section 14.16.020 for Accessory Structure standards and Chapter 14.25 for design review requirements.

(Ord. No. 1923, § 2(Exh. A), 6-16-2014)

14.16.030 Affordable housing requirement.

- A. Purpose and Intent. The purpose of this section is to enhance the public welfare and ensure that further residential and nonresidential development projects within the city contribute to the attainment of affordable housing goals and requirements by promoting and increasing, through actual construction and/or alternative equivalent actions as provided for in this section, the development of rental and ownership housing units for very low, low and moderate income households.

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- B. General Requirements—Residential Development Projects. Any new residential development project with dwelling units intended or designed for permanent occupancy shall be developed to provide affordable housing units to very low, low and moderate income households in perpetuity unless, in its sole discretion and upon a finding of need pursuant to the Guidelines for the Administration of the Affordable Housing Trust Fund, as adopted and amended from time to time by the city council, the city council reduces the time frame to not less than forty (40) years.
1. Exemptions. This provision shall be imposed on all residential development projects except that the following shall be exempt from the provisions of this section:
 - a. Projects that are the subject of development agreements in effect with the city and approved prior to the effective date of the city council ordinance;
 - b. Projects where a building permit application has been accepted as complete by the city prior to the effective date of this section; however, any extension or modification of such approval or permit after such date shall not be exempt;
 - c. Any building that is damaged or destroyed by fire or other natural catastrophe if the rebuilt square footage of the residential portion of the building does not increase upon reconstruction;
 - d. Any residential development project of one (1) single family structure; and
 - e. Second units approved by the city of San Rafael pursuant to Section 14.16.285 of the San Rafael Municipal Code.
 2. Modification of Certain Approved Projects. Notwithstanding anything to the contrary in this section, for any project that, as of the effective date of this section, has received final city approval but has not yet commenced construction, the project applicant may apply to the city for a modification of the affordable housing requirements of the approved project where the modified affordable housing components of the project would be consistent with the requirements of this section and with the Guidelines for the Administration of the Affordable Housing Trust Fund, as adopted and amended from time to time by city council resolution. The request for modification shall be approved the decision-making body that approved the project.
 3. Affordable Housing Units—Percentage Required. Residential development projects shall provide affordable housing units as described in the policies and procedures specified in the San Rafael City Council's Guidelines for the Administration of the Affordable Housing Trust Fund, as adopted, and amended from time to time by city council resolution, and any new residential development project shall comply with such policy.
- C. Density Bonus and Incentives. Upon a separate application by an applicant for a residential development project of five (5) or more units that includes an eligible affordable housing project, including such residential development projects that include housing for transitional foster youth, qualified student housing, land donation, construction of a child care facility, or a qualified senior citizen housing development, shall be eligible for a density bonus, as well as an additional concession or incentive or waiver/reductions of development standards, consistent with the requirements of California Government Code Section 65915 and as set forth by resolution adopted by the city council from time to time.
- D. General Requirements—Nonresidential Development Projects.
1. Application. An affordable housing requirement is hereby imposed on all developers of nonresidential development projects, including all construction of additional square footage to existing nonresidential developments and conversion of residential square footage to nonresidential use, subject to the following exceptions:
 - a. Any project involving new construction under five thousand (5,000) square feet;

- b. Residential components of a mixed-use project, which shall be subject to the requirements of subsection B of this section;
 - c. A mixed-use project where the number of affordable units equals or exceeds the housing required by subsection (l)(2) of this section for the gross square footage of nonresidential uses;
 - d. Projects where a building permit application has been accepted as complete by the city prior to January 5, 2005; however, any extension or modification of such approval or permit after such date shall not be exempt;
 - e. Projects that are the subject of development agreements in effect prior to January 5, 2005 where such agreements specifically preclude the city from requiring compliance with this type of affordable housing program;
 - f. Any nonresidential building that is damaged or destroyed by fire or other natural catastrophe if the rebuilt square footage of the nonresidential portion of the building does not increase upon reconstruction;
 - g. Project for which no nexus can be established between the proposed nonresidential development and an increase in the demand for affordable housing.
2. Number of Affordable Units Required. Proposed nonresidential development projects shall provide twenty percent (20%) of the total number of residential units needed to provide housing for project employees in very low-, low- and moderate-income households, as set forth in Table 14.16.030-3 of this section. Any decimal fraction greater than 0.50 shall be interpreted as requiring one additional dwelling unit. For uses not listed in Table 14.16.030-3 of this section, the community development director shall determine the number of affordable units required based on comparable employment densities to uses listed. In making such a determination, the decision of the community development director shall be based on data concerning anticipated employee density for the proposed project submitted by the applicant, employment surveys or other research on similar uses submitted by the applicant or independent research, and/or such other data the director determines relevant.

Table 14.16.030-3

Number of New Very low, Low and Moderate Income Units Required for New Nonresidential Development

Development Type	Number of New Very Low-, Low- and Moderate-Income Units (per 1,000 square feet of gross floor area ¹)
Office ² or Research and Development uses	0.03
Retail, Restaurant or Personal Service uses	0.0225
Manufacturing or Light Industrial uses	0.01625
Warehouse uses	0.00875
Hotel or motel uses ³	0.0075

;note; 1 ;hg;Floor area excludes all areas permanently used for vehicle parking.

;note;2 Includes professional, business and medical offices.

;note;3 Accessory uses to a hotel or motel, such as restaurant, retail and meeting facilities shall be subject to requirements for a retail use.

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3. Provision of Units or In-lieu Fee. Required affordable housing units shall be provided on the same site as the proposed nonresidential development, at an off-site location within the city, through dedication of suitable real property for the required housing to the city, or through payment of an in-lieu fee, at the discretion of the planning commission or the city council. The planning commission or city council may accept off-site units or an in-lieu fee if it is determined that inclusion of the required housing units within the proposed nonresidential development is not reasonable or appropriate, taking into consideration factors including, but not limited to, overall project character, density, location, size, accessibility to public transportation, and proximity to retail and service establishments; or where the nature of the surrounding land uses is incompatible with residential uses in terms of noise or other nuisances, health or safety hazards or concerns. Where the application of the affordable housing requirement in Section 14.16.030.B results in less than one (1) unit or one (1) or more affordable housing unit and a fractional unit, the applicant may choose to pay an in-lieu fee for the fractional unit without the required findings noted above. Affordable housing units provided as part of the proposed nonresidential development or at an off-site location shall meet the requirements of Section 14.16.030.B and I and shall be completed prior to or concurrent with the completion of construction of the proposed nonresidential development, as the conditions of project approval shall specify.
 4. Calculation and Payment of In-lieu Fee. The amounts and calculation of the housing in-lieu fee shall be based on the following:

In-lieu fees shall be calculated as a percentage of the projected construction costs of the units. Construction costs of the units shall mean the estimated cost per square foot of construction, site development and land costs and permits and fees, as established by standard construction cost indices and/or surveys of local development projects such fees shall be established by resolution of the city council, as amended from time to time. Unless otherwise preempted by law, or otherwise approved by the planning commission or city council, the in-lieu fee shall be paid prior to the issuance of a building permit for the proposed project.
- E. Housing In-Lieu Fee Fund. The housing in-lieu fees shall be placed in a segregated citywide housing in-lieu fee account. The funds in the housing in-lieu fee account, along with any interest earnings accumulated thereon, shall be used solely to increase and expand the supply of housing affordable to very low-, low- and moderate-income households, including, but not limited to, the following:
1. Design and construction of housing affordable to households of very low, low- and moderate-income households, including costs associated with planning, administration and design;
 2. Acquisition of property and property rights, including acquisition of existing housing units and the provision of long-term affordability covenants on those units;
 3. Other actions that would increase the supply of housing affordable to very low, low- and moderate-income households;
 4. Costs of program development and ongoing administration of the housing fund program;
 5. Expenditures from the housing in-lieu fee fund shall be authorized solely by the city council and controlled and paid in accordance with general city budgetary policies.
- F. Enforcement. The city attorney is authorized to abate violations and to enforce the provisions of this section and all implementing regulatory agreements and resale controls placed on affordable housing units, by civil action, injunctive relief, and/or other proceeding or method permitted by law. The remedies provided for herein shall be cumulative and not exclusive and shall not preclude the city from other remedy or relief to which it otherwise would be entitled under law or equity.

(Ord. 1838 § 31, 2005; Ord. 1831 § 1 (part), 2004; Ord. 1749, 2000; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, §§ 41, 42, 6-21-2010; Ord. No. 1990, div. 1.3, 3-1-2021)

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(Supp. No. 36, Update 2)

14.16.040 Buildings over three stories.

Existing buildings with more than three (3) stories in height located outside the downtown mixed use (DMU) district, which were constructed or approved as of January 1, 1987 shall be considered conforming. These buildings include, but are not limited to, the following:

**Table 14.16.040
BUILDINGS OVER THREE (3) STORIES**

Address	Building
4000 Civic Center Dr.	Marin Executive Center
4040 Civic Center Dr.	Northgate East
100—500 Deer Valley	Smith Ranch Hills Retirement Home
535—565 Jacoby	Marin Resource Recovery Center
100 McInnis Parkway	Embassy Suites Hotel
99 Monticello Road	Kaiser Medical Center
899 Northgate	Quail Hill Office Building
1000 Northgate	Macy's
1010 Northgate	Four Points Sheraton Hotel
1050 Northgate	Holiday Office Building
9000 Northgate	Sears
1 Thorndale	Villa Marin Retirement Residences

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 43, 6-21-2010; Ord. No. 1996 , div. 2(Exh. A, 6.1), 8-16-2021)

14.16.045 Cannabis uses.

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

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

(Ord. No. 1955 , (Exh. A, § 9), 3-19-2018; Ord. No. 1964 , § 2(Exh. B) § 12, 11-19-2018)

14.16.050 Conservation areas—Development potential.

Open space/conservation areas identified on the general plan land use plan map shall be preserved through the development review process and have no development potential. Mapped boundaries of conservation areas are schematic and may be adjusted to a limited extent during development review.

(Ord. 1625 § 1 (part), 1992).

14.16.060 Conservation of dwelling units.

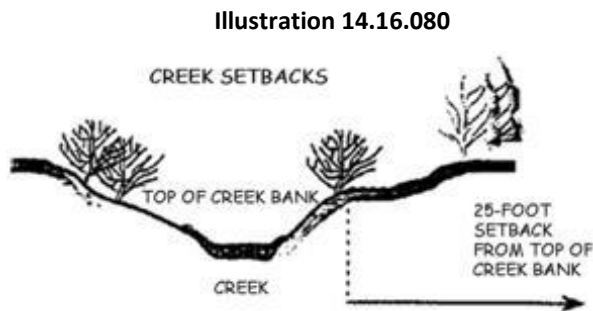
- A. Legal dwelling units, existing or approved as of January 1, 1991, shall be considered conforming uses, except for such units in the marine, marine commercial, light industrial/office districts, and industrial districts, and for single-family units in downtown mixed-use districts. Notwithstanding any land use regulations or property development standards to the contrary contained in this title, such dwelling units may be replaced or rebuilt in their existing location, provided that the number of units and building size shall be no greater than that which existed on January 1, 1991, and the design is similar. An administrative design permit (Section 14.25.040(C)) is required for any design changes. Such design changes should improve the architectural design of the structure or site design of the development.
- B. Nonconforming structures are subject to Section 14.16.270(C), Regulations Pertaining to a Nonconforming Structure.
- C. As commercial space, live/work quarters are exempt from this section.

(Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1625 § 1 (part), 1992).

14.16.080 Creeks and other watercourses.

Improvements on a lot which is adjacent to, or contains, a creek, drainageway, or the San Rafael Canal shall be subject to the following provisions:

- A. **Setback, Creek.** Creek setbacks shall be determined based on the setback criteria in subsection C below. These setbacks should include a twenty-five foot (25') or greater setback between any structure and the high top of the creek bank. On lots two (2) or more acres in size, a twenty-five foot (25') to one hundred foot (100') setback between any structure and the high top of the creek bank shall be provided.



- B. **Setback, Drainageway.** Adequate setback from a drainageway shall be determined at the time of project review based on the setback criteria in subsection C below.
- C. **Setback Criteria.** Adequate setback between creeks and/or drainageways and a structure shall be determined based on the following criteria:
 - 1. The setback provides for adequate maintenance, emergency vehicle access, adequate debris flow avalanche corridors, flood control and protection from damage due to stream bank undercutting;
 - 2. The setback adequately protects and preserves native riparian and wildlife habitat;
 - 3. The setback protects major view corridors and provides for recreation opportunities where appropriate;
 - 4. The setback permits provision of adequate and attractive natural landscaping.

- D. Setback, San Rafael Canal. No new building or substantial reconstruction of an existing building should be located within twenty-five feet (25') of the top of the bank or bulkhead along both sides of the San Rafael Canal between Highway 101 and the mouth of the canal. Upon adoption of a design plan for the San Rafael Canal, the design plan provisions shall control.
- E. Development Guidelines. Pedestrian and bicycle access is encouraged along creek and drainageway corridors where feasible. However, they should be designed and located so as not to adversely affect important habitat areas. Creeks and drainageways should also be enhanced where feasible to serve as wildlife habitat as well as drainage facilities.
- F. Fill. Any proposed fill in a creek, drainageway or in the San Rafael Canal shall be subject to the requirements of Section 14.13.040(G), Fill. A use permit for fill shall be required consistent with Sections 14.13.050 through 14.13.070.

(Ord. 1625 § 1 (part), 1992).

14.16.100 Development agreements.

Development agreements shall be governed by Resolution No. 6089, adopted April 20, 1981 by the city council, or as it may be subsequently amended, establishing procedures and requirements for the consideration of development agreements as provided for by state law.

(Ord. 1625 § 1 (part), 1992).

14.16.110 Drive-through facilities.

Drive-through facilities shall comply with the following standards:

- A. Traffic and Circulation.
 - 1. The drive-through stacking lanes shall be separated physically (i.e., by raised curb or landscape planter) from the parking lot, and shall comply with the following capacity standards:

Use	Length of Stacking Lane(s)*
Financial Institutions	3—6 cars, depending upon volume
Fast Food Restaurants	8—12 cars, depending upon volume
Kiosks	2 cars
Other	Determined on an individual basis

* Provide 20 feet per car length.

- 2. The drive-through stacking lane shall be situated so that any overflow parking from the stacking lane shall not spill out onto public streets or major circulation aisles of any parking lot. If the overflow is directed to the street, additional overflow capacity shall be eighty percent (80%) of required stacking.
- 3. Pedestrian crossings of the drive-through lane are discouraged.
- 4. Entrances and exits to drive-through facilities near high volume intersections shall be located so as to maximize the distances to the intersection.
- 5. Confusing on-site circulation shall be avoided. Entrances to and exits from drive-through facilities should be at least twenty feet (20') from the property line.

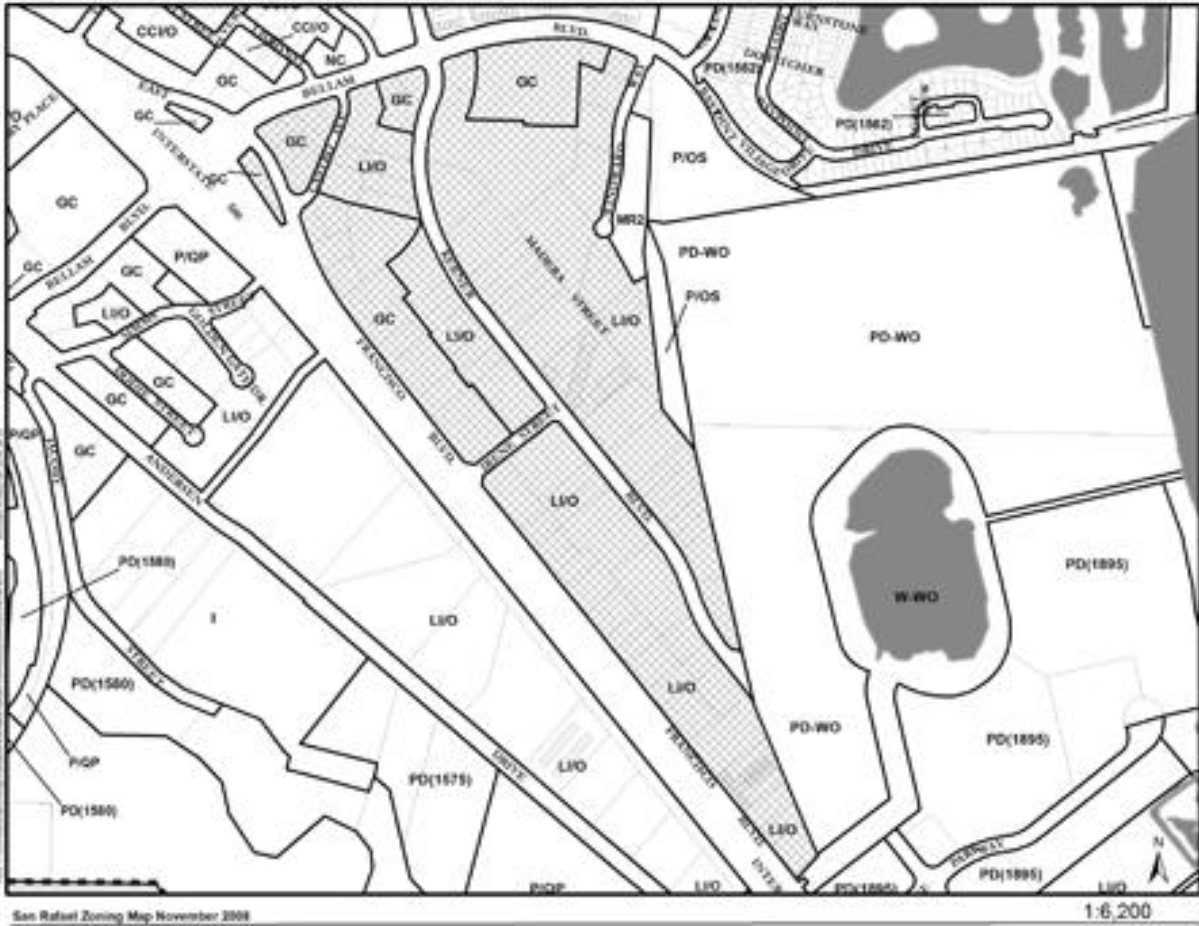
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6. Parking spaces for drive-through special orders may be required.
- B. Noise. Speakers at drive-through facilities shall not be audible from adjacent residential uses or disturbing to adjacent nonresidential uses. Sound attenuation walls or other mitigation measures shall be required as necessary.
 - C. Hours of Operation. Limited hours of operation shall be required where a drive-through facility could affect nearby residential uses.
 - D. Emission Control. Drive-through stacking lanes shall not be located adjacent to patios and other pedestrian use areas, other than walkways, and should be discouraged where adjacent nonresidential buildings are within thirty feet (30') of the proposed lane. Drive-through stacking lanes shall not be located within fifty feet (50') of any residential uses.
 - E. Design Review. All drive-through facilities are a minor physical improvement subject to the provisions of Chapter 14.25, Environmental and Design Review Permits. Generally, the drive-through facility shall be architecturally compatible with nearby structures, provide landscaping to buffer adjacent uses and provide adequate lighting which is shielded from adjacent properties. Trash receptacles adequate to control litter will also be required.

(Ord. 1625 § 1 (part), 1992).

14.16.115 Emergency shelters—Permanent.

- A. Purpose. This section establishes standards for location and operation of a permanent emergency shelter for homeless populations in compliance with California Government Code Section 65583, including allowing shelters as a permitted use in some commercial and industrial district locations. This section is not applicable to temporary emergency shelters established by the city in response to an emergency event.
- B. Applicability. Emergency shelters to provide temporary housing and assistance for families and individuals who are homeless shall be permitted as of right in the GC and LI/O districts generally bounded by Bellam Boulevard and I-580, consisting of those shaded parcels within this area, as shown on Map 14.16.115, and at other locations where conditionally permitted by the land use tables of this title. However, the total number of beds provided within the area shown on Map 14.16.115 shall only be permitted by right as necessary to meet the local housing need established by the General Plan 2020 Housing Element (reflecting regional housing needs assessment (RHNA) projections prepared by the Association of Bay Area Governments and based on the state housing and community development department needs assessment at the time of adoption of the most current housing element). A conditional use permit shall be required to provide additional facilities within this area in excess of the RHNA needs assessment identified in the General Plan 2020 Housing Element. All facilities shall be operated in compliance with the provisions herein.

Map 14.16.115



- C. Findings Required. Where a conditional use permit must be obtained to establish an emergency shelter pursuant to the land use tables of this title, findings shall be made with regard to the performance standards required herein in addition to the use permit findings required pursuant to Chapter 14.22.
- D. Performance Standards. An emergency shelter shall meet the following development and performance standards:
1. On-site management and on-site security shall be provided during hours when the emergency shelter is in operation.
 2. Adequate external lighting shall be provided for security purposes (i.e., one (1) foot-candle at all doors and entryways and one-half (½) foot-candle at walkways and parking lots). The lighting shall be stationary, directed away from adjacent properties and public right-of-ways, and of intensity compatible with the surrounding area.
 3. The development may provide one (1) or more of the following specific common facilities for the exclusive use of the residents and staff:
 - a. Central cooking and dining room(s).
 - b. Recreation room.
 - c. Counseling center.

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- d. Child care facilities.
 - e. Other support services.
 4. Parking and outdoor facilities shall be designed to provide security for residents, visitors, employees and the surrounding area, and consistent with the requirements of Section 14.18.040 (Parking Requirements).
 5. A refuse storage area shall be provided that is completely enclosed with masonry walls not less than five feet (5') high with a solid-gated opening and that is large enough to accommodate a standard-sized trash bin adequate for use on the parcel, or other enclosures as approved by the review authority. The refuse enclosure shall be accessible to refuse collection vehicles.
 6. The agency or organization operating the shelter shall comply with the following requirements:
 - a. Shelter shall be available to residents for no more than six (6) months. No individual or household may be denied emergency shelter because of an inability to pay.
 - b. Staff and services shall be provided to assist residents to obtain permanent shelter and income.
 - c. The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to ensure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.
 7. No emergency shelter shall be located within three hundred feet (300') of another emergency homeless shelter site; unless permitted through review and approval of a conditional use permit where it is determined the additional shelter location is appropriate and necessary to serve the intended population and would not result in an over-concentration in the community.
 8. The facility shall be in, and shall maintain at all times, good standing with city and/or state licenses, if required by these agencies for the owner(s), operator(s), and/or staff on the proposed facility.
 9. The maximum number of beds or clients permitted to be served (eating, showering and/or spending the night) nightly shall comply with the occupancy limit established by the building code. Additionally, the number of beds or clients permitted to be served may be further limited as required by conditional use permit.

(Ord. No. 1923, § 2(Exh. A), 6-16-2014)

14.16.120 Exclusions to the maximum height requirement.

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

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 44, 6-21-2010; Ord. No. 1964, § 2(Exh. B) § 13, 11-19-2018)

14.16.130 Exclusions to the required minimum yards.

- A. Architectural features projecting from a structure such as fireplaces, cornices, eaves and canopies may extend no more than two feet (2') into any required yard. Open and uncovered decks, landings and/or stairways may project up to three feet (3') into any required side or rear yard and up to six feet (6') into any required front yard.
- B. These exclusions to required minimum yards may be combined with a setback exception granted pursuant to Section 14.24.020.B, provided that a minimum yard area is maintained in keeping with the character of the residential neighborhood.
- C. Retaining walls four feet (4') or less in height measured from the top of the footing to the top of the wall and subterranean structures which are located entirely below both existing and finished grade are allowed anywhere within the required yards; except as otherwise regulated under Section 14.16.020 (Accessory Structures).
- D. Elevated parking decks that are proposed to provide necessary driveway access, required guest parking, and/or access to necessary walkways serving a single-family residence on a steeply downsloping hillside lot (i.e., twenty-five percent (25%) or greater downslope from the street) may be permitted within the required front yard setback. See 14.25 for design review requirements.

(Ord. 1838 § 34, 2005; Ord. 1663 § 1 (part), 1994; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 45, 6-21-2010; Ord. No. 1923, § 2(Exh. A), 6-16-2014)

14.16.132 Exclusions to maximum lot coverage.

The following improvements are not counted as part of lot coverage: ground level landscaped areas, at grade walkways, at grade including steps, and paved areas, uncovered patios and decks thirty inches (30") or less in height, uncovered recreational and uncovered parking and driveway areas, paved parking areas covered by solar panel installations pursuant to Section 14.16.307, play and storage structures not requiring a building permit that are one hundred twenty (120) square feet or less in size and eight feet (8') or less in height, and structures that are located entirely below both existing and finished grade.

(Ord. No. 1882, Exh. A, § 46, 6-21-2010; Ord. No. 1923, § 2(Exh. A), 6-16-2014)

14.16.140 Fences and walls.

This section establishes regulations for the height, location and materials of fences, retaining walls and privacy walls. The regulations are intended to prevent fences or walls which are a detriment to the appearance and character of the community and to protect the public health, safety and welfare by assuring adequate sight distance is provided and maintained at street intersections and driveways. The provisions of this section do not apply to properties within the downtown mixed use district. For fence and wall regulations within the downtown mixed use district, refer to the Downtown San Rafael Precise Plan Form-Based Code, which is adopted by separate ordinance and incorporated herein by reference.

- A. Residential Districts. The following height limitations shall apply to the height of fences and walls in residential districts:
 - 1. Permitted.
 - a. Front and Street Side Yard Areas. The following may be located within the required front and street side yard:

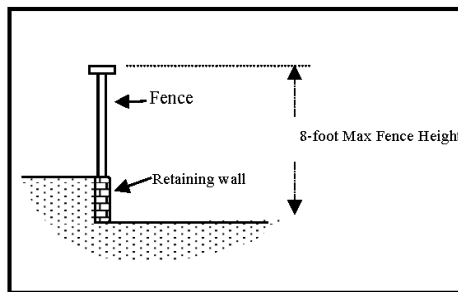
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- i. Fences and retaining walls not exceeding four feet (4') in height, may be located within the front or street side yard setback, provided that the fence or wall shall not conflict with the sight distance requirements of Section 14.16.295;
 - ii. Minor decorative entryway treatments no taller than eight and one-half feet (8.5') in height, such as a trellis arch or a lattice arch, are permitted within the front or street side yard, provided that there is no vehicular view obstruction (i.e., adequate sight distance shall be provided and maintained, pursuant to the provisions of Section 14.16.295).
 - b. Rear Yard and Interior Side Yard. The following may be located within the required rear yard and interior side yard:
 - i. Fences not exceeding seven feet (7') in height may be located within the required rear yard or interior side yard;
 - ii. Retaining walls not exceeding a height of four feet (4') in height may be located within the required rear yard and interior side yard.
 2. With Required Planning Permits. The following may be permitted in residential districts with prior approval of design review (pursuant to Section 14.25.040.C.) and/or exception (pursuant to Chapter 14.24) as noted:
 - a. Retaining walls over four feet (4') in height on hillside parcels (i.e., property that contains a slope of twenty-five percent (25%) or greater or designated -H Overlay) may be permitted with environmental and design review **subject to design review board recommendation**, if the community development director finds it necessary to minimize grading and/or tree removal impacts. Retaining walls located outside of required setbacks shall otherwise be reviewed subject to the regulations that apply to an accessory structure, in Section 14.16.020.
 - b. Fences exceeding seven feet (7') in height up to nine feet (9') in height may be located in the required interior side or rear yard where topography or difference in grade between adjoining sites warrants such increase, subject to administrative design review and exception.
 - c. Fences in the front yard or street side yard may be increased by a maximum of two feet (2') to prevent access to natural or physical hazardous conditions either on the lot or on an adjacent lot, subject to administrative design review and exception.
 - d. Exception. An exception to the residential fence and walls height standards may be allowed as noted above, subject to the provisions of Chapter 14.24, Exceptions; Exceptions for height should include a landscape setback buffer between the fence or wall and the public right of way, in order to mitigate the impact of a taller fence or wall along the streetscape. A minimum setback buffer of six inches (6") should be provided for each one-foot (1') of increased height.
 - e. Note: A building permit may be required for fences over seven feet (7') in height and retaining walls over four feet (4') or walls that support the adjacent hillside or property improvements, as determined by the building code.
 - B. Non-Residential Districts. An administrative environmental and design review permit shall be required for all non-residential fences over seven feet (7') in height to ensure the fence conforms to the design and development standards of the underlying district, and is compatible with the immediate surrounding properties in the neighborhood. Where a property is located in a non-residential zoning district and is developed with, abutting, or surrounded by, a residential use, fence heights shall be the

same as required for residential districts unless an alternate fence height can be justified through the administrative design review process.

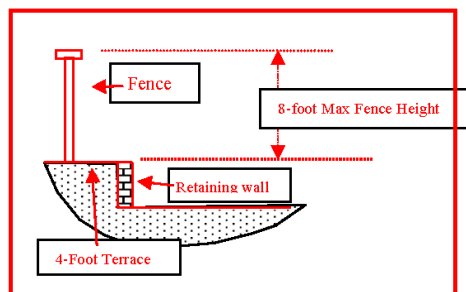
C. All Districts. The following standards shall apply to all districts:

1. Measurement of Height. The height of a fence and/or retaining wall and associated structural and/or decorative elements shall be the combined height measured vertically from finished ground level, as determined by the building or planning official, to the top of the structure at any given point (see illustration "Maximum Allowed Fence Height Measurement"). Except as follows:
 - a. Minor decorative entryway treatments are permitted in the setback as noted above (Section 14.16.140 A.1.ii).
 - b. Terraced fences and/or retaining walls that provide a landscaped horizontal separation of at least four feet (4') may be measured separately at the base of each terrace.

Maximum Allowed Fence Height Measurement



Non-Terraced



Terraced

2. Recreation Fences.
 - a. Fences for swimming pools are subject to the requirements of the building code.
 - b. Fences for tennis courts shall not exceed maximum height limits established for accessory structures and shall in no case exceed a height of twelve feet (12').
 3. Sight Distance. Fencing, vegetation and retaining walls located near a driveway or street intersection shall not conflict with the vision triangle requirements established to assure adequate sight distance is maintained for vehicles and pedestrians, pursuant to the provisions of Section 14.16.295.
 4. Prohibited Materials. In all districts, concertina wire, razor wire, broken glass on top of a fence, and electrified fences are prohibited. Barbed wire shall not be permitted where abutting residential uses. In residential districts, wire mesh, chain link and similar fences are prohibited within any yard which fronts a public street, right-of-way or waterway, except as may be required as an environmental mitigation measure.
 5. Temporary Fences. Temporary security fences may be erected around construction sites during the time a valid building permit is in effect for construction on the premises. Temporary security fences need not comply with the above regulations and must be immediately removed upon completion of the construction authorized by the building permit.
- D. Replacement of Fences and Walls. An existing, nonconforming fence or wall in any district is subject to the following regulations:

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1. Ordinary maintenance and repairs may be made to a nonconforming fence as required to keep the fence or wall in sound condition.
 2. Alterations and additions may be made to a nonconforming fence or wall, provided that such addition or alteration is consistent with these fence and wall provisions.
 3. No nonconforming fence or landscape retaining wall shall be moved or replaced unless it conforms to these fence and wall provisions, except for certain residential fences as provided below.
 4. An existing nonconforming residential fence or wall that is located in a front yard or street side yard may be replaced in the same location provided that:
 - a. The fence was previously permitted or authorized by the city, or existed on or before January 1, 1992. The property owner shall provide sufficient documentation including photographs, written testimony, etc. to verify the pre-existing condition.
 - b. The replacement fence or wall may be rebuilt to its previously existing and documented height, subject to request and issuance of a zoning verification review letter by the planning division. However, in no case shall any replacement fence exceed a height of six feet (6') within the required front or street side yard setback and shall be no taller than three feet (3') within a required vision triangle (Section 14.16.140.B);
 - c. The replacement fence or wall is consistent with the prevailing character of both sides of the street for the length of the block; and
 - d. All necessary permits shall be secured from the city (e.g., approval of a license agreement or encroachment permit if fence is located within the public right-of-way).

(Ord. 1838 § 35, 2005; Ord. 1663 § 1 (part), 1994; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1923, § 2(Exh. A), 6-16-2014; Ord. No. 1964, § 2(Exh. B) § 14, 11-19-2018; Ord. No. 1996, div. 2(Exh. A, 6.2), 8-16-2021))

14.16.150 Floor area ratios and densities applicable to nonresidential and mixed-use development.

- A. 1. The intensity and density of development in nonresidential and mixed-use districts is identified by floor area ratio (FAR) and by the number of units allowed per one thousand (1,000) square feet of lot area for the location and zoning district in which a site is located. The FAR is the total building square footage (gross floor area) divided by the lot area excluding public streets. Total building square footage excludes parking areas or garages (covered and uncovered), residential components of a mixed use project, hotels, and non-leasable covered atriums. Floor area for permanent child care facilities in nonresidential structures may be excluded in the FAR, subject to the provisions of Chapter 14.22, Use Permits.
 2. FAR limits in non-residential zoning districts are provided in the general plan land use element, except that for the downtown mixed use (DMU) district, intensity and development limitations are governed by the Downtown San Rafael Precise Plan Form-Based Code, which is adopted by separate ordinance and incorporated herein by reference. The maximum allowable FAR is not guaranteed and shall be determined by the following factors: site constraints, infrastructure capacity, hazardous conditions and design policies.
- B. Mixed-Use Development.

1. Commercial or Office with Residential. FAR limits apply only to the non-residential component of a development. The number of residential units allowed on a lot is based on the minimum lot area required per dwelling unit standard for the zoning district. For example, a ten thousand (10,000) square foot lot in the ⅔ MUW District (Max. FAR is 0.7 and density is one thousand (1,000) square feet of lot area per dwelling unit) could develop with up to the following mixed-use amount, subject to meeting other zoning standards related to height, parking and design:

Size of Lot	FAR/ Density	Development Potential
10,000 sq. ft.	FAR 0.7	7,000 sq. ft. commercial (10,000 sq. ft. of lot area × 0.7 FAR = 7,000 sq. ft.) and
	Lot area/dwelling unit: 1,000 sq. ft.	10 units (10,000 sq. ft. of lot area/1,000 sq. ft. = 10 units)

2. Industrial/Office. In East San Rafael and Francisco Blvd. West, to equalize traffic generation, a sliding scale of 0.26—0.38 FAR is applied to construction of new industrial/office structures. For example, the industrial 0.38 FAR allows up to twenty-five percent (25%) office use; a higher percentage of office use requires a lower FAR, (see FAR maps below for more information).
- C. Public and Quasi-Public Use FAR. Public and quasi-public structures have a 1.0 FAR. Except for public and quasi-public structures in residential districts where the 1.0 FAR may not be exceeded, public and quasi-public structures intended for a specific purpose which requires a FAR greater than 1.0 may be built to a higher FAR if the higher FAR is necessary for health or safety purposes, subject to the provisions of Chapter 14.22, Use Permits.
- D. Transportation Use FAR. Transportation structures as part of a public or quasi-public use have a FAR of 1.0. Transportation structures as part of a commercial use have a FAR of 0.32.
- E. Water District. The FAR for the water district, consistent with the parks/open space zoning district, is 0.1. Docks, piers and launching ramps are not included in FAR in the water district.
- F. Commercial and Industrial Redevelopment. Any commercial or industrial building larger than the FAR limit may be redeveloped consistent with Section 14.16.270(C)(6), Regulations pertaining to a nonconforming structure.
- G. Floor Area Ratio Limit Standards.
1. For properties within the Downtown Mixed Use (DMU) district, refer to the Downtown San Rafael Precise Plan Form-Based Code, which is adopted by separate ordinance and incorporated herein by reference.
 - a. FARs may be transferred from one portion to another of a parcel split by FAR designations if the transfer results in a scale compatible with surrounding development, as permitted in Section 14.16.340, Transfer of density on-site.
 - b. A one-time increase in FAR up to ten percent (10%) of the building or seven hundred fifty (750) square feet, whichever is larger, shall be allowed for expansion of commercial and office structures if consistent with the provisions of this title, consistent with the provisions of Chapter 14.22, Use Permits. A traffic study may be required for a FAR increase for buildings on Fifth or Mission Avenues.
 2. A higher FAR may be permitted at the intersection of Andersen Drive, Highway 101 and Francisco Blvd. West, if the proposed development would substantially upgrade the area and include bulk and region-serving specialty retail and/or hotel uses, subject to a use permit (Chapter 14.22).
 3. Mini-storage projects may be permitted up to 1.0 FAR by use permit if the planning commission finds:

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- a. The facility is needed in the community;
 - b. The design of the project is compatible with surrounding uses;
 - c. The project is designed so that it cannot be converted to other, more intensive uses; and
 - d. The location is appropriate for this type of use.

(Ord. 1831 § 1 (part), 2004; Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, §§ 47, 48, 6-21-2010; Ord. No. 1996, div. 2(Exh. A, 6.3, 6.4), 8-16-2021)

14.16.160 Fuel and service stations.

The regulations are intended to assure the compatibility of such uses with existing and planned uses in the surrounding area and to protect the public health, safety and welfare by assuring adequate numbers of fuel and service stations which afford equal access to the public, including the elderly, the handicapped and visitors in need of minor automobile repair through the provision of attended fuel pumps and mechanic's bays.

- A. A use permit shall be required for any fuel service station permitted under the regulations of the zoning district in which it is located, including those which are to be:
 1. Newly constructed;
 2. Reopened after operations, including any required cleanup operations, have ceased for a period greater than nine (9) months;
 3. Remodeled to include any of the following: nonautomotive retail sales other than those of an incidental nature not occupying an area open to the public greater than one hundred (100) square feet; a car wash; or, additional service islands or mechanic's bays; or
 4. Converted from one (1) type of station to another so as to delete either or both of the following: pump(s) labeled "full-service," "mini-service" or otherwise marked so as to indicate the availability of attendant assistance in pumping fuel; or mechanic's bay(s) in which emergency repairs by a mechanic are available.
- B. Conditions of Approval. In approving a use permit for a fuel service station, the planning commission may impose reasonable conditions. Such conditions may include the required posting of signs informing motorists of the location of the nearest facility offering the services listed.
- C. Findings. The planning commission may issue a use permit for a fuel service station if the following finding can be made: that the proposed fuel service station will not significantly adversely affect the public health, safety or welfare in terms of discrimination against individuals needing refueling assistance and the availability of minor emergency automobile repair services and public restrooms.

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 49, 6-21-2010)

14.16.170 Geotechnical review.

Development applications require geotechnical reports consistent with the geotechnical matrix in the general plan appendices to assess such hazards as potential seismic hazards, liquefaction, landsliding, mudsliding, erosion, sedimentation and settlement and hazardous soils conditions to determine the optimum location for structures, to advise of special structural requirements and to evaluate the feasibility and desirability of a proposed facility in a specific location.

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(Supp. No. 36, Update 2)

(Ord. 1625 § 1 (part), 1992).

14.16.180 Hazardous soils conditions.

New development on lots filled prior to 1974 or on lots which were used for auto service uses, industrial uses or other land uses which may have involved hazardous materials shall be evaluated for the presence of toxic or hazardous materials prior to development approvals. The requirements for review are set forth in the geotechnical review matrix in the general plan.

(Ord. 1625 § 1 (part), 1992).

14.16.190 Height bonus.

- A. Downtown Mixed Use District Height Bonuses. In the downtown mixed use district an applicant may request a height bonus as set forth below, instead of a request for a density bonus allowed by Section 14.16.030 and by city council resolution establishing density bonus regulations (resolution 14891). A height bonus requested under this section shall be granted by the planning commission through an environmental and design review in the following downtown zoning districts. No more than one height bonus may be granted for a project and these height bonuses shall not be in addition to waivers/concessions allowed by the city's density bonus regulations and policies. A height bonus specified by the Downtown San Rafael Precise Plan Form-Based Code shall be allowed for any of the following:
1. Affordable housing projects where all units are located on-site. The allowable height bonus shall be as follows:
 - a. Housing projects that restrict ten (10) percent of units to low income households are allowed a 10-foot height bonus for all areas in the downtown precise plan;
 - b. Housing projects that restrict more than ten (10) percent of units to low income households are allowed a 20-foot height bonus in those areas identified as "Tier 2" areas in Figure 4.8 of the downtown precise plan.
 2. Public courtyards, plazas and/or passageways that exceed the minimum requirements in the downtown form-based code ~~that, with the recommendation of the design review board that the public improvements~~ are consistent with Downtown San Rafael Precise Plan Form-Based Code
 3. Public parking, providing it is not facing Fourth Street and it is consistent with the Downtown San Rafael Precise Plan Form-Based Code.
 4. Mid-block passageways between Fourth Street and parking lots on Third Street ~~that are, with the recommendation of the design review board that the design is~~ attractive and safe.
 5. Public passageways in the West End area, ~~with the recommendation of the design review board that the public passageway that~~ serves an important public purpose and is attractive and safe
- B. Lincoln Avenue Height Bonus. A twelve-foot (12') height bonus may be granted for affordable housing on Lincoln Avenue outside of the Downtown Mixed Use zoning district, between Mission Avenue and Hammondale Ct., on lots greater than one hundred fifty (150') in width and twenty thousand (20,000) square feet in size, consistent with Section 14.16.030 (Affordable housing).
- C. Marin Square Height Bonus. A twenty-four-foot (24') height bonus may be granted for affordable housing at the Marin Square and Gary Place properties, consistent with Section 14.16.030 (Affordable housing).

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- D. North San Rafael Town Center Height Bonus. A twenty-four-foot (24') height bonus may be granted for affordable housing in the North San Rafael Town Center, consistent with Section 14.16.030 (Affordable housing).
 - E. Hotel Height Bonus. A height bonus of twelve feet (12') may be granted for a hotel provided the planning commission finds that the hotel will be a significant community benefit and the design is consistent with design review board recommendations.
 - F. Residential Development Height Bonus. A residential development project with one hundred (100) percent of the total units available to lower income households, and located within one-half (½) mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, shall be eligible for a height increase of up to thirty-three (33) feet. This bonus shall not be combined with any other height bonus listed above.

(Ord. 1831 § 1 (part), 2004; Ord. 1780 Exh. A, 2002; Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1980 , § 2(Exh. A), 4-6-2020; Ord. No. 1990 , div. 4, 3-1-2021 Ord. No. 1996 , div. 2(Exh. A, 6.5), 8-16-2021)

14.16.200 Hillside residential development standards.

On new residential structures, accessory structures, additions over five hundred (500) square feet in size and any modification that increases the height of the roofline on such structures which are located on lots with an average slope greater than twenty-five percent (25%) or which are in the hillside resource residential or hillside residential general plan land use districts, the standards of Chapter 14.12, Hillside Development Overlay District, apply.

(Ord. 1625 § 1 (part), 1992).

14.16.210 Historic preservation.

Alteration of a structure on a landmark site or in a historic district may be subject to a certificate of appropriateness and review by the planning commission, consistent with the requirements of Chapter 2.18, Historic Preservation, of the municipal code.

(Ord. 1838 § 36, 2005; Ord. 1625 § 1 (part), 1992).

14.16.220 Home occupations.

- A. Purpose. This section establishes standards for home occupation businesses. In general, a home occupation is an accessory business use in a residence, so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence other than for a nameplate as permitted elsewhere in this section. The standards for home occupations in this section are intended to ensure compatibility with the residential character of the neighborhood, plus assure that home occupations are clearly secondary or incidental in relation to the primary residential use.
- B. Definition. A home occupation is defined as follows: A home occupation is an accessory use of a dwelling unit, conducted entirely within the dwelling unit, carried on by one (1) or more persons, all of whom reside within the dwelling unit. The use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof or adversely affect the neighboring residences. When a use is a home occupation, it means the owner, lessee or other persons who have a legal right to the use of

the dwelling unit also have the vested right to conduct the home occupation without securing special permission to do so.

- C. Standards. Home occupations are permitted residential accessory uses in any zoning district which allows single-family, duplex or multiple-family residential uses provided that all of the following standards are met:
1. Such occupation(s) shall be conducted solely by resident occupants in their residence, except that a cottage food operation (as defined in the State of California, Health and Safety Code (HSC) 113758) shall be permitted to have no more than one (1) full-time equivalent employee, not including members of the household.
 2. No more than twenty-five percent (25%) of the gross area of said residence shall be used for such purpose. An accessory structure shall not be used for home occupation purposes. Use of a recreational vehicle or garage for a home occupation is prohibited.
 3. No use shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure or the fire district in which the structure is located.
 4. There shall be no outside storage of any kind related to the home occupation(s).
 5. The home occupation(s) shall be operated to allow no more than one (1) client at a time on-site. Appointments shall be scheduled at reasonable intervals to maintain a low-intensity use and avoid client waits. The home occupation(s) may increase vehicular traffic flow and parking by no more than one (1) additional vehicle at a time. One (1) vehicle, associated with the home occupation(s), may be kept on-site, within a designated parking area, and shall not exceed two and one-half (2½) gross tons in unladen vehicle weight provided that the business vehicle license number shall be indicated on the certificate of use and occupancy permit—home occupation or similar.
 6. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.
 7. All home occupations shall be subject to all conditions which are applied in this Title 14 generally, such as off-street parking; and to all other permits required under the city code, such as building permits and business licenses.
- D. Nameplate Allowed. Up to one (1) nameplate shall be allowed. It may display the name of the occupant and/or the name of the home occupation (e.g., John Jones—Realtor). It shall not exceed one (1) square foot in area, shall be nonilluminated, and attached flat to the main structure or visible through a window. The limitation to one (1) nameplate applies to all lots, including corner lots.
- E. Examples of Uses that Frequently Qualify as Home Occupations. The following are typical examples of uses which often can be conducted within the limits of the restrictions established in this chapter and thereby qualify as home occupations. Uses which qualify as "home occupations" are not limited to those named in this paragraph (nor does the listing of a use in this paragraph automatically qualify it as a home occupation): accountant, architect, artist, attorney-at-law, author, beautician/barber, computer repair, consultant, individual musical instrument instruction, individual swim lessons (no groups), tutoring, insurance, radio repair, realtor, seamstress/tailor, small appliance repair, television repair, and a cottage food operation, as defined in Section 113758 of the State of California Health and Safety Code, (e.g., producing non-potentially hazardous foods in the kitchen of the residence for retail sale at or below sales limits established by the State of California, in compliance with all required environmental health permits and clearances, and with no more than one (1) full-time equivalent employee not including members of the household.).

F. Uses that are Prohibited. The following uses by the nature of the business or operation have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations or cannot operate in compliance with applicable licensing requirements or the home occupation performance standards and thereby substantially impair the use and value of a residential area for residence purposes (e.g., the use would generate impacts on the surrounding neighborhood that are more frequent than that usually experienced in an average residential occupancy in the district under normal circumstances wherein no home occupation exists. This may include but not be limited to a home occupation that would generate traffic associated with the business outside of normal daytime business hours or on Sundays, or other impacts not typically associated with a home occupation use such as excess vehicle parking or storage of materials or equipment). Therefore the uses specified below, and any use determined by the community development director to be similar in its operations or potential impacts, shall not be permitted as home occupations:

- a. Animal keeping for commercial purposes (such as commercial pet sitting, boarding or animal training);
- b. Auto repair, minor or major;
- c. Auto sales;
- d. Carpentry;
- e. Dance instruction;
- f. Dental or medical offices;
- g. Painting of vehicles, trailers or boats;
- h. Photo-developing or photo studios;
- i. Private schools with organized classes;
- j. Upholstering;
- k. Fortunetelling.
 - l. Any cannabis related business (personal use and cultivation are permitted subject to limitations of state law);
- m. Firearms dealer;
- n. Taxi service, dispatch, or vehicle tow service.

(Ord. 1748 § 2, 2000; Ord. 1713 § 3, 1997; Ord. 1663 § 1 (part), 1994; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 50, 6-21-2010; Ord. No. 1923, § 2(Exh. A), 6-16-2014; Ord. No. 1955, (Exh. A, § 10), 3-19-2018)

14.16.225 Kiosks—Temporary or permanent.

- A. Applicability. Operation and establishment of a commercial kiosk at a fixed location on private property shall require submittal of an administrative use permit application, where such use may be conditionally permitted under the land use tables of this title. These provisions do not apply to a commercial peddler, vendor or itinerant merchant activity that is not proposing to operate from a fixed location on a commercial site; which are not permitted to operate on private property. See Chapter 10.48 for the regulations applying to a commercial peddler, vendor and itinerant merchant.
- B. Standards.

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1. A permanent retail kiosk structure shall be subject to compliance with all site and use, parking and design review requirements of this title.
 2. Food and beverage kiosks shall include a Marin County Health Department letter of approval.
 3. A movable food and beverage small trailer or cart may be permitted to operate on a commercially developed site, where a kiosk use may be conditionally permitted by the land use tables of the underlying district, subject to the recommendation of the department of public works and a determination that the activity would comply with the following standards:
 - a. The use would primarily serve existing customers, employees and commuters already traveling to or in the area (e.g., pass-by and shared vehicular trips).
 - b. The use shall not obstruct required walkways, driveways or create traffic congestion in the area.
 - c. Adequate parking shall be available for the primary uses on the property with the addition of the proposed kiosk use (temporary and permanent). The use shall not impact parking demand for the primary use(s) of the site or obstruct access to required parking spaces, or have a negative impact on site circulation.
 - d. A maximum of two (2) employees including the owner shall be permitted to operate the facility; except that an additional employee may be allowed, as needed, to provide traffic control.
 - e. The food and beverage equipment shall be approved by the Marin County Health Department.
 - f. The trailer or cart associated with the use shall be moved and stored in a permitted screened location on-site or at an approved off-site commissary location when the business is not in operation.
 - g. The use may be permitted to operate between the hours of 6 a.m. to 9 p.m. weekdays and 7 a.m. to 9 p.m. weekends, and subject to further restrictions on the hours of operation as deemed necessary to mitigate potential traffic or circulation impacts in the area.

(Ord. No. 1923, § 2(Exh. A), 6-16-2014)

14.16.227 Light and glare.

Colors, materials and lighting shall be designed to avoid creating undue off-site light and glare impacts. New or amended building or site colors, materials and lighting shall comply with the following standards, subject to review and recommendation by the police department, public works department, and community development department:

- A. Glossy finishes and reflective glass such as glazed or mirrored surfaces are discouraged, and prohibited where it would create an adverse impact on

pedestrian or automotive traffic or on adjacent structures; particularly within the downtown environs and in commercial, industrial and hillside areas.

- B. Lighting fixtures shall be appropriately designed and/or shielded to conceal light sources from view off-site and avoid spillover onto adjacent properties.
- C. The foot-candle intensity of lighting should be the minimum amount necessary to provide a sense of security at building entryways, walkways and parking lots. In general terms, acceptable lighting levels would provide one (1) foot-candle ground level overlap at doorways, one-half (½) foot-candle overlap at walkways and parking lots, and fall below one (1) foot-candle at the property line.
- D. Lighting shall be reviewed for compatibility with on-site and off-site light sources. This shall include review of lighting intensity, overlap and type of illumination (e.g., high-pressure sodium, LED, etc.). This

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may include a review by the city to assure that lighting installed on private property would not cause conflicts with public street lighting.

- E. Installation of new lighting fixtures or changes in lighting intensity on mixed use and non-residential properties shall be subject to environmental and design review permit review as required by Chapter 14.25 (Design Review).
- F. Maximum wattage of lamps shall be specified on the plans submitted for electrical permits.
- G. All new lighting shall be subject to a 90-day post installation inspection to allow for adjustment and assure compliance with this section.

(Ord. No. 1923, § 2(Exh. A), 6-16-2014)

14.16.230 Lot consolidation when development occurs.

Where a development project is constructed on more than one adjoining lot, the owner or owners of such lots must merge such lots into a single lot when the building is proposed to cross the property line of the adjoining lots. The lots shall be merged prior to issuance of a building permit.

(Ord. 1663 § 1 (part), 1994: Ord. 1625 § 1 (part), 1992).

14.16.240 Manufactured homes.

- A. Purpose. In order to increase the supply of housing and variety of housing types available to the public, manufactured homes are permitted within all zoning districts which allow single-family dwellings, consistent with meeting certain standards.
- B. Compatibility Standards. A manufactured home may be used for residential purposes in an R district if the planning director determines, prior to issuance of any building permit that the following standards are met:
 - 1. The lot and structure meet all the property development standards and requirements of the district;
 - 2. The home is to be used as the principal or accessory dwelling unit;
 - 3. The home is attached to a permanent foundation system which conforms to state and local code requirements;
 - 4. The home meets the standards set forth in the National Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.);
 - 5. The roof and exterior siding and trim are of materials and treatment compatible with adjacent residential structures;
 - 6. The roof overhang shall not be less than twelve inches (12"). This requirement may be modified where eaves of surrounding homes are less than twelve inches (12").
- C. Other Requirements.
 - 1. A manufactured home is also subject to any design requirements which would be required of a single-family home on the same lot.
 - 2. A manufactured home in a nonresidential zoning district is subject to Section 14.17.130, Temporary uses.

(Ord. 1802 § 5, 2003: Ord. 1625 § 1 (part), 1992).

(Ord. No. 2002 , div. 10, 12-6-2021)

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14.16.243 Mechanical equipment screening.

Equipment placed on the rooftop of a building or in an exterior yard area shall be adequately screened from public view. See Chapter 14.16 for exclusions to maximum height requirements and Chapter 14.25 for design review requirements. For mechanical equipment screening requirements and standards applicable to properties within the downtown mixed use (DMU) district, refer to the Downtown San Rafael Precise Plan Form-Based Code, which is adopted by separate ordinance and incorporated herein by reference.

(Ord. No. 1923, § 2(Exh. A), 6-16-2014; Ord. No. 1996, div. 2(Exh. A, 6.6), 8-16-2021)

14.16.245 Ministerial "by-right" process for multi-family housing projects.

A residential housing development project that contains two (2) or more residential units located on one or more contiguous parcels may qualify for the state-mandated ministerial, "by-right" approval process. Pursuant to California Government Code Section 65913.4, the "by-right," ministerial process is applicable to qualifying residential development projects that are located near major transit. The availability of the "by-right" approval process is determined by the city's annual housing progress report to the state department of housing and community development. Qualifying residential projects must: a) comply with a list of objective planning standards; b) meet specific levels of affordable housing; and c) be subject to a commitment to specific hiring (skilled and trained workforce) and prevailing wage requirements. The applicability of and requirements for the "by-right" process shall be adopted by resolution of the city council.

(Ord. No. 1964, § 2(Exh. B) § 15, 11-19-2018)

14.16.250 Motor vehicle maintenance and storage in residential districts.

In any residential district, a person residing on a lot may service, repair or restore motor vehicles and store such vehicles, related equipment and parts, consistent with the following requirements:

- A. The vehicle, part or item is owned by a person who resides on the same lot.
- B. No more than two (2) vehicles may be worked on at one time.
- C. Motor vehicle work shall be permitted only between the hours of nine a.m. (9:00 a.m.) and ten p.m. (10:00 p.m.).
- D. Waste oils and other materials shall be disposed of properly and not discharged into the storm drain or sewer system.
- E. Motor vehicle work and storage of cars being worked on shall be located within a garage or other paved parking area, provided that when the vehicle is not being worked on the vehicle and all parts and equipment shall be screened from off-site view.
- F. Emergency motor vehicle work may be performed where otherwise prohibited by this section provided such activity shall not be conducted more than two (2) consecutive days.
- G. Notwithstanding anything to the contrary herein, no such work shall be permitted which creates a nuisance as defined in Section 415 of the state Penal Code.
- H. A person may store a vehicle(s) which cannot be legally, safely and mechanically operated upon a public highway provided that:
 - 1. It is located within a garage or on a paved parking area and the vehicle is screened from off-site view; and

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2. On a single-family or duplex lot, the front yard paved parking area is a one (1) to two (2) car driveway plus a paved area no greater than twelve feet (12') wide between the driveway and the nearest side property line. Paved parking areas may also be located in the rear or side yards; or
 3. On a multifamily lot, the vehicle is located on a paved designated parking space(s).

(Ord. 1663 § 1 (part), 1994; Ord. 1625 § 1 (part), 1992).

14.16.260 Noise standards.

Any new development located in a "conditionally acceptable" or "normally unacceptable" noise exposure area, based on the land use compatibility chart standards in the general plan, shall require an acoustical analysis. Noise mitigation features shall be incorporated where needed to assure consistency with general plan standards. New construction is prohibited in noise exposure areas where the land use compatibility chart indicates the noise exposure is "clearly unacceptable."

- A. Residential Development. The following standards apply to residential development:
 1. Acoustical studies shall be required for all new residential development within projected sixty (60) dBA (Ldn) noise contours so that noise mitigation measures can be incorporated into project designs.
 2. Usable outdoor area in low and medium density districts shall be sixty (60) dBA (Ldn) or less.
 3. In high density and mixed use districts, residential interior standards shall be met and common, usable outdoor areas shall be designed to minimize noise impacts. Where possible, a sixty (60) dBA (Ldn) standard shall be applied to usable outdoor areas.
 4. Interior noise standards for new single-family residential and residential health care development shall be forty (40) dBA (Ldn) for bedrooms and forty-five (45) dBA (Ldn) for other rooms. New hotels and motels shall meet a forty-five (45) dBA (Ldn) standard. For new multifamily development, hotels and motels, interior noise standards shall be described by State Administrative Code standards, Title 25, Part 2.
 5. Noise standards shall be applied to multifamily remodeling requiring major environmental design review permits.
 6. Post-construction monitoring and approval by an acoustical engineer shall be required in residential development near high noise sources to insure that city standards have been met.
- B. Development Adjacent to Residential Areas. New nonresidential construction adjacent to residential areas shall not increase noise levels in a residential area by more than three (3) dBA (Ldn), or create noise impacts which would increase noise levels to more than sixty (60) dBA (Ldn) at the boundary of a residential area, whichever is the more restrictive standard. This standard may be waived by the planning director if, as determined by a noise analysis, there are mitigating circumstances (such as higher existing noise levels), and no uses would be adversely affected.
- C. Development Adjacent to Commercial, Downtown Mixed Use, Mixed Use and Industrial Districts. New nonresidential development shall not increase noise levels in a commercial area by more than five (5) dBA (Ldn), or create noise impacts which would increase noise levels to more than sixty-five (65) dBA (Ldn) for office, retail or mixed use districts, or seventy (70) dBA (Ldn) for industrial districts, at the property line of the noise receiving use, whichever is the more restrictive standard. This standard may be waived by the planning director if, as determined by a noise analysis, there are mitigating circumstances (such as higher existing noise levels), and no uses would be adversely affected.

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- D. Traffic Noise Mitigation. A sixty-five (65) dBA (Ldn) level is considered an acceptable upper limit for existing residences constructed before July, 1988. Where exterior levels are sixty-five (65) dBA (Ldn) or greater at the face of a residential building, and traffic noise level increases of more than three (3) dBA (Ldn) affecting residential areas will be created by a program or development, reasonable noise mitigation measures shall be included in the program or development which is creating the increase.

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 51, 6-21-2010; Ord. No. 1996 , div. 2(Exh. A, 6.7), 8-16-2021)

14.16.270 Nonconforming structures and uses.

- A. Purpose. Within the districts established by this title or amendments thereto, there exist structures, uses of land, and characteristics of use which were lawful prior to the adoption of or amendment to this title, but which fail, by reason of such adoption or amendment, to conform to the present requirements of the zoning district. It is the purpose of this title to:

1. Permit nonconforming structures to remain and to allow for their regular maintenance and repair, under the regulations herein contained;
2. Limit the number and extent of nonconforming structures by prohibiting their being moved, altered or enlarged in a manner that would increase the discrepancy between existing conditions and the standards prescribed in this title, and by regulating their restoration after major damage;
3. Limit the number and extent of nonconforming uses by regulating their enlargement, their re-establishment after abandonment and their restoration after major damage of the structures they occupy.

- B. Continuation of a Nonconforming Structure or Use. The lawful use of a structure or land, in existence and lawfully operating, although such structure or use does not conform to the regulations for the district in which it is located, may be continued provided that:

1. Such structure or use was legally in existence at the time of the passage of the ordinance codified in this title; or,
2. Such structure or use was legally in existence at the time of the adoption of any amendment to this title, but by such amendment such structure or use is not otherwise permitted; or,
3. Such structure or use was legally in existence at the time of annexation to the city, and has since been in regular and continuous use.

Change of ownership, tenancy or management of a nonconforming structure use shall not affect its status as a legal, nonconforming structure or use.

- C. Regulations Pertaining to a Nonconforming Structure.

1. Ordinary maintenance and repairs may be made to a nonconforming structure as required to keep the structure in sound condition.
2. Alterations and additions may be made to a nonconforming structure provided that there shall be no increase in the discrepancy between existing conditions and the standards for the district.
3. No nonconforming structure shall be moved unless at its new location it conforms to the standards for the district.

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4. A nonconforming structure damaged or destroyed to the extent of seventy-five percent (75%) or less of the current market value may be repaired or replaced in its existing location, provided such restoration is started within a period of one (1) year and is diligently prosecuted to completion.
 5. A nonconforming single-family residential structure damaged or destroyed to the extent of more than seventy-five percent (75%) of the current market value may be repaired or replaced provided a building permit is obtained for such restoration within a period of one (1) year, the restoration is diligently prosecuted to completion and the structure is made to conform to all regulations of the district in which it is located; or, to the original condition provided that the building size is no greater than that which existed and the design is similar. An administrative design permit is required for any design changes. Such design changes should improve the architectural design of the structure or site design of the development.
 6. All other nonconforming structures damaged or destroyed to the extent of more than seventy-five percent (75%) of the current market value may be repaired or replaced provided a use permit is obtained for such restoration within a period of one (1) year, restoration is diligently prosecuted to completion and the structure is made to conform to all regulations of the district in which it is located; or, to the original condition provided that a use permit is issued by the planning commission after finding that:
 - a. The parking is consistent with Chapter 14.18, Parking Standards, and the design is compatible with the neighborhood in which it is located.
 - b. In the commercial, office, mixed-use or industrial districts, no intensification of use is proposed.

D. Regulations Pertaining to a Nonconforming Use.

1. All use permits which were valid at the time the ordinance codified in this title went into effect shall be valid and remain in force and effect for the terms and subject to the conditions contained therein.
2. A nonconforming use shall not be permitted to increase in intensity of operation. An increase in intensity shall include, but not be limited to, extended hours of operation, substantial remodeling or an increase in number of seats or service area for bars and restaurants.
3. The nonconforming use of a structure or portion of a structure shall not be expanded into any other portion of the structure. The nonconforming use of land shall not be expanded or extended in area nor changed except to a conforming use. Nonconforming uses inherently consumptive of land (e.g., quarries) may be expanded, to the extent permitted by permits and other regulations in effect at the time of use approval.
4. The nonconforming use of a structure may be changed to a use of the same or more restricted nature; provided, that a use permit shall first be obtained.
5. If the nonconforming use of a structure ceases for a continuous period of twelve (12) months, it shall be considered abandoned and shall thereafter be used only in accordance with the regulations for the district in which it is located. Abandonment or discontinuance shall include cessation of a use for any reason, regardless of intent to resume the use.
6. If any structure which is occupied by a nonconforming use is hereafter removed, the subsequent use of land on which such structure was located and the subsequent location and use of any structure thereon shall be in conformity with the regulation specified by this title for the zoning district in which such land is located.
7. No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.

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8. A structure occupied by a nonconforming use which is damaged or destroyed to the extent of less than fifty percent (50%) of the current market value may be restored and the nonconforming use may be resumed; provided, that a diligent effort to rebuild has been demonstrated within six (6) months and restoration is diligently pursued to completion.
 9. A structure occupied by a nonconforming use which is damaged or destroyed to the extent of fifty percent (50%) or more of the current market value may be restored (subject to the limitations of subsection C above) and the subsequent use of land on which the structure was located shall be in conformity with the regulations specified by this title for the zoning district in which such land is located.
 10. Legal dwelling units, existing or approved as of January 1, 1991, shall be considered conforming uses, except for such units in the marine, light industrial/office districts, and industrial districts, and for single-family units in downtown mixed-use districts. These units are subject to the provisions of Section 14.16.060.
- E. Determination of Value. Estimates for the purpose of determining the extent of damage or partial destruction shall be made by or shall be reviewed and approved by the planning director.

(Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 52, 6-21-2010)

14.16.275 Amortization of nonconforming dwelling units.

- A. With the exception of the dwelling units described in Section 14.16.060 (Conservation of dwelling units), any dwelling unit which becomes a nonconforming use on the effective date of Ordinance No. 1731, the ordinance codified in this section, shall be subject to an amortization period expiring one year from the effective date of such ordinance. At the end of such amortization period, any such dwelling unit shall become illegal, unless the owner has applied for and obtained any required land use permit in conformance with this title, or has applied for an extension of the amortization period as provided hereafter.
- B. The community development department shall publish and post a written notice at least one hundred twenty (120) days prior to the expiration of the amortization period, advising any owners of such nonconforming dwelling units shall become illegal at the end of such amortization period unless the owners have applied for and not been denied any required land use permit for such units, or applied for an extension of the amortization period as provided hereafter.
- C. The owner of any such nonconforming dwelling unit may file an application with the community development department for an extension of the amortization period. The application shall be made in writing in a form approved by the community development director, and shall be accompanied by the required processing fee. Any application shall be made prior to the expiration of the amortization period, unless the planning commission determines that good cause exists for the late filing of the application.
- D. Within forty-five (45) days following receipt of a completed application for an extension of the amortization period, the planning commission shall hold a public hearing on the application, after giving notice to all property owners within three hundred feet (300') of the property. The planning commission shall consider the evidence and testimony presented at the public hearing, and shall thereafter grant or deny an extension. In rendering its decision, the planning commission shall determine whether the nonconforming dwelling unit has been provided with a reasonable amortization period commensurate with the investment involved. If the planning commission determines that the amortization period is not reasonable, it shall prescribe an amortization period that is commensurate with the investment involved. The burden shall be on the applicant for the extension to establish that the extension should be granted.

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- E. In making its determination on the application for an extension, the planning commission shall consider the following factors:
1. The owner's investment in the dwelling unit improvements;
 2. The present actual and depreciated value of the dwelling unit improvements;
 3. The applicable Internal Revenue Service depreciation schedules;
 4. The remaining useful life of the dwelling unit improvements;
 5. Any remaining lease term for the dwelling unit;
 6. The ability of the owner to make the dwelling unit a conforming use by permit under this title;
 7. The secondary effects of the dwelling unit on the health, safety, and welfare of surrounding residential uses if the amortization period is extended;
 8. Any other competent evidence relevant to the determination of a reasonable amortization period commensurate with the investment involved.
- F. A copy of the planning commission's decision shall be sent by regular mail to the applicant.
- G. Any interested person may appeal the planning commission's decision to the city council, within five (5) work days after the planning commission's decision, in conformance with the provisions of Chapter 14.28 of the Municipal Code.
- H. The city council declares to be a public nuisance any lot where the nonconforming dwelling unit is operating and where the amortization period as a nonconforming use has expired, and (a) no permit required by this title has been obtained or (b) no application for an extension of the amortization period is on file or been granted.

(Ord. 1731 § 3, 1998).

14.16.277 Use of city sidewalks and rights-of-way for outdoor eating areas.

- A. Notwithstanding any other provisions of this title, the use of city sidewalks or other city rights-of-way for outdoor eating areas is prohibited without a license agreement between the adjacent food service establishment and the city, which license agreement shall be in lieu of any environmental design review permit, use permit, administrative use permit, encroachment permit or other permit required for use of the city sidewalk or right-of-way for such purpose.
- B. Such license agreements shall be in a form approved by the city attorney, and shall include the applicable standards provided in Section 14.17.110(C), indemnification of the city, and liability insurance naming the city as an additional insured in an amount not less than one million dollars (\$1,000,000.00) and in a form as approved by the city's risk manager.
- C. Such license agreement also shall be subject to such regulations hereafter deemed necessary by the community development director to protect the public health, safety, and welfare, and as approved by resolution of the city council.
- D. Such license agreements may be approved by the community development director and may be revoked at the pleasure of the city council.
- E. The placement of outdoor seating area barriers shall allow a minimum six-foot (6') wide clear pathway for sidewalks located within the public rights-of-way.

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- F. In lieu of the aforementioned license agreement, the city council may enter into a lease agreement between the adjacent food service establishment at a rate and term to be determined by the city council, and as approved by resolution of the city council.

(Ord. 1751 § 6, 2000).

14.16.279 Relocation assistance for displaced residential rental unit tenants.

- A. Purpose. The purpose of this chapter is to mitigate the impact of a development project or property improvement such as a renovation or rehabilitation, which results in the displacement of low-income household tenants of record from their residences, by requiring applicants or property owners to provide certain, limited relocation assistance to such tenants.
- B. Applicability. The provisions of this section shall apply to any development project or property improvement that is subject to a planning permit or approval required by this title and a building or a demolition permit that will result in the displacement of low-income, residential unit tenants of record. A tenant of record is a tenant that appears on a valid lease or rental agreement for the residential unit being vacated. This section is not applicable to:
1. Any development project that is subject to a legal requirement for the provision of relocation assistance under any provision of federal or state law;
 2. Tenant displacement from a dwelling unit that the city has determined to be illegal and which is ordered abated by action of the city; and
 3. A tenant of record that is displaced for unit renovation and is temporarily relocated by the property owner to another residential unit that is located either on the subject property or off-site, with the intent and goal of returning to the renovated apartment unit, or to another unit on-site, which has a comparable bedroom count.

The provisions of this section may be imposed as a condition of any planning permit or required prior to the issuance of a building permit or demolition permit.

- C. Required Notice to Tenant of Record. The property owner proposing the development project or property improvement that will result in displacement of a tenant from a residential unit shall give any tenant of record proposed to be displaced a written notice at least sixty (60) days in advance of the date the tenant of record shall be required to vacate the real property. The notice shall comply with the following:
1. The notice shall be delivered to the tenant of record in person or by first class certified mail. The notice shall specify the date on which the real property is to be vacated, and shall include the following statement:

"The City of San Rafael requires property owners to provide certain assistance to low-income tenants of record who are forced to permanently move or relocate because of planned property development, property improvements and/or residential unit renovation. You are eligible to receive this assistance if you can demonstrate that your household qualifies as low-income, as defined in the attached income schedule published by the Marin County Housing Authority. To qualify for relocation assistance you must complete, sign and return the attached income verification form confirming that you meet the income limits for a low-income household. You must return this income verification form to the property owner no later than two weeks following the date you receive this notice."
 2. The notice shall include the most current Marin County median family income schedule published by the Marin County Housing Authority, specifying the range of household size and the maximum, annual household income for each household size to qualify as low-income.

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3. The notice shall include an income certification form or affidavit to be completed and submitted by the tenant of record. To verify annual household income, the property owner may request that the tenant of record submit additional supporting documentation such as a copy of the latest, filed, income tax return.
 4. Simultaneous to tenant notification, a copy of the notice and list of tenants of record receiving the notice shall be filed with or delivered, via certified mail, to the community development department.
- D. Relocation Payment to Tenant of Record. No later than thirty (30) days prior to the date the tenant of record is displaced, the property owner shall provide the following to each displaced tenant of record who demonstrates that his or her household qualifies as a low-income household:
1. A referral to the Marin Housing Assist Line to obtain a list of low-income rental housing units available in the area; and
 2. Cash in a sum equal to two (2) times the then current monthly rental of the residential unit being vacated. In lieu of cash, the tenant of record can request an in-kind payment to the provider(s) of the alternative housing for the tenant of record. The property owner is required to make one (1) relocation assistant payment only to the tenant of record for every residential unit that is vacated on the real property. If the residential unit being vacated is occupied by more than one (1) tenant of record that qualifies as a low-income household, the payment shall be prorated based on the number of qualified tenants of record in the household.

Following relocation payment, the property owner shall file or deliver, via certified mail, to the community development department, a list of tenants of record receiving relocation payment.

- E. Additional Requirements for Development Projects or Property Improvements involving Multiple Buildings, Phased Construction and/or Phased Vacation of Residential Units for Renovation. For projects involving residential unit renovation that results in phased improvements and/or phased tenant displacement, the following shall be prepared and submitted to the community development department in conjunction with the review and processing of a planning permit, or prior to the issuance of a building permit or grading permit:
1. A resident relocation plan. The resident relocation plan shall include:
 - a. A projected construction schedule and expected dates for unit vacation and tenant displacement;
 - b. Information regarding projected rents, timing and availability for renovated apartments;
 - c. Information regarding on-site, temporary relocation options for tenants, if applicable; and
 - d. A list of property addresses for apartment complexes in the general area of the site that may have available rental units.
 2. Verification that an escrow account has been opened and is active for payment of relocation assistance pursuant to Section 14.16.279D, above.
- F. Revocation of Permits. Failure to comply with any provision of this section shall be grounds for revocation of any permit or other approval issued by the city in relation to the development project, subject to the procedures established by this code for revocation of the permit or other approval in question.

(Ord. 1838 § 37, 2005).

(Ord. No. 1882, Exh. A, § 53, 6-21-2010)

14.16.280 Satellite dishes in residential districts.

The intent of these regulations is to locate satellite dishes where they are least visible from public rights-of-way in the vicinity, while not burdening adjacent property owners with adverse visual impacts. The intent is not to impose unreasonable limitations on reception, although the city recognizes that to ensure aesthetic values, perfect and/or unlimited reception may not be possible. To ensure that satellite dishes do not have an adverse impact on the public safety and aesthetic values in the city's residential neighborhoods, installation of satellite dishes in excess of forty inches (40") in diameter shall meet the following standards.

- A. Only one satellite dish is permitted on a lot.
- B. Location in any required yard adjacent to a street is prohibited unless the dish is not visible from the street.
- C. The satellite dish shall meet the setback and height requirements for accessory structures, except that any satellite dish which is higher than eight feet (8') shall meet the setback requirements for the district.
- D. The satellite dish shall be mounted on the ground.
- E. The satellite dish shall be screened from view from a public or private street.
- F. The satellite dish shall be finished in a color to blend in with the immediate surroundings.

Requests for modifications from the above standards will be referred to the planning commission for review and determination.

(Ord. 1838 § 38, 2005; Ord. 1625 § 1 (part), 1992).

14.16.282 SB 9 Housing Developments.

- A. Purpose. The purpose of this section is to provide procedures and development standards for the establishment of SB 9 Housing Developments pursuant to Government Code Section 65852.21. To accomplish this purpose, the regulations outlined herein are determined to be necessary for the preservation of the public health, safety and general welfare, and for the promotion of orderly growth and development.
- B. Filing, Processing and Action.
 - 1. Ministerial Review. An SB 9 Housing Development shall be ministerially approved, without discretionary review or hearing, if the proposed housing development meets all provisions of this chapter. Review shall be done through submittal of a building permit application.
 - 2. The city shall act on an application for an SB 9 Housing Development within sixty (60) days of receipt of a complete application. If the applicant requests a delay in writing, the sixty-day time period shall be tolled for the period of the delay. The city has acted on the application if it:
 - a. Approves or denies the building permit for the SB 9 Development; or
 - b. Informs the applicant in writing that changes to the proposed project are necessary to comply with this chapter or other applicable laws and regulations.
 - 3. Adverse Impact Upon Health and Safety. A proposed SB 9 Housing Development shall be denied if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed SB 9 Housing Development would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

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(Supp. No. 36, Update 2)

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4. Limitations on Approval. A proposed SB 9 Housing Development shall not be eligible for approval pursuant to this chapter if any of the following circumstances apply:
- a. The SB 9 Housing Development would require demolition or alteration of "protected housing." Protected housing includes:

Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

Housing that is subject to rent control through valid local rent control provisions.

Housing that has been occupied by a tenant in the last three (3) years.
 - b. The SB 9 Housing Development would be located on a parcel on which the owner has withdrawn it from renting or leasing under Section 7060 of the Government Code within fifteen (15) years preceding the development application (i.e., an exit of the rental housing business pursuant to the Ellis Act).
 - c. The SB 9 Housing Development would be located within a historic district, would be included on the State Historic Resources Inventory, or would be within a site that is legally designated or listed as a city or county landmark or historic property or district.
 - d. The SB 9 Housing Development would be located in any of the specified designated areas set forth in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4 of the California Government Code, unless requirements therein are met.
- C. Development Standards. The following objective development standards shall apply to SB 9 Housing Developments. In addition to these standards, all provisions of the California Building Code shall apply to SB 9 Housing Developments.
1. General Standards.
 - a. SB 9 Housing Developments may either be detached or attached, as long as attached structures meet building code safety standards and are sufficient to allow separate conveyance.
 - b. SB 9 Housing Developments shall be permitted in all single-family residential zones including R2a, R1a, R20, R10, R7.5, and R5.
 - c. Short Term Rentals Prohibited. The rental of any unit in an SB 9 Housing Development shall be for a term of longer than thirty (30) days.
 - d. Utility Connections. Each primary unit in an SB 9 Housing Development shall be served by separate water, sewer and electrical utility connections which connect each unit directly to the utility.
 - e. Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) shall be permitted as set forth in Section 14.16.285—Accessory Dwelling Units on parcels not created through an urban lot split (Chapter 15.155).
 - f. On parcels created through an urban lot split (Chapter 15.155) that also contain an SB 9 Housing Development, accessory dwelling units (ADUs) shall be permitted as set forth below:
 - i. An SB 9 Housing Development proposing one (1) primary dwelling unit shall be permitted either one (1) ADU or one (1) JADU as set forth in Section 14.16.285—Accessory Dwelling Units on the parcel. All other provisions and development standards of Section 14.16.285 shall apply.

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- ii. An SB 9 Housing Development proposing a total of two (2) primary dwelling units (where either of the two (2) primary dwelling units are existing or proposed) shall not be permitted any ADU/JADU on the same parcel.
 - iii. A single-family home with an ADU and JADU that was issued a building permit prior to July 18, 2022, shall not otherwise preclude an applicant from developing two (2) dwelling units pursuant to the provisions of this section on a vacant lot created through an urban lot split (Chapter 15.155).
 - iv. The rental of any ADU/JADU shall be for a term of longer than thirty (30) days. This applies retroactively to any existing ADU/JADU on a parcel that subsequently utilizes the provisions of an SB 9 Development or an urban lot split (Chapter 15.155).
2. Objective Development Standards. All applicable objective development standards set forth in Title 14—Zoning of the San Rafael Municipal Code apply to an SB 9 Housing Development. However, where the following standards conflict or are inconsistent with objective development standards in Title 14, the following standards shall prevail:
- a. Four-foot rear and side yard setbacks are required.
 - b. Sixteen-foot height limit for portions of new development located outside the minimum rear and side yard setbacks of the parcel's zoning district. This height limit shall not be imposed for an SB 9 Housing Development constructed in the same location and to the same dimensions as an existing structure.
 - c. One (1) off-street parking space is required per dwelling. No parking shall be required if:
 - i. The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code; or
 - ii. There is a designated area where a car share vehicle may be accessed within one (1) block of the parcel.
3. Exceptions to Development Standards.
- a. Notwithstanding subsection 2 of this section, all development standards shall be subject to the following exceptions:
 - i. Any standards that would have the effect of physically precluding the construction of two (2) units of at least eight hundred (800) square feet shall not be imposed.
 - ii. Election of development standards. If necessary, objective zoning, subdivision, or design standards will be set aside in the following order until the site can contain two (2), eight hundred-square-foot units:
 - a) Natural state (where applicable) or lot coverage, whichever is more restrictive on the subject parcel;
 - b) Natural state (where applicable) or lot coverage, whichever is less restrictive on the subject parcel;
 - c) Front setbacks;
 - d) Second floor area limitations;
 - iii. No setback shall be imposed for an SB 9 Housing Development constructed in the same location and to the same dimensions as an existing structure.

- b. SB 9 Housing Developments are not eligible for any additional exceptions, variances, or other deviations from the objective development standards.

(Ord. No. 2013 , § 2, 8-1-2022)

14.16.285 Accessory dwelling units (ADUs).

- A. Purpose. The purposes of the ADU regulations are to:
 - 1. Implement policies of the housing element of the San Rafael general plan encouraging the provision of accessory dwelling units as a source of affordable housing;
 - 2. Establish a streamlined process for reviewing applications for ADUs;
 - 3. Establish a list of development standards for ADUs; and
 - 4. Comply with provisions of state law as they relate to the development of ADUs;
- B. Applicability. An ADU as defined in Chapter 14.03 is permitted in any zoning district that allows the development of single-family or multifamily dwelling residential uses. ADUs may be permitted on any lot with a legal nonconforming residential structure. See exceptions in Section 14.16.282.C.1.f for limitations on parcels created by an urban lot split (Chapter 15.155). The following are the four (4) types of accessory dwelling units permitted within the city:
 - 1. Attached ADU. An accessory dwelling unit that shares at least one (1) common wall with an existing primary dwelling and is not fully contained within the existing space of the primary dwelling or an accessory structure. An attached ADU also includes an ADU which is proposed to be constructed concurrently with a proposed primary dwelling unit and which is attached to or constructed within said primary dwelling unit.
 - 2. Detached ADU. An accessory dwelling unit that does not share a common wall with the existing or proposed primary dwelling and is not fully contained within the existing space of an accessory structure.
 - 3. Internal ADU. An accessory dwelling unit that is fully contained within the existing space of an existing primary dwelling or contained within the existing space of an existing accessory structure.
 - 4. Junior accessory dwelling unit ("JADU"). As defined in section 14.03.030 "definitions."
- C. Ministerial Review. A proposed ADU or JADU that complies with the following development standards (subsections C.1 and C.2.), objective design standards (subsection C.3) and general standards (subsection C.1.d), shall be approved ministerially within the time frames established by subsection D of this section, and shall only be subject to issuance of a building permit. No discretionary review or public hearing shall be required.
 - 1. Except as permitted by subsection E of this section, development standards applicable to all accessory dwelling units shall be as set forth in Table 14.16.285:

Table 14.16.285					
	Attached ADU	Detached ADU	Internal Conversion ADU	JADU*	NOTES
Minimum Floor Area	150 square feet	150 square feet	150 square feet	150 square feet	
Maximum Floor Area	1,000 sq. ft. or 50% of the	1,000 square feet	N/A	500 square Feet	

		floor area of an existing primary dwelling unit, whichever is less				
Lot Coverage Limits		None	None	None	None	
Setbacks	(Minimum)					
	Front	Same as primary dwelling	Same as primary dwelling	N/A	N/A	
	Side	4 feet	4 feet	N/A	N/A	(A)
	Rear	4 feet	4 feet	N/A	N/A	(A)
	Front Entry	10 feet from any right-of-way	10 feet from any right-of-way	N/A	N/A	
Maximum Height		16 feet	16 feet	N/A	N/A	(B), (C)
Parking		1 space	1 space	None	None	(D)
Separate independent entrance required?		Yes	Yes	Yes	Yes	
Interior access allowed?		No	No	No	Yes	
Separate sanitary facility required		Yes	Yes	Yes	No	(E)
Kitchen required		Yes	Yes	Yes	Yes	(F)

;note; * See subsection C.2 for additional requirements for junior accessory dwelling units

(A) Decks, balconies and platforms greater than twelve (12”) attached to or associated with a detached or attached accessory dwelling unit shall be located at least four feet (4’) from a rear or side property line.

(B) Height measurement shall be as defined by SRMC Section 14.03.030 except as follows:

1. Height measurement shall exclude flagpoles not exceeding a height of twenty-four feet (24’), aboveground utility distribution facilities including communications towers and public water tanks, windmills, monuments, mechanical appurtenances, satellite dishes in multifamily and nonresidential districts and architectural features such as screening for mechanical equipment, chimneys, steeples and cupolas.

(C) EA-overlay district exception to height standard: See Section 14.16.285.C.3.b. for exception to height standard in Eichler-Alliance Overlay District.

(D) Parking see parking subsection C.5. for exclusions to the parking requirements.

(E) A JADU may include separate sanitary facilities or share sanitary facilities with the primary residence.

(F) A JADU shall include a kitchen as defined in SRMC Chapter 12.255 "California Residential Code Amendments".

2. JADU Additional Standards. In addition to the development standards in Table 14.16.285 and objective design standards in section C.3, a JADU shall comply with all provisions of this subsection unless expressly indicated otherwise:

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- a. Maximum Number per Lot. Not more than one (1) JADU shall be permitted per legal lot.
 - b. Rental. A JADU may be rented but shall not be sold or otherwise conveyed separately from the primary dwelling.
 - c. Owner-occupancy shall be required in the single-family residence in which the JADU will be permitted. The owner may reside in either the remaining portion of the structure or the newly created JADU. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
 - d. A deed restriction shall be recorded, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:
 - (1) A prohibition on the sale of the JADU separate from the sale of the single-family residence, including a provision that the deed restriction may be enforced against future purchasers.
 - (2) A restriction on the size and attributes of the JADU that conforms with this subsection.
3. Objective Design Standards. Except as provided in subsection E of this section (units subject to limited standards), an ADU shall comply with the following design standards:
- a. Foundation. An accessory dwelling unit shall be constructed on a permanent foundation.
 - b. In Eichler Alliance (EA) district, an ADU shall not exceed the height of the existing residence or a maximum height of seventeen (17) feet, whichever is less.
4. General Standards. Except as provided in subsection E of this section (units subject to limited standards), an ADU shall comply with the following general standards:
- a. Maximum Number per Lot. Not more than one (1) ADU shall be permitted per legal lot.
 - b. Rental. An ADU may be rented but shall not be sold or otherwise conveyed separately from the primary dwelling, except as provided in California Government Code Section 65852.26, as that section may be amended.
5. Parking.
- a. One (1) parking space shall be provided per ADU except where the proposed ADU meets any criteria of subsection b. of this subsection. This parking space may be permitted anywhere on the lot, may be tandem parking on a driveway, and may be covered or uncovered.
 - b. No parking shall be required for the following:
 - (1) The ADU is located within one-half ($\frac{1}{2}$) mile walking distance of public transit as defined in Government Code 65852.2(j)(9), as that section may be amended, at the time the application is filed with the community development department.
 - (2) The ADU is located within an architecturally and historically significant historic district.
 - (3) The ADU is part of the proposed or existing primary residence or an existing accessory structure.
 - (4) When on-street parking permits are required but not offered to the occupant of the ADU.
 - (5) When there is a car share vehicle located within one (1) block of the ADU at the time the application is filed with the department.
 - c. When a garage, carport, or covered parking structure is demolished in conjunction with the constructions of an ADU or converted to an ADU, those off-street parking spaces need not be replaced.

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6. Nonconforming Conditions. The city shall not require, as a condition for approval of an ADU application, the correction of nonconforming zoning conditions.
 7. Building Code and Housing Code. A new or expanded ADU shall comply with the Uniform Building Code and Uniform Housing Code in addition to the requirements of this section.
- D. Timeline for Review
1. The city shall act on the ADU application within sixty (60) days from the date the city receives a completed application if there is an existing single-family or multifamily dwelling on the lot.
 2. If the ADU application is submitted together with a permit application to create a new single-family dwelling on the lot, the city may delay acting on the ADU permit application until the city acts on the permit application to create the new single-family dwelling.
 3. When Dependent on Separate Construction. When a proposed attached ADU or detached ADU is dependent on the construction of a new building or new portion of a building that is not a part of the ADU ("separate construction"), the city shall either:
 - a. Accept and begin processing the ADU application only after acting on an application for the proposed separate construction; or
 - b. Upon written request from the applicant, review and act on the ADU together with the separate construction as part of a single application. In this case the ADU is subject to the same review procedures and requirements as the separate construction.
 4. If the applicant requests a delay in the processing of an ADU application, the 60-day time period set forth in subsection D.1 of this section shall be tolled for the period of the delay.
 5. The city shall be deemed to have acted on the application if the city:
 - a. Approves a building permit for the ADU; or
 - b. Denies a building permit for the ADU; or
 - c. Determines that the ADU does not qualify for ministerial approval.
- E. Units Subject to Limited Standards. Without regard to subsections C.1 and C.2 (Development Standards), subsection C.3 (Objective Design Standards) and subsection C.4 (General Standards) of this section, the city shall ministerially approve an application for a building permit within a residential or mixed-use district to create any of the four (4) types of ADUs described below. The below categories of ADUs shall not be combined (only one (1) of the four (4) categories of ADUs shall be approved pursuant to this section, per lot). For each type of ADU, the city shall require compliance only with the standards in this subsection:
1. Internal ADU. One (1) ADU and one (1) JADU as follows:
 - a. The ADU and JADU are within the proposed space of a single-family dwelling or existing space of a single-family dwelling or existing accessory structure and may include an expansion of not more than one hundred fifty (150) square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
 - b. The space has exterior access from the proposed or existing single-family dwelling.
 - c. The side and rear setbacks are sufficient for fire and safety.
 - d. The JADU complies with the definition in section 14.03.030 of this code and the requirements of subsection C of this section.

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2. New Construction. One (1) detached or one (1) attached, new construction ADU per lot with an existing single-family dwelling. The ADU may be combined with a JADU as defined in section 14.03.030 (Junior accessory dwelling units) and described in subsection C of this section (JADU). The ADU must comply with the following:
 - a. Maximum floor area: Eight hundred (800) square feet.
 - b. Maximum height: Sixteen (16) feet.
 - c. Minimum rear and side setbacks: Four (4) feet.
 3. Conversion of Non-Livable Multifamily Space. Multiple ADUs within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, subject to the following:
 - a. At least one (1) ADU is allowed within an existing multifamily dwelling up to a maximum of twenty-five percent (25%) of the existing multifamily dwelling units; and
 - b. Each ADU shall comply with building code standards for dwellings.
 4. Detached ADUs on a Multifamily Lot. Not more than two (2) ADUs that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to the following:
 - a. Maximum height: Sixteen (16) feet
 - b. Minimum rear and side setbacks: Four (4) feet.
 5. An ADU permitted under this subsection E shall not be rented for less than thirty (30) days.

(Ord. 1838 § 39, 2005; Ord. 1802 § 1, 2003).

(Ord. No. 1882, Exh. A, §§ 54—56, 6-21-2010; Ord. No. 2002 , div. 11, 12-6-2021; Ord. No. 2013 , § 4, 8-1-2022)

14.16.286 Reserved.

Ord. No. 2002 , div. 12, adopted December 6, 2021, repealed § 14.16.286, which pertained to junior second units and derived from Ord. No. 1937 , § 2, January 19, 2016.

14.16.290 Shoreline embankments.

Rock rip rap, or clean, sized concrete with rock rip rap facing shall be used on the outside face of levees facing the bay whenever levee improvements are required.

(Ord. 1625 § 1 (part), 1992).

14.16.295 Sight distance.

- A. Fencing, vegetation and improvements shall be established and maintained only in a manner that does not reduce visibility for the safe ingress and egress of vehicles or pedestrians within a required vision triangle, e.g., fifteen feet (15') from the curb return at any intersection or driveway, or as determined by the director of public works. In general, fencing and improvements or vegetation located within the established vision triangle (as determined below) shall not exceed a height of three feet (3') as measured above the adjacent street pavement. The vision triangle shall be kept free of any visual obstruction between a height of three feet (3') to eight feet (8') above the street grade elevation.

The typical vision triangle area shall be determined as follows:

Illustration 14.16.295



- B. For locations that have obstructions due to unique site constraints or topography, the vision triangle shall be determined by the director of public works.
- C. The provisions of this section are not applicable to properties within the downtown mixed use (DMU) district. For sight distance provisions and standards in the downtown mixed use district, see the Downtown San Rafael Precise Plan Form-Based Code which is adopted by separate ordinance and incorporated herein by reference.

(Ord. No. 1923, § 2(Exh. A), 6-16-2014; Ord. No. 1996, div. 2(Exh. A, 6.7), 8-16-2021)

14.16.300 Small lots.

Development of small lots shall be permitted in accordance with all the requirements of the district. Such development shall be considered conforming with the following additional limits in residential districts:

- A. No small lot shall be further reduced in area or width, except as required for public improvements.
- B. Small lots which are contiguously owned are subject to the merger provisions of the State Subdivision Map Act.
- C. This section does not apply to the PD district.

(Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1990, div. 1.5, 3-1-2021)

14.16.305 Small wind energy systems.

- A. Purpose. This section establishes standards to regulate the design and placement of small wind energy systems on public and private property to minimize the potential safety and aesthetic impacts on neighboring property owners and the community.
- B. Applicability. Standards for small wind energy systems shall apply in all residential, commercial & office, industrial, planned development, marine, and public/quasi-public zoning districts. Small wind energy systems shall not be permitted in the parks/open space and water zoning districts.
- C. Development Standards.

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1. Height. Tower height of freestanding small wind energy system shall not exceed the maximum height limit above grade established for principal structures in the applicable zoning district, except as may be allowed through design review and consistent with the provisions of Section 14.16.120. The tower height shall not include the wind turbine itself, except as noted in Section 14.16.305,C.2. below to determine appropriate setbacks.
 2. Setbacks. Small wind energy systems shall be located a minimum distance from all property lines equal to one-half (½) of the total extended height of the unit above grade or the roof mounting point. The total extended height shall include the distance above grade to a blade tip of a wind turbine at its highest point of travel. Small wind energy systems may not be located in a front or side yard setback area.
 3. Noise. Small wind energy systems shall operate within the noise limitations established in Section 14.16.320 and Chapter 8.13 of the Municipal Code, except that these limits may be exceeded during severe wind storms.
 4. Access. If a climbing apparatus is present on the tower within twelve feet (12') of grade, access to the tower shall be controlled by one (1) of the following means:
 - a. Removal of climbing pegs or rungs within twelve feet (12') of grade,
 - b. Installation of a locked anti-climb device on the tower,
 - c. Installation of a locked, protective fence at least six feet (6') in height that encloses the tower; or
 - d. Other means of security deemed comparable by the building official.
 5. Minimum Clearance. A minimum clearance of at least twelve feet (12') shall be maintained from the ground level surface elevation to the blade tip of a wind turbine at its lowest point of travel.
 6. Lighting. No illumination of the turbine or the tower shall be allowed, except where required by the Federal Aviation Administration.
 7. Signage. No signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification shall be allowed on a small wind energy system.
 8. Reserved.
 9. Requirement for Engineered Drawings. Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer.
- D. Abandonment. A wind turbine which is inoperable for six (6) consecutive months or deemed unsafe by the building official shall be removed by the owner.

(Ord. No. 1923, § 2(Exh. A), 6-16-2014; Ord. No. 1964 , § 2(Exh. B) § 16, 11-19-2018)

14.16.307 Solar installations.

- A. Solar installations on developed properties. As provided under federal law, installation of solar panels on the roof of permitted structures and paved parking areas or on the grounds of developed property that are intended to offset the energy demand of the use of the property and in compliance with all applicable zoning district development standards shall be permitted by right, subject to issuance of a building permit and ministerial review for compliance with the following standards:
 1. An environmental and design permit shall not be required for a solar installation proposed on a developed property, consistent with these provisions and Section 14.25.040.D.4.

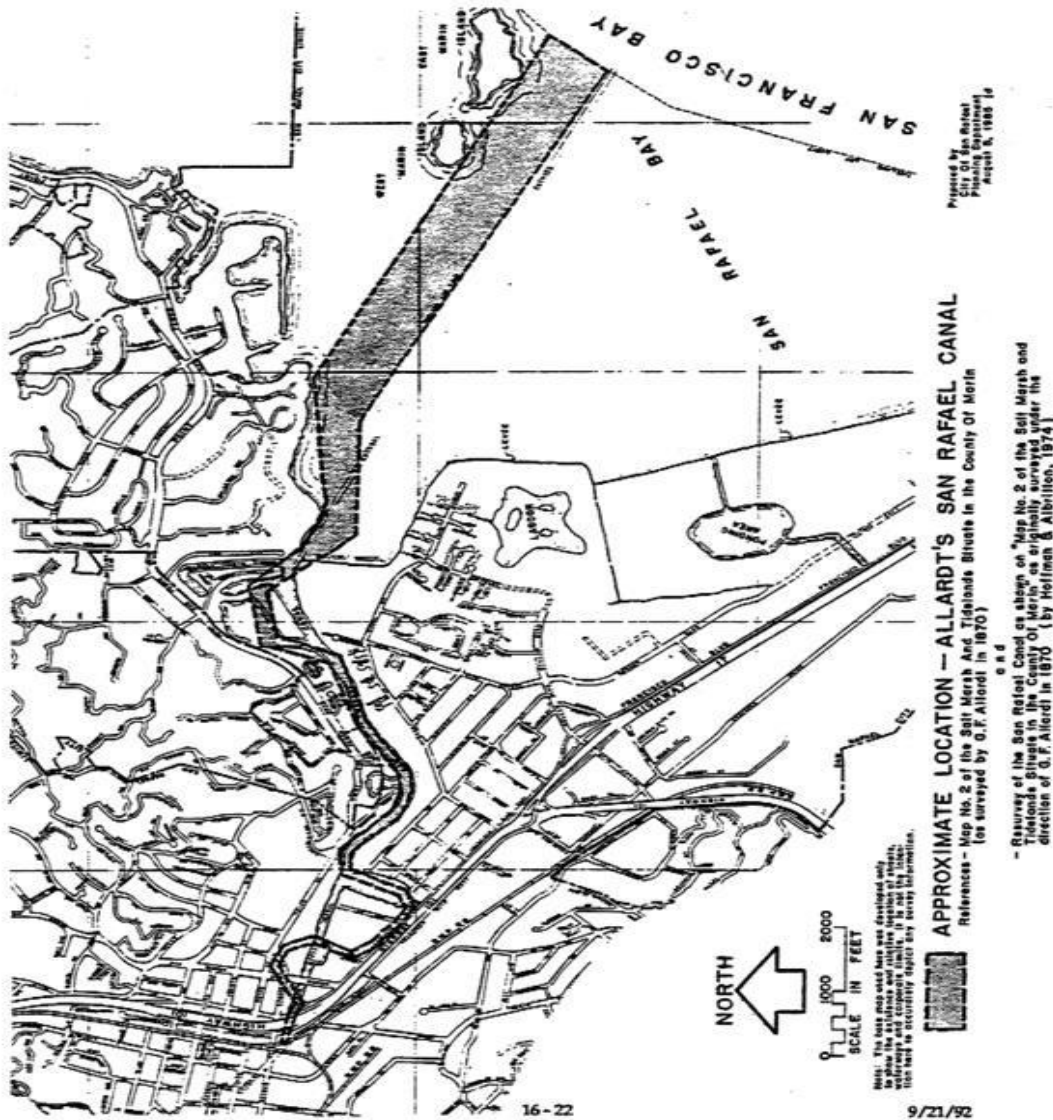
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2. A solar installation shall include all associated equipment, such as an inverter required to convert power from direct current "DC" to alternating current "AC" and connections made between the site and power grid equipment. Associated equipment does not include a substation.
 3. The solar installation shall not be placed within any required front or exterior side yard setback or within a required landscape area. Further, the solar installation shall not require removal of any required landscaping improvements or native vegetation that is within a required natural state area established pursuant to the Hillside Overlay District regulations of Chapter 14.12. Landscaping modifications may require design review approval, pursuant to Chapter 14.25.
 4. Consistent with state law (Ca Civil Code Section 714.1 - Solar Rights Act, amended 2004), private covenants, conditions and restrictions (CC&R's) cannot prohibit installation of solar equipment on buildings.
 5. The city may impose reasonable restrictions that do not significantly increase cost of systems for solar heating more than twenty percent (20%) or photo-voltaic more than two thousand dollars (\$2,000.00), or decrease efficiency more than twenty percent (20%).
 6. The city may require that panels be designed with low-reflectivity or glare-resistant surfaces to the extent necessary to protect public health, safety and welfare, be placed as close to roof or grade surface as feasible, and provide screening of the structural supports, as deemed necessary and feasible; subject to limitations imposed by state law regarding impact upon the cost and efficiency of the solar energy system. The facility may not be denied solely for aesthetic reasons.
 7. Consistent with the provisions of state law, shade control protections, private parties can resolve any disputes with respect to the Solar Shade Control Act (Ca Public Resources Code Div. 15, Section 25980 et. seq., Solar Shade Control Act) through a civil action.
- B. Solar energy production facilities for off-site power distribution. A conditional use permit approval shall be required to establish a solar energy production facility that is intended to produce energy for distribution to the power grid, that is proposed other than on existing buildings or paved parking lots (e.g., solar power plant or "energy farm", as regulated under Ca Codes Public Utilities Code Section 2868-2869, as it may be amended from time to time). Solar energy production facility(s) shall only be established where "utility facilities" are listed as a conditionally permitted quasi-public use in the underlying zoning district land use table(s).

(Ord. No. 1923, § 2(Exh. A), 6-16-2014)

14.16.310 State lands commission title claims (Allardt's Canal).

Where development is proposed within Allardt's San Rafael Canal (see Map 14.16.310), public trust title claims shall be resolved consistent with state law, subject to approval of the State Lands Commission.

Map 14.16.310



(Ord. 1625 § 1 (part), 1992).

14.16.320 Swimming pools, hot tubs, and other mechanical equipment.

No swimming pool, hot tub, air conditioning unit or mechanical equipment shall encroach into any front yard or street side yard setback. No pump or filter installation, air conditioning unit or similar mechanical equipment, including new but not limited to transformers for electric vehicle charging stations and wind energy systems, shall be less than five feet (5') from any property line. If a pump or filter or any similar mechanical equipment, including new but not limited to transformers for electric vehicle charging stations and wind energy systems, is located within fifteen feet (15') of any bedroom window on an adjacent lot, a three (3) sided solid enclosure with baffles to screen the equipment from the bedroom, or equally effective measure(s), shall be provided to reduce noise impact. Sound attenuation shall be provided around mechanical equipment to ensure that any mechanical noise that is perceptible at the property line (and generally measured in direct line of sight of the equipment) is

attenuated to the maximum extent practicable and that daytime/nighttime thresholds established under SRMC Table 8.13-1 for the applicable zoning district are not exceeded.

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1923, § 2(Exh. A), 6-16-2014)

14.16.330 Transfer of density among properties.

- A. Unique or Special Circumstances. Transfer of density among properties shall not be permitted except in cases where there are unique or special circumstances (such as preservation of wetlands, or historic buildings identified in the San Rafael Historic Building Inventory) which would cause severe environmental impacts if the transfer were not allowed.
- B. Use Permit Required. Transfer of density among properties shall be reviewed by the planning commission through the use permit process.
- C. Application. Applications for use permits for transfer of density among properties shall include but not be limited to the following information:
 - 1. Affidavits of consent from owners of all donor and receiving properties;
 - 2. A calculation of the floor area ratio and/or density to be transferred;
 - 3. A description of the proposed dedication, easement or covenant.
- D. Findings. In order to approve a transfer of density among properties, the following findings shall be made:
 - 1. All of the findings required for a use permit listed in Chapter 14.22, Use Permits;
 - 2. There are unique or special circumstances (e.g., significant wetland, or historic building identified in the historic building overlay district) which exist on the subject property which would cause severe environmental impacts or degradation of historic value of a building or property if the transfer were not allowed;
 - 3. Proposed development for the receiving property shall be compatible in scale and design with surrounding properties.
- E. Conditions of Approval. A use permit approving transfer of density among properties shall contain as condition(s) of approval the requirement of adequate mechanisms such as a recorded restrictive covenant which runs with the donor and receiving tracts, or equally effective mechanisms, to ensure permanent accountability of the density transfer. The mechanism shall affect all properties involved in the transfer of density.

(Ord. 1625 § 1 (part), 1992).

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

- A. Transfer of floor area ratio (FAR) between or among properties shall not be permitted except under special circumstances as specified below.
- B. Use Permit Required. Transfer of FAR among properties shall be reviewed by the city council, with recommendation by the planning commission, through the use permit process.
- C. Application. Applications for use permits for transfer of FAR among properties shall include but not be limited to the following information:

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1. Affidavits of consent from owners of all donor and receiving properties;
 2. A calculation of the floor area ratio and/or density to be transferred;
 3. A description of the proposed dedication, easement or covenant;
 4. Any other information deemed necessary by the community development director.
- D. Findings. In order to approve a transfer of floor area ratio (FAR) among properties, the following findings shall be made:
1. The development of the beneficiary parcel is consistent with the general plan, except that FARs or maximum densities may be exceeded, and
 2. The proposed development will comply with all applicable zoning and design parameters and criteria as well as traffic requirements; and one or both of the following:
 - a. A unique or special circumstances are found to exist (e.g. preservation of wetlands or historic buildings) that would cause significant environmental impacts if the transfer is not allowed, and/or
 - b. A significant public benefit, such as securing a new public facility site (e.g. park, school, library, fire station, police station), will be provided.

(Ord. No. 1964 , § 2(Exh. B) § 17, 11-19-2018)

14.16.340 Transfer of density on-site.

- A. Unique or Special Circumstances. Density permitted on a portion of a lot may be transferred and built on another portion of the same lot only in the following unique or special circumstances:
1. To preserve sensitive site resources on a lot in a residential district, provided that there is adequate infrastructure to serve the development and that the development is consistent with design policies and with prevailing densities of adjacent development.
 2. To secure public recreation facilities on surplus Dominican College land to serve the Dominican and Montecito neighborhoods.
 3. To retain school site public recreation and child care facilities in accordance with priorities in the general plan.
 4. To achieve development on downtown lots split by floor area ratio designations which is compatible in scale with surrounding development.
- B. Environmental and Design Review Permit Required. Transfer of density on-site shall be reviewed and approved by the planning commission through the environmental and design review permit process.

(Ord. 1625 § 1 (part), 1992).

14.16.350 Reserved.

Editor's note(s)—Exh. A, § 57, of Ord. No. 1882, adopted June 21, 2010, deleted § 14.16.350 which pertained to trip allocations, and derived from Ord. 1663, 1994; and Ord. 1625, 1992.

14.16.360 Wireless communication facilities.

- A. Purpose. This section establishes standards to regulate the design and placement of towers, antennas, and other wireless communication transmission and/or reception facilities (hereinafter called wireless communication facilities) on public and private property, including facilities within the public right-of-way to minimize the potential safety and aesthetic impacts on neighboring property owners and the community, and to comply with applicable state and federal laws, including the Federal Telecommunications Act of 1996. This section does not apply to small wireless facilities as defined under Section 14.03.030, which are regulated by Section 14.16.361. To fulfill its purpose, this section is intended to:
1. Establish review and approval requirements, application submittal requirements, and development standards to regulate the design and placement of wireless communication facilities so as to preserve the visual character of the city and to ensure public health and safety, consistent with federal law and Federal Communications Commission (FCC) regulations.
 2. Acknowledge the community benefit associated with the provision of wireless communication services within the city.
 3. Encourage the joint use of new and existing ground mounted facility monopole/tower sites as a primary option rather than construction of additional single-use towers.
 4. Allow the community development director, or delegated staff, to make certain determinations under the provisions of this section.
- B. Zoning Review Required.
1. Ministerial Review. A staff level ministerial review shall be required and obtained from the community development director, and no discretionary use permit or environmental design review planning permits shall be required, for the following types of wireless communications facilities to assure compliance with the requirements of subsections G, H, I, J, K, L and M of this section:
 - a. Co-located facilities on an existing approved monopole or tower structure (i.e., ground mounted facility) that utilizes or improves stealth design characteristics of the facility, and/or does not substantially increase the visible height or overall dimensions of the structure and/or ground lease area. The alteration or addition shall not significantly change the appearance of the existing facility or its stealth design features, or increase visual height, overall dimensions, or ground lease area by more than ten percent (10%).
 - b. Building-mounted facilities, including modification to existing permitted facilities that are architecturally compatible with and entirely integrated into the existing building façade (i.e., stealth design). In general, to be deemed architecturally compatible and entirely integrated with the building façade, the modification shall utilize or improve existing roof-top screening solutions, shall not increase the building height, and shall be flush with and designed to blend into the existing building walls or facades.
 - c. Ministerial review shall not apply to modifications of monopoles or towers, new building additions, extensions, projections, etc. made to existing facilities which the community development director determines would increase the visual impacts of the facility. This shall include extensions to height of a facility that exceeds the height limits of the base zoning district. In such instances, an environmental and design review permit shall be required for the stealth design modifications pursuant to the provisions of Chapter 14.25.
 2. Discretionary Review. A zoning administrator level use permit and an environmental and design review permit shall be required for the following wireless communication facilities pursuant to the

requirements of Chapter 14.22, Use Permits, and Chapter 14.25, Environmental and Design Review Permits, consistent with the provisions of this section:

- a. New ground-mounted facilities (towers and monopoles) or significant additions proposed to existing facilities that would increase its visual height, overall dimensions and/or lease area (e.g., more than ten-percent increase in the existing permitted height, overall dimension, lease area); and
 - b. Any facility which in conjunction with existing facilities in the area, exceeds the Federal Communications Commission (FCC) standards for public exposure for radio frequency radiation (RFR) emissions.
 - c. The community development director may determine that minor modifications to an existing facility shall be subject to an administrative level design review. In general, to be deemed a minor modification, the alteration or addition shall not significantly change the appearance of the existing facility or its stealth design, or increase visual height, overall dimensions, or ground lease area by more than ten percent (10%).
 - d. The community development director may elevate the project for review and action by the planning commission ~~or refer a project to the design review board for its recommendation~~, as determined necessary to assure that appropriate stealth designs are being proposed to the maximum extent practicable, that the facility location is suitable, that development appropriately responds to its setting, and that the requirements of this section are substantially addressed.
- C. Appeals. All discretionary decisions of the community development director, zoning administrator, or the planning commission may be appealed in accordance with the provisions of Chapter 14.28, Appeals.
- D. Application Requirements. Applications for a use permit and/or an environmental and design review permit shall be initiated by submitting all of the following information and any revised application materials in the manner prescribed:
1. A completed application form, signed by the property owner or accompanied by a letter of authorization that states the property owner has read and agrees to the filing of the application as well as the specific conditions of application cited on the application form, and accompanied by the required fee. Application procedures and processing timeframes shall be in accordance with state law requirements and the procedural guidelines established by the community development director.
 2. Peer Review. Prior to accepting an application as complete, the city may require at its sole discretion that a peer review of the project be conducted by a qualified RF engineering consultant, as deemed necessary to confirm the adequacy of the RFR study and/or the technical design requirements of the facility. The consultant shall be selected by the city and paid for by the project applicant. Peer review is typically required for new ground-mounted monopole or tower facilities, building mounted facilities lacking stealth design, facilities proposed within the less-preferred residential and open space areas, or RFR studies that are deemed to warrant further review.
 3. Submittal/Re-submittal Meeting Required. Applications for a wireless antenna facility must be made in person during the community development department, planning division public counter hours. A pre-submittal meeting is encouraged and a re-submittal meeting shall be required. Applications and any subsequent resubmittals that are not made in person and during scheduled times shall not be deemed accepted for filing and will be returned.
 4. Pre-application or Conceptual Review. A pre-application and/or conceptual review are strongly recommended prior to submitting formal applications for new ground-mounted monopoles or towers, new building mounted facilities or projects in less-preferred residential and open space areas.

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5. Revised applications. Unless waived by the community development director, resubmitted applications that result in a substantially revised facility design, size, height or location such that a new round of completeness review is warranted, shall be required to be withdrawn and a new application shall be filed for the substantially revised project.
 6. Extensions of time. Applications deemed incomplete must be resubmitted within 30 days or they shall be deemed automatically withdrawn, unless the applicant has requested a one-time extension in processing time to resubmit, not to exceed 90 days. If the application is deemed automatically withdrawn, a new application shall be required in order to proceed with the project.
 7. Six (6) initial sets of materials and plans showing the following information:
 - a. Project Description. A complete project description, including the following information on the proposed wireless communication facility:
 - i. Number and sizes of antennas and approximate orientation,
 - ii. Other technical information regarding transmission equipment such as maximum power output and frequencies,
 - iii. Copy of FCC license,
 - iv. Heights of proposed facilities,
 - v. Equipment enclosure type and size,
 - vi. Materials and colors of antennas and any equipment enclosure,
 - vii. Description of towers or other structures necessary to support the proposed facilities, and
 - viii. Description of lighting, signage and landscaping proposed.
 - b. Site Plan(s). A site plan, showing the overall property on which the facility will be placed, and a detail site plan for the project area, as needed for large sites, provided on a twenty-four-inch-by-thirty-six-inch (24" x 36") sheet of paper and an eleven-inch-by-seventeen-inch (11" x 17") reduction, and including the following information:
 - i. Vicinity map,
 - ii. Parcel lines of the subject parcel,
 - iii. Contextual map showing structures on adjacent properties,
 - iv. Location and names of adjacent streets and drives proposed to serve as access to the facility,
 - v. Topography of the subject parcel and location of any drainages within or adjacent to the site,
 - vi. Location of all existing buildings, structures, utilities, parking areas, significant trees and other natural forms, or other features which might affect the proposed use of the property,
 - vii. Setbacks of proposed structures and improvements from the property lines,
 - viii. Location and height of required cuts and fills for the grading of land and any retaining walls proposed,
 - ix. Location of proposed development including all towers, structures, buildings, utility line extensions, driveways or roads, and parking areas,
 - x. Schematic drainage and grading plan, and

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- xi. North arrow, graphic scale, the applicant's name, assessor's parcel number and date prepared.
 - c. Elevations. Elevations showing all sides of the proposed facility set forth on a twenty-four-inch-by-thirty-six-inch (24" x 36") sheet of paper, and an eleven-inch-by-seventeen-inch (11" x 17") reduction, including the following information:
 - i. Elevations and sections of the site displaying site topography, proposed facilities including towers, equipment shelter and existing buildings,
 - ii. Wall, roof, tower and antenna materials,
 - iii. Fencing, air conditioning units and outdoor lighting, if any,
 - iv. Rooftop or building features such as vents, chimneys and antennas, and
 - v. Building or tower height as measured from natural grade.
 - d. Photo-Simulations. Photo-simulations of the proposed facility from key public viewpoints based upon consultation with city staff. Photo-simulations shall display existing and proposed views in an eleven-inch-by-seventeen-inch (11" x 17"), or larger, format, with the dates shown when the base photo was taken.
 - e. Landscape Plan. A landscape and irrigation plan, showing all existing and proposed improvements, location of proposed plantings and type of landscape material, for proposed ground-mounted facilities including equipment cabinets.
8. Alternative Site Analysis. An alternative site analysis is required if the proposed facility is:
 - a. Located within any district other than a commercial or industrial district;
 - b. Located within fifty feet (50') of a "Less Preferred Location," as defined in subsection (G)(2) of this section (i.e., parks, open space or residential zoning district);
 - c. Lacking stealth design; or
 - d. Not co-located with an existing approved facility.

The alternative site analysis shall be presented in a narrative form with supporting maps and other graphics that identify the other site locations considered and rejected in favor of the proposed site. The applicant shall provide supporting reasons why the alternate sites were infeasible and rejected, why co-location or building-mounted location has not been pursued (if applicable), and why the proposed site is superior from a technical or other standpoint to the others considered.

9. Future Co-Location. For new ground-mounted towers or monopoles, a signed statement that the carrier, or its future successors, will cooperate with the city to allow future co-location of antennas at the proposed site if it is approved and that the carrier has reviewed and agrees to comply with all post-approval requirements of this section.
10. Story Poles. Story poles or mock-ups may be required if deemed necessary by the community development director.
11. Radio Frequency Radiation (RFR) Study and FCC Compliance Details. For the sole purpose of verifying compliance with the FCC radio frequency emission standards, an emissions report which measures the predicted and actual levels of electromagnetic field radiation emitted by the proposed facility operating alone and in combination with radiation emitted from other existing or approved facilities that can be detected at the proposed facility site. Radiation measurements shall be based on all proposed (applications filed and pending), approved, and existing facilities operating at maximum power densities and frequencies. The study shall identify the existing and predicted electromagnetic

field radiation in table form, identify any measures required to comply with the FCC standards for predicted exposure levels, provide a summary of the conclusions of the report and provide details for any signage, barriers or similar mitigation that is recommended or required. If mitigation is required, the details for signage, barriers or other physical improvements shall also be included on the project plans prepared for the facility. It is the responsibility of the applicant to determine the location and power of existing facilities.

12. Noise Analysis. A noise analysis for emergency generators or other noise-producing facilities.

Applications accepted as complete. Once an application has been accepted as complete, it shall be promptly scheduled for hearings, and a decision shall be made based upon the quality of the information presented by the applicant.

E. Exemptions. The following types of facilities are exempt from the provisions of this section:

1. Facilities for which zoning permit applications were approved by the city and/or building permits were issued on or prior to the effective date of this section and which remain valid (i.e., not expired) shall be exempt from the review and approval requirements of this section, except for the requirements for validation of proper operation, monitoring, and removal of abandoned facilities, and for proposed modifications to existing facilities which shall remain applicable;
2. Facilities owned and operated by public agencies; and
3. Proposed facilities that would be located entirely within a building and only serve that building.

F. Public Notice. Notice of a public meeting or hearing for a wireless communication facility subject to a use permit and/or environmental and design review permit shall be given in accordance with Chapter 14.29, Public Notice, except that a public notice shall be mailed to all property owners within one thousand feet (1,000') of any proposed facility that includes a tower or monopole. Public hearing and notice shall not be required for minor modifications made to existing facilities that the community development director determines, pursuant to the provisions of Section 14.16.360.B.3, would require only an administrative level environmental and design review permit.

G. General Location Standards. The most desirable location for new wireless communication facilities is co-location on existing facilities or buildings. All wireless communication facilities shall be sited to avoid or minimize land use conflicts in compliance with the following standards:

1. Preferred Locations. The following list of preferred locations for wireless communication facilities is in order of preference from most to least preferred: Industrial, public or quasi-public, commercial and office zoning districts are the preferred locations.
2. Less Preferred Locations. The following less preferred locations are listed in order of preference from most to least preferred: Parks or open space and residential zoning districts.
3. Avoid Residential and Open Space Areas. New monopoles or towers shall not be located within residential, designated open space or conservation areas unless sufficient technical and other information is provided to demonstrate to the satisfaction of the planning commission or zoning administrator that location in such areas is appropriate, subject to the following findings:
 - a. The location of the proposed facility site is essential to meet the service demands of the carrier and no other alternative co-location, existing development or utility facility site, or type of antenna support structure is feasible. This shall be documented by the applicant providing a list of the locations of preferred technically feasible sites, the good faith efforts and measures taken by the applicant to secure these preferred sites, and the specific reasons why these efforts and measures were unsuccessful.

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- b. The use of a monopole for the proposed facility by itself or in combination with other existing, approved, and proposed facilities will avoid or minimize adverse effects related to land use compatibility, visual resources and public safety.
 - 4. Avoid Significant Buildings and View Sheds. Wireless communication facilities shall not be located on historically or architecturally significant structures unless visually and architecturally integrated with the structure, and shall not interfere with prominent vistas or significant public view corridors.
 - H. Design Requirements.
 - 1. Co-Location. All new wireless communication facilities service providers shall co-locate with other existing and/or planned new wireless communication facilities whenever feasible. Service providers are encouraged to co-locate with other existing facilities such as water tanks, and other utility structures where the co-location is found to minimize the overall visual impact of the new facility. Co-location of small wireless facilities on light standards/poles, traffic lights, or other structures located within the public right-of-way shall be subject to requirements of Section 14.16.361.
 - 2. Stealth Design. All wireless communication facilities shall have a stealth design to screen or reduce visual impacts and blend the facility into the existing environment. Examples of stealth design are facade-mounted antennas located within architectural features so they are screened from view, or an antenna design that mimics architectural features so they appear to be architecturally integrated as a part of the building design, or facilities with colors and materials to minimize visibility such as a non-reflective finish in a color compatible with the surrounding area. Stealth tower, monopole or building design should seamlessly integrate with its setting and/or building façade. A seamless integration would include façade mounted facilities that are flush with the existing building wall or window plane and that are finished to match the existing textures and finishes, or a high-quality faux tree or similar monopole/tower design that would match existing surrounding vegetation or site characteristics. ~~Referral to the design review board may be required to confirm whether a particular design solution would clearly integrate into an existing building or site and meet the intent of stealth design.~~
 - 3. Ground-Mounted Facilities. All new ground-mounted wireless communication equipment, antennas, poles, dishes, cabinet structures, towers or other appurtenances shall be:
 - a. Co-located on existing structures to the extent feasible. Co-location is preferred over new monopoles or other towers erected specifically to support wireless communication facilities unless technical evidence demonstrates that there are no other alternative sites or feasible support structures or the use of a monopole or tower would avoid or minimize adverse effects related to the view shed, land use compatibility, visual resources and public safety.
 - b. Sited to be screened by existing development, topography or vegetation to the extent consistent with proper operation of the wireless communication facility. Additional new, irrigated vegetation, or other screening, may be required as a condition of approval.
 - c. Designed using high-quality techniques to minimum surrounding vegetation or features in order to blend into the site to the maximum extent practicable.
 - 4. Roof and Building-Mounted Facilities. Roof and building-mounted antennas and equipment shall be:
 - a. Sited and designed to appear as an integral part of the structure or otherwise minimize their appearance. Placing roof-mounted antennas in direct line with significant view corridors shall be avoided. Where appropriate, construction of a rooftop parapet wall to hide the facility may be required.
 - b. Integrated architecturally with the design, color, materials and character of the structure or otherwise made as unobtrusive as possible. If possible, antennas shall be located entirely within an existing or newly-created architectural feature (e.g., cupolas, dormers, chimneys or steeples)

so as to be completely screened from view. To the extent feasible, building-mounted antennas shall not be located on the front, or most prominent facade of a structure, and shall be located above the pedestrian line-of-sight.

- c. Whenever possible, base stations, equipment cabinets, back-up generators, and other equipment associated with building-mounted antennas shall be installed within the existing building or underground. If this is not feasible, the equipment shall be painted, screened, fenced, landscaped or otherwise treated architecturally to minimize its appearance from off-site locations and to visually blend with the surrounding natural and built environment.
- 5. Signage. No advertising signage or identifying logos shall be displayed on any wireless communication facility except for small identification plates used for emergency notification and legally required hazard warnings.
- 6. Waiver Request. A waiver from these requirements may be requested if the applicant can show, by substantial evidence, that compliance with a particular requirement is technologically infeasible or would result in an unreasonable interference with signal quality. The applicant will be required to prove that there are no feasible alternatives to the waiver request. A waiver request may be subject to peer review conducted by a qualified RF engineering consultant selected by the city and paid for by the project applicant.
- I. Development Standards.
 - 1. Height. The maximum height of building-mounted antennas shall be in compliance with the height limitations for the zoning district in which they are located. An exception to antenna height may be granted by the planning commission or zoning administrator if the RFR exposures and aesthetic quality of the proposed facility are found to be acceptable. Antenna structures, including towers and monopoles, and mechanical screening features related to wireless communication facilities, shall be regulated subject to Section 14.16.120 of this chapter.
 - 2. Setbacks.
 - a. Towers, guy wires, and accessory structures, including equipment cabinets, shall comply with the setback requirements of the applicable zoning district. Towers and support structures shall be located a minimum of two hundred feet (200') or at least three (3) times the height of the tower, whichever is greater, from existing residential units or vacant residentially zoned property.
 - b. Building-mounted facilities may be permitted to extend up to two feet (2') horizontally beyond the edge of the structure regardless of setback requirements through the application review process, provided that the antenna does not encroach over an adjoining parcel or public right-of-way or otherwise create a safety hazard.
- J. Lighting. Any exterior lighting shall be manually operated, low wattage, and used only during night maintenance or emergencies, unless otherwise required by applicable federal law or FCC rules. The lighting shall be constructed or located so that only the intended area is illuminated and off-site glare is fully controlled.
- K. Landscaping. Wireless communication facilities shall be installed in a manner that maintains and enhances existing vegetation and provides new landscape material to screen proposed facilities through the following measures:
 - 1. The emphasis of the landscape design shall be to visually screen the proposed facility and stabilize soils on sloping sites. Introduced vegetation shall be native, drought tolerant species compatible with the predominant natural setting of the adjacent area.

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2. Existing trees and other screening vegetation in the vicinity of the proposed facility shall be protected from damage both during and after construction. Submission of a tree protection plan prepared by a certified arborist may be required.
 3. All vegetation disturbed during project construction shall be replanted with compatible vegetation and soils disturbed by development shall be reseeded to control erosion.
 4. Appropriate provisions for irrigation and maintenance shall be identified in the landscape plan. The city may impose a requirement for a landscape maintenance agreement as a condition of approval.
- L. Noise. Wireless communication facilities shall be constructed and operated in a manner that minimizes noise. Noise reduction shall be accomplished through the following measures:
1. Wireless communication facilities shall operate in compliance with the noise exposure standards in San Rafael Municipal Code Chapter 8.13, Noise.
 2. Normal testing and maintenance activities shall occur between eight a.m. (8:00 a.m.) and six p.m. (6:00 p.m.), Monday through Friday, excluding emergency repairs.
 3. Backup generators shall comply with the same noise standards referenced in subsection (L)(1) of this section and shall only be operated during power outages, emergency occurrences, or for testing and maintenance.
- M. Radio Frequency Radiation (RFR).
1. RFR Standards. Wireless communication facilities operating alone and in conjunction with other telecommunication facilities shall not produce RFR in excess of the standards for permissible human exposure as adopted by the FCC.
 2. RFR Report. Applications for wireless communication facilities shall include a RFR report, prepared by a qualified expert, which identifies the predicted and actual (if available) levels of RFR emitted by the proposed facility operating by itself and in combination with other existing or approved facilities which can be measured at the proposed facility site. Measurements for RFR shall be based on all proposed, approved, and existing facilities operating at maximum power densities and frequencies.
- N. Post-Approval Requirements.
1. Validation of Proper Operation. Within forty-five (45) days of commencement of operations, the applicant for the wireless communication facility shall provide the community development department with a report, prepared by a qualified expert, indicating that the actual RFR levels of the operating facility, measured at the property line or nearest point of public access and in the direction of maximum radiation from each antenna, is in compliance with the standards established by the FCC for RFR.
 2. Five-Year Review. The owner or operator of a wireless communications facility shall participate in the measurement by the city of the RFR of the facility, which shall be conducted on a five (5) year cycle. The requirement for a five-year review shall be made a condition of approval for all wireless communication facilities. The city will contract to perform the testing with a qualified expert and the owners or operators shall bear the proportionate cost of testing for its facility. The city will establish procedures for:
 - a. Scheduling the five-year review period;
 - b. Hiring an expert to perform RFR testing;
 - c. Collecting reasonable fees; and
 - d. Enforcement actions for nonpayment of fees.

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3. Notification of Abandonment of Use. The owner or operator of an approved wireless communication facility shall remove any abandoned facilities or restore the existing approved use of a facility within ninety (90) days of termination of use.
 4. Changes Affecting RFR. Any operational or technological changes to an approved wireless communication facility affecting RFR exposures shall be reported promptly to the city, including any change of ownership. The city may require new RFR testing within forty-five (45) days of notification.
 5. Changes to FCC Standards. Owner or operators of all approved wireless communication facilities shall make necessary changes or upgrades to their facilities in order to comply with any newly adopted FCC standards for RFR. Upgrades to facilities shall be made no later than ninety (90) days after notification of the changed FCC standards and the owner or operator shall notify the city in writing that the upgrades have been completed.
 6. Co-Location and Facility Upgrade Agreement. Owners or operators of all approved wireless communications facilities shall agree to make their facility available for co-location with other carriers. Modifications to the facility design shall be allowed to accommodate additional carriers on a site, as well as to restore, replace, or upgrade any screening that is deemed obsolete and removed as a result of modifications made to the primary site structure, or concurrent with any upgrades proposed to the subject facility.
 7. Owners or operators of all approved wireless communications facilities shall be responsible for maintaining the effectiveness of screening of its facilities, in compliance with project approvals. This shall include pursuing modifications of existing approvals, as necessary, should changes be made to the site or primary structure that would reduce the effectiveness of screening provided for the facility.

O. Definitions.

1. "Ground mounted facility" means a monopole, tower or any structure built for the sole or primary purpose of supporting FCC-licensed wireless communications facility antenna and their associated facilities. Wireless antenna facilities and equipment that are mounted onto an existing structure, including existing utility poles, on private property shall be considered building mounted co-located on an existing structure. Mounting of wireless facilities on light standards/poles, traffic lights, or utility poles within the public right-of-way shall be governed by Section 14.16.361.
2. "Base station" consists of "radio transceivers, antennas, coaxial cable, a regular and backup power supply, and other associated electronics.
3. "Lease area" means the defined area on the ground or on a building in which wireless facility equipment is placed and/or enclosed.

(Ord. 1823 § 1 (Exh. A) (part), 2004).

(Ord. No. 1923, § 2(Exh. A), 6-16-2014; Ord. No. 1967 , §§ 3—5, 12-17-2018)

14.16.361 Small wireless facilities.

Notwithstanding any other provision of this title as provided herein, all small wireless facilities as defined by the FCC in 47 C.F.R. § 1.6002(l), as may be amended or superseded, are subject to a permit as specified in the San Rafael city council's "Policies, procedures, standards and limitations for submittal and review of small wireless facilities within the public right-of-way as set forth in the San Rafael Municipal Code Section 14.16.361" ("policy"), as adopted and amended from time to time by city council resolution, and all small wireless facilities shall comply with such policy. If the city council policy is repealed, an application for a small wireless facility shall be processed pursuant to Section 14.16.360.

14.16.370 Water-efficient landscape.

- A. Purpose and Authority. Effective January 1, 2011, certain new construction and rehabilitation projects that include landscape and irrigation improvements are required to comply with water-efficient landscape requirements and to monitor water usage for irrigation, as mandated under California Government Code Section 65595(c). For the purpose of administering this state mandate, the City of San Rafael hereby adopts by reference, the Marin Municipal Water District (MMWD) Ordinance (Water Conservation), as adopted and periodically amended, and designates MMWD, the local water provider, to implement, enforce, and monitor the requirements of this ordinance. For projects that are subject to the water-efficient landscape requirements, the city defers to MMWD to administer the provisions of this chapter, which include:
1. The application and monitoring of a "maximum applied water allowance," that is established for applicable projects.
 2. The review of required landscape and irrigation plans, specifications and supportive documents prepared for applicable projects for compliance with water-efficient landscape restrictions, including limitations on the type and amount of landscape materials and plant species.
 3. The review, inspection and approval of landscape and irrigation that is installed for applicable projects to ensure compliance with the approved landscape and irrigation plans and specifications.
 4. The post-installation monitoring of water usage for irrigation by applicable projects.
- B. Applicability. The provisions of this section and the MMWD Ordinance as adopted and periodically amended are applicable to the following projects:
1. Any project that proposes new or rehabilitated landscapes which are developer-installed in single-family residential and all other residential developments, regardless of size, where the proposed landscape area is equal to or greater than two thousand five hundred (2,500) square feet;
 2. Any project that proposes new or rehabilitated landscapes which are homeowner provided and/or homeowner-hired in single-family residential, two-family residential and multiple-family residential developments, where the proposed landscape area is equal to or greater than five thousand (5,000) square feet;
 3. Any new nonresidential construction projects exceeding one thousand (1,000) square feet of landscaped area;
 4. Any project that proposes new or rehabilitated landscapes which are developer-installed in nonresidential developments where the proposed landscape area is equal to or greater than two thousand five hundred (2,500) square feet.
- C. City Review of Applicable Projects. City review of applicable projects shall be processed as follows:
1. Projects Requiring Approval of an Environmental and Design Review Permit. When an applicable project is subject to an environmental and design review permit pursuant to chapter 14.25 of this title, the landscape and irrigation plans required by and submitted with this permit application shall be designed and prepared to comply with the provisions and requirements of MMWD Ordinance as adopted and periodically amended. The approval of an environmental and design review permit shall be conditioned to require the applicant to provide written verification of plan approval from MMWD prior to the issuance of a building permit and/or grading permit.
 2. Projects Requiring a Building Permit and/or Grading Permit only. When an applicable project is not subject to an environmental and design review permit but is required to secure a building permit

and/or grading permit, such permits shall not be issued until the applicant has secured, in writing, MMWD approval of the landscape and irrigation plans confirming compliance with MMWD Ordinance as adopted and periodically amended.

- D. Inspections and Post-Installation Monitoring and Enforcement. MMWD shall be responsible for:
1. Inspecting and approving all landscape and irrigation installed for applicable projects prior to project completion and/or occupancy; and
 2. Monitoring water usage for installed landscapes to ensure compliance with MMWD Ordinance as adopted with amendments. All enforcement actions for ordinance noncompliance or violations shall be administered by MMWD.

(Ord. No. 1882, Exh. A, § 58, 6-21-2010; Ord. No. 1892, § 1, 2-22-2011; Ord. No. 1923, § 2(Exh. A), 6-16-2014)

Chapter 14.17 PERFORMANCE STANDARDS

14.17.010 Specific purposes.

Performance standards provide criteria for issuing administrative use permits and certain other use permits that require minimal discretion and review. (See Chapter 14.21 for additional information on the administrative use permit process.) The performance standards listed in this section are intended to explicitly describe the required location, configuration, design, amenities and operation of specified uses. The performance standards also mitigate potential adverse impacts on the neighborhood and maintain harmonious uses in the area. The performance standards are consistent with the goals and policies of the general plan.

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1923, § 2(Exh. A), 6-16-2014)

14.17.020 Animal keeping.

- A. Purposes. Performance standards related to noncommercial animal keeping protect the public health, safety and general welfare by limiting numbers of animals which may be kept, maintaining sanitary and humane conditions for animals, and limiting potential nuisance factors which may result from the keeping of animals.
- B. Applicability. Performance standards for the noncommercial keeping of animals, including mammals, birds, reptiles and bees unless specifically exempted by this subsection shall apply throughout the City of San Rafael. (See list of exemptions below.) An administrative use permit shall be required for the keeping of animals within the City of San Rafael. The following animals are exempt from these regulations:
1. Fish;
 2. Three (3) or fewer domestic dogs, not including wolf-hybrids, over the age of four (4) months per dwelling unit;
 3. Ten (10) or fewer domestic cats over the age of four (4) months per dwelling unit;
 4. Any number of domestic dogs, cats or potbellied pigs under the age of four (4) months;
 5. Three (3) or fewer potbellied pigs (not including hybrids over seventy (70) pounds);
 6. Four (4) or fewer hens (i.e., female domesticated chicken);
 7. Ten (10) or fewer of the following:

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- a. Soft-billed birds (myna, toucan, toucanettes, not including ducks or geese), birds of the Psittacinae family (parrots, parakeets, love birds), doves, pigeons, quail, finches and canaries,
 - b. Hamsters, guinea pigs, pet mice, pet rats, and pet rabbits, and
 - c. Nonnative, nonpoisonous snakes, chameleons and iguanas.
8. Beekeeping.
- C. Other nonexempt animals are subject to individual case review, and may be subject to the following types of standards:
1. Requirements for identification of animal guardianship, such as tagging or microchipping;
 2. Requirements for spaying or neutering of animals;
 3. Requirements for fences or fenced stockade areas;
 4. Requirements regarding provision of food and water supply, such as supply locations, requirement for closed, rodent-proof containers, etc.;
 5. Requirements to secure or sequester animals in shelters during specified hours of the day or night to minimize possible noise impacts;
 6. Requirements to maintain sanitary conditions by regular cleanup and disposal of animal feces and urine;
 7. Requirement that all places and premises where the animal is to be kept shall be open at all reasonable times and places to the inspection of the code enforcement manager or code enforcement officer, or other code enforcement officials, and the county health officer;
 8. Verification of receipt of appropriate California Department of Fish and Game permits;
 9. Verification of required vaccinations.

In approving the application for an administrative use permit for the keeping of animals, the community development director may impose additional conditions that are deemed necessary to ensure the permit will be in accordance with the findings required by Section 14.21.080.

- D. Findings. In order to grant an administrative permit for the keeping of animals the following findings shall be made:
1. Compliance with Applicable Laws. The keeping of the animal(s) will not violate any provision of the San Rafael Municipal Code or any other applicable provision of law.
 2. Humane Treatment of Animals. The keeping of the animal as proposed will not result in an animal receiving inhumane treatment.
 3. Odors. The keeping of the animal will not result in obnoxious odors at nearby properties adversely affecting the enjoyment of such property.
 4. Flies. The keeping of the animal(s) will not cause or result in flies or other insects adversely affecting the enjoyment of nearby property.
 5. Noise. The keeping of the animal(s) will not result in noises which adversely affect the enjoyment of nearby property.
 6. Nuisances. The keeping of the animal(s) will not result in other public or private nuisances.
 7. Public Health, Sanitation, Safety, Welfare. The keeping of the animal(s) will not result in an adverse effect on the health, sanitation, safety or welfare of an occupant of the premises or other nearby residents.

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8. Procreation. The keeping of the animal(s) will not result in procreation which adversely affects nearby properties or the natural habitat.
- E. Nonconforming Animal Keeping, Declaration of Public Nuisance. The city council declares to be a public nuisance any lot where animal keeping is operating in a manner that is not in conformance with this section. (Ord. 1740 §§ 2—5, 1999; Ord. 1625 § 1 (part), 1992).
(Ord. No. 1923, § 2(Exh. A), 6-16-2014)

14.17.030 Community gardens.

- A. Purpose. The purpose of the community gardens regulations is to implement specific policies of the neighborhood design, community design, sustainability, and parks and recreation elements of the San Rafael general plan, which:
1. Support social interaction and create a greater sense of community, encourage gathering places and events in appropriate locations, such as community gardens;
 2. Promote efforts to provide places where neighbors can meet each other;
 3. In multifamily development, require private outdoor areas and on-site common outdoor spaces. Common spaces may include recreation facilities, gathering spaces, and site amenities;
- B. Applicability. Performance standards for community gardens shall apply in the residential, commercial, industrial, public and quasi-public uses, and parks/open space zoning districts with the exception of the downtown zoning districts.
- C. Ministerial review required. Except where a use permit is required by the land use tables, a ministerial review is required to determine that the community garden is in compliance with the provisions of this section. If it is determined that the community garden is in full compliance with the provisions of this section, the community garden shall be approved.
- D. Standards.
1. Operating Rules. The applicant shall submit a list of operating rules for the proposed community garden. Hours of operation shall be limited from sunrise to sunset.
 2. Americans with Disabilities Act (ADA). The project shall be designed to provide access to the general public and be ADA-compliant in accordance with the requirements of Title 24, California Code of Regulations.
 3. Parking. On-site parking is required and shall including an area for one van accessible parking space located on site nine feet (9') × eighteen feet (18') with an eight-foot (8') wide accessible aisle meeting ADA standards and a space to accommodate vehicular delivery and removal of materials.
 4. Trash and Recycling. Trash and recycling shall be adequately provided on site and the project sponsor is responsible for implementing a trash recycling program, which shall also include the installation of recycling receptacles for garden users on the project site.
 5. Green Waste. Green waste facilities shall be provided on site.
 6. Material Storage. Identify on the site plan storage for all garden tools, supplies and compost in a secure manner and screened from view from off-site. Compost and other odorous materials shall be stored in a location and manner that does not affect adjacent property owners.

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7. Landscaping. Provide a landscape and irrigation plan for review and approval of the planning division and the department of public works which provides trees within the landscape setback along the property frontage with the following detail.
 - a. The project landscape architect/designer shall select a tree species that is appropriate to the site and soil conditions. Trees shall be planted at a twenty-four inch (24") box size and spaced at twenty-foot (20') intervals.
 - b. All landscaping shall be maintained in good health through the life of the project. Any dying or dead landscaping shall be replaced in a timely fashion and all landscaping shall be maintained in a healthy and thriving condition, free of weeds and debris.
 - c. The landscape and irrigation plan must be designed to comply with Marin Municipal Water District (MMWD) Water Conservation Ordinance No. 421.
 8. Fences. Fences are allowed subject to the regulations in Chapter 14.16 of the city of San Rafael Municipal Code, Zoning.
 9. Lighting. Exterior lighting shall be limited to security lighting as required and approved by the city police department.
 10. Signage. A sign plan shall be submitted and shall demonstrate location of the following required signage:
 - a. Two signs shall be posted on the subject property.
 - b. One sign shall be posted in the common area of the garden noting the name and contact information for the garden management; and
 - c. One monument-type address sign, not exceed twenty (20) square feet in area and six (6) feet in height, shall be posted at the garden entrance. The property address numbers shall be posted prominently on the monument sign.
 11. MCSTOPP/Drainage and Clean Site Water. The site must be designed and maintained so that runoff of surface water will not drain onto adjacent property. The project engineer shall incorporate features that would provide for clean site waters in accordance with RWQCB and Marin County Stormwater Pollution Prevention Program (MCSTOPPP) standards before they enter the city storm water drainage system. Features can include the installation of grassy swales to connect and filter surface water runoff.
 12. The project shall comply with the MMWD backflow prevention requirements. If, upon the district's review of the final plans backflow protection is warranted, compliance shall include installation, testing and maintenance. Questions regarding backflow requirements should be directed to the MMWD backflow prevention program coordinator at (415) 945-1559.
 13. Pest Management. The operation of the community garden shall comply with the city's Integrated Pest Management (IPM) program. Signs shall be posted and maintained within the garden area notifying garden users of the rules and consequences for using pesticides and herbicides that are not allowed on the IPM.

(Ord. No. 1964 , § 2(Exh. B) § 18, 11-19-2018)

14.17.040 Animal care facilities.

- A. Purpose. Performance standards related to animal care facilities protect the public health, safety and general welfare by minimizing potential nuisance factors that may result from the caring of animals.

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- B. Applicability. Performance standards for animal care facilities, unless specifically exempted by this subsection shall apply throughout the City of San Rafael. A use permit approved by the zoning administrator, issued pursuant to Chapter 14.22 of this division, shall be required for animal care facilities within the City of San Rafael.
- C. Findings. In order to grant a use permit for animal care facilities in an office/commercial district, the following findings shall be made:
1. Compliance with Applicable Laws. The animal care facility will not violate any provision of the San Rafael Municipal Code or any other applicable provision of law. The animal care facility shall maintain an employee handbook outlining best management practices for handling of animals, handling medical waste and disposal of animal waste.
 2. Sound Attenuation. The animal care facility shall not result in sound levels that exceed the noise levels established under Chapter 8.13 for any adjacent tenant spaces or properties.
 3. Waste. The animal care facility shall include and maintain adequate waste and hazardous waste facilities at all times.
 4. Nuisances. The animal care facility will not result in other public or private nuisances.

(Ord. No. 2015 , § 4, 9-6-2022)

14.17.050 Reserved.

Ord. No. 1996 , div. 2(Exh. A, 7.1), adopted August 16, 2021, repealed § 14.17.050, which pertained to offices and financial institutions in the Fourth Street retail core and the West End Village and derived from Ord. 1694 § 1 (Exh. A) (part), 1996: Ord. 1663 § 1 (part), 1994: Ord. 1625 § 1 (part), 1992.

14.17.060 Fortunetelling.

- A. Purpose. Performance standards for fortunetelling ensure police department review and background investigations of prospective fortunetelling businesses, consistent with Municipal Code Chapter 8.12. Police department review is required in the interest of public health, safety and welfare due to potential criminal activities, including theft by fraud, deceit, false pretenses, trick or device which may be associated with such businesses.
- B. Applicability. Performance standards for fortunetelling shall apply in any district in which fortunetelling is a conditional use. Compliance with performance standards shall be reviewed through the administrative use permit process.
- C. Standards.
1. Police Department Permit. Review and approval by the police department is required for any proposed fortunetelling use.
 2. Operation. The proposed fortunetelling operation shall conform with all of the provisions of the municipal code pertaining to such uses (Municipal Code Sections 8.12.050 through 8.12.060, inclusive) to the satisfaction of the San Rafael police department.
 3. Parking. Fortunetelling uses shall provide parking consistent with Chapter 14.18, Parking Standards. Fortunetelling uses shall be considered equivalent to a personal service use for the purposes of determining parking requirements.
 4. Signs. Signs for fortunetelling businesses shall conform with Chapter 14.19, Signs.

(Ord. 1625 § 1 (part), 1992).

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(Supp. No. 36, Update 2)

14.17.070 Game arcades.

- A. Purpose. Standards for game arcades with coin-operated amusement devices ensure that such facilities coexist harmoniously with other uses in the neighborhood in which they are located. Performance standards for game arcades are intended to prevent the occurrence or increase in the incidence of loitering, vandalism, pedestrian obstruction, excessive noise or any other activity that may have an adverse effect on adjacent or nearby properties, residences or businesses.
- B. Applicability. Performance standards for game arcades with coin-operated amusement devices shall apply in any district in which game arcades are a conditional use. Compliance with performance standards shall be required and reviewed through the use permit process. Initial use permits shall be granted by the planning commission for periods of no more than six (6) months. The zoning administrator may approve time extensions to the initial use permit.
- C. Findings. In approving initial use permits and time extensions for game arcades with coin-operated amusement devices, findings must be made that the use will not or has not created or increased the incidence of loitering, vandalism, pedestrian obstruction, excessive noise or any other activity that may have an adverse effect on adjacent or vicinity properties, residences or businesses.
- D. Standards.
 - 1. Proximity to Schools. Game arcades shall not be located within three hundred feet (300') of a public or private grammar, middle or high school.
 - 2. Parking. One vehicular parking space shall be provided for each five (5) coin-operated amusement devices.
 - 3. Bicycle Parking. One (1) on-site bicycle parking space shall be provided for each two (2) coin-operated amusement devices. Bicycle parking shall be in bicycle racks or stands and shall not obstruct required exits. Bicycle parking may be required inside buildings if no acceptable outside area exists on-site. Bicycle parking may be waived for "adults only" establishments.
 - 4. Hours of Operation. Hours of operation shall be established on a case-by-case basis; however, the maximum closing time that may be granted shall be eleven p.m. (11:00 p.m.). The planning commission may grant exceptions to this limitation for "adult only" establishments or when it is demonstrated that the use is clearly ancillary to another use.
 - 5. Initial use permit; Six (6) Month Review Period. Use permits shall be granted for periods of no more than six (6) months initially. The zoning administrator may approve extensions upon demonstration of compliance with these standards.
 - 6. Police Department Review. Police department review and approval is required for any proposed game arcade with coin-operated amusement devices consistent with Chapter 10.40.

(Ord. 1625 § 1 (part), 1992).

14.17.075 Gun shops.

- A. Purposes. Performance standards related to gun shops are intended to ensure the public safety by requiring such shops to provide adequate security as well as appropriate hazardous materials storage.
- B. Applicability. Performance standards for gun shops apply in all districts where gun shops are allowed. Compliance with performance standards shall be reviewed through the administrative use permit process.
- C. Standards.

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1. Police Department Review. Security and public safety measures shall be provided to the satisfaction of the police department.
 2. Fire Department Review. Appropriate hazardous materials storage measures shall be provided to the satisfaction of the fire department.
 3. Compliance with Other Laws. Approval of the requested permit is contingent upon demonstration of compliance with applicable provisions of state and federal laws. All gun shops shall be operated according to state and federal regulations.
 4. Location. No gun shop shall be located within three hundred (300) feet of a day care facility, church, or school. The three hundred (300) feet measurement shall be from lot line to lot line.

(Ord. 1748 § 3, 2000; (Ord. 1694 § 1 (Exh. A) (part), 1996).

14.17.080 Mobilehome parks.

- A. Purpose. These provisions will promote diverse housing opportunities by encouraging the creation of stable and attractive residential environments within mobilehome parks, and provide for a desirable transition to the surrounding residential areas.
- B. Applicability. Standards for mobilehome parks apply in any district in which mobilehome parks are a conditional use, and shall be applied through the use permit process.
- C. Standards.
 1. Density and Development Standards. Mobilehome parks shall conform with all density and development standards of the general plan and zoning district in which it is located, as well as with applicable provisions of the California Health and Safety Code and the regulations set forth in Title 25, Chapter 5 of the California Administrative Code. The yard and setback standards of the district shall apply to the perimeter property line of the lot or lots of record, taken as a whole, on which a mobilehome park is proposed.
 2. Mobilehome Lot Identification. Each lot line shall be permanently marked consistent with the Title 25, Chapter 2 of the Mobilehome Parks Act. Consistent with the requirements of Title 25, adjustment of a lot line may be permitted after obtaining written authorization of the occupant(s) of the affected mobilehome lot(s) and upon approval of a minor environmental and design review permit.
 3. Setbacks. A manufactured home and all accessory structures shall be located in compliance with the Mobilehome Parks Act setback and separation requirements.
 4. Storage. In order to provide adequate storage for large items, such as boats, campers, and park maintenance vehicles, a minimum of one hundred (100) square feet of screened parking area shall be provided.
 5. Usable Outdoor Area. A usable outdoor area shall be provided consistent with the requirement of the zoning district in which it is located.
 6. Parking. Parking shall be provided as required in Chapter 14.18, Parking Standards.
 7. Environmental and Design Review. A mobilehome park is a major physical improvement subject to Chapter 14.25, Environmental and Design Review Permits).
 8. Landscaping. Landscaping shall be provided consistent with the requirement of the zoning district in which it is located.
 9. Lighting. Park lighting shall be provided consistent with the requirements of the Mobilehome Parks Act.

10. Utilities. All utilities shall be underground.

(Ord. 1625 § 1 (part), 1992).

14.17.090 Motor vehicle repair uses (major or minor).

- A. Purpose. Standards for motor vehicle repair uses mitigate potential noise, fumes, litter and parking problems associated with motor vehicle repair facilities. The standards ensure that motor vehicle repair uses operate harmoniously and are compatible with adjacent and surrounding uses. In addition to these standards, motor vehicle repair uses must meet applicable federal, state and local regulations regarding storage, recycling and disposal of hazardous wastes.
- B. Applicability. Performance standards for major or minor motor vehicle repair uses shall apply in any district in which a motor vehicle repair use is a conditional use. Performance standards for motor vehicle repair uses shall be administered through a use permit or an administrative use permit process as specified in the land use regulations for commercial districts (Chapter 14.05) and for industrial districts (Chapter 14.06).
- C. Standards.
 - 1. Spraying. All spraying operations are to be conducted within a spray booth which has been approved by the city fire marshall.
 - 2. Location of Repair Work. All repair work shall take place entirely within the building.
 - 3. Vehicle Storage.
 - a. All vehicles which are visually damaged, disabled or visually in the process of repair shall be stored and/or worked upon in a location on-site that is not visible from off-site. Vehicles not visually damaged, waiting to be repaired or waiting to be picked up after repair, shall be stored on-site but may be visible from off-site; or, in lieu of said on-site parking, alternate parking of appropriate size and within five hundred feet (500') may be substituted provided that at the time a business license is issued or renewed, a lease for said parking concurrent with the term of the business license is submitted.
 - b. Where non-administrative use permits are required, parking lot screening and landscape standards (Section 14.18.160) shall be used as guidelines in project review.
 - 4. Outside Storage. There shall be no outside storage of materials or equipment unless screened from view in a manner approved by the planning director.
 - 5. Parking. Parking for motor vehicle repair uses shall be consistent with Chapter 14.18, Parking Standards.
 - 6. Waste Disposal. Waste oils and other materials shall be disposed of properly and not discharged into the storm drain or sewer system.

(Ord. 1625 § 1 (part), 1992).

14.17.100 Residential uses in commercial districts.

- A. Purpose. The purpose of this section is to ensure that residential uses in commercial districts are not adversely impacted by adjacent uses. Residential uses are encouraged in commercial zoning districts, including the downtown mixed use (DMU) district, and in mixed-use development to meet local housing needs and because of the environment they create. However, potential traffic noise and safety impacts related to commercial uses may impact nearby residential uses. The proximity of residential and commercial

uses require that special regulations be imposed in the interest of businesses and the residents of the housing units.

- B. Applicability. Performance standards for residential uses in commercial districts shall be applied through an administrative use permit in the GC, FBWC, C/O, M and NC districts.
- C. Standards.
1. Location. Location of residential units in the GC, FBWC, HO, C/O, M and NC districts shall be determined through project review.
 2. Access. Residential units shall have a separate and secured entrance and exit.
 3. Parking. Residential parking shall comply with Chapter 14.18, Parking Standards, of this title.
 4. Noise. Residential units shall meet the residential noise standards in Section 14.16.260, Noise standards, of this title.
 5. Lighting. All exterior lighting shall be sufficient to establish a sense of well-being to the pedestrian and one (1) that is sufficient to facilitate recognition of persons at a reasonable distance. Type and placement of lighting shall be to the satisfaction of the police department. The minimum of one (1) foot-candle at ground level shall be provided in all exterior doorways and vehicle parking areas.
 6. Refuse Storage and Location. An adequate refuse storage area shall be provided for the residential use.
 7. Location of new residential units shall consider existing surrounding uses in order to minimize impacts from existing uses.
 8. Boarding House. A boarding house shall comply with the following requirements:
 - a. Provision of a management plan to ensure twenty-four (24) hour on-site management, security and any necessary social services;
 - b. Provision of usable outdoor area consistent with the requirements of the district in which it is located.
 9. Live/Work Quarters. The purpose of live/work quarters is to allow residential use in a commercial district with the intent of permitting people to live in a work environment. Live/work quarters are subject to the following requirements:
 - a. Residents of live/work quarters are required to acknowledge, as part of their lease agreement, the commercial nature of the surrounding area.
 - b. The FAR standards for the district shall establish the permitted intensity.
 - c. The parking requirement shall be based on the number of spaces required for the nonresidential square footage, or as determined by parking study.
 - d. All living areas must be suitable for residential purposes, as determined by the building inspector.
 - e. At least one of the residents of a live/work quarters shall be required to have a city business license.
 - f. The site is free of hazardous materials, as determined by the fire department.

(Ord. 1838 § 40, 2005; Ord. 1831 § 1 (part), 2004; Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, §§ 59, 60, 6-21-2010; Ord. No. 1964 , § 2(Exh. B) § 19, 11-19-2018; Ord. No. 1996 , div. 2(Exh. A, 7.2), 8-16-2021)

14.17.110 Outdoor eating areas proposed in conjunction with food service establishments.

- A. Purpose. The purpose of this section is to promote outdoor seating in conjunction with food service establishments to enhance the pedestrian ambiance of the city. Performance standards ensure that outdoor seating for restaurants and cafes does not adversely impact adjacent properties and surrounding neighborhoods.
- B. Applicability. Performance standards for outdoor eating areas proposed in conjunction with restaurants or other food service establishments shall apply in any zoning district where food service establishments are permitted uses (as of right or by conditional use permit). Compliance with performance standards for outdoor eating areas shall be reviewed through an administrative use permit and administrative environmental and design review permit process for any existing food service establishment. In cases where the restaurant or food service establishment is being proposed as a new use and is subject to a conditional use permit in the zoning district in which it is located, the performance standards shall be incorporated into the required use permit. Notwithstanding the foregoing, any outdoor eating area located on city sidewalks or rights-of-way shall not be subject to the administrative use permit or use permit process, but shall be regulated as provided in Section 14.16.277.
- C. Standards.
 - 1. Property Development Standards. The outdoor eating area shall comply with the property development standards for the zoning district in which it is to be located.
 - 2. Accessory Use. The outdoor eating area shall be conducted as an accessory use to a legally established restaurant or food service establishment.
 - 3. Intensification of Use. The proposed area for outdoor eating shall not exceed twenty-five percent (25%) of the indoor seating area.
 - 4. Parking. Parking shall be provided for all permanently covered outdoor seating areas located outside of the downtown parking assessment district in accordance with parking standards in Section 14.18.040 (Parking requirements).
 - 5. Barriers. If perimeter barriers are proposed around the outdoor eating area, approvals from the community development and public works departments shall be required. Perimeter barriers shall be temporary/movable fixtures unless the sidewalk has been expanded to accommodate an outdoor eating area. In areas where the sidewalk has been expanded, a permanent barrier and/or structure can be considered subject to terms and conditions of a license or lease agreement. If a barrier is bolted to a public sidewalk and is subsequently removed, the sidewalk shall be repaired subject to the review and approval of the public works director.
 - 6. Sunshades. Retractable awnings and umbrellas may be used in conjunction with an outdoor eating area, but there shall be no permanent roof, or shelter over the sidewalk cafe area unless the sidewalk has been previously expanded to accommodate an outdoor eating area. Any awning, umbrella, permanent roof or shelter shall be adequately secured, and shall comply with the provisions of the Uniform Building Code.
 - 7. Fixtures. The furnishings of the interior of the outdoor eating area shall consist only of movable tables, chairs and umbrellas. Movable plant pots or planter boxes are also permitted. Lighting fixtures may be permanently affixed onto the exterior of the principal building, but shall be shielded from adjacent uses.
 - 8. Refuse Storage Area. No refuse structure enclosure or receptacle shall be erected or placed on a public sidewalk or right-of-way.

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9. Maintenance. The sidewalk inside the outdoor eating area, the adjacent areas outside of the eating area, and all appurtenances related thereto, shall be steam cleaned or pressure washed on a quarterly basis, and shall be otherwise maintained at all times in good repair and in a clean and attractive condition as determined by the community development director.
 10. Hours of Operation. The hours of operation of the outdoor eating area may be limited depending on surrounding uses.

(Ord. 1751 §§ 4, 5, 2000; Ord. 1663 § 1 (part), 1994; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 61, 6-21-2010)

14.17.120 Outdoor storage.

Outdoor storage may be permitted where the incidental storage of equipment and materials would be appropriate and related to a primary use or ongoing business operation. Such activities would typically be associated with industrial and light industrial storage yards or utility yard uses, and commercial contractor or commercial building supply uses.

- A. The following standards shall apply to the establishment of outdoor storage uses on non-residential properties, where such activities are listed as a conditionally permitted use in the land use tables of the underlying district.
 1. Outdoor storage uses shall be screened from public view with fencing, enclosure, structure and/or landscaping as appropriate and necessary for the underlying zoning district, to provide a buffer between adjacent uses, and to screen the use from public view.
 2. Outdoor storage shall not be placed within required yard setbacks, landscape or parking areas required for the use or site.
 3. Outdoor storage may also be subject to design review, as required by Chapter 14.25.
- B. An "outdoor storage" land use is not permitted within a residential district. Temporary placement of moving or storage containers or debris boxes on a residential property, within a driveway or required yard area, may be allowed for a limited duration, generally not to exceed ninety (90) days, or as otherwise provided under the terms of a building permit issued for the site.

(Ord. No. 1923, § 2(Exh. A), 6-16-2014)

14.17.130 Temporary uses.

- A. Purpose. Standards for temporary uses allow the short term placement (generally one (1) year or less) of activities on privately or publicly owned property with appropriate regulations so that such activities will be compatible with surrounding areas.
- B. Applicability. Performance standards for specified temporary uses shall apply in any district where a temporary use is a conditional use. Performance standards for temporary uses shall be administered through an administrative use permit in all commercial, office and industrial zoning districts, or a use permit (zoning administrator) in the R/O and 5/M R/O districts or any PD district (with or without an approved or valid development plan). The following temporary uses are subject to performance standards:
 1. Outdoor seasonal product sales, including Christmas tree lots and pumpkin sales lots, for periods not exceeding thirty (30) consecutive calendar days;

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2. Trailers/mobilehomes that provide residences for security personnel associated with any construction site;
 3. Trailers/mobilehomes that provide offices for the following temporary uses:
 - a. Temporary or seasonal businesses such as carnivals or Christmas tree sales,
 - b. Business offices or sales facilities where construction of a permanent facility is being diligently completed,
 - c. Construction offices where construction is being diligently completed,
 - d. Real estate offices on-site of a proposed subdivision until such time as the notice of completion is filed with the building inspection division,
 - e. Financial or public utilities that are required to maintain a place of business at a location at which no permanent structure suitable for the purpose is available;
 4. Fairs, festivals, concerts, farmer's markets, swap meets or other special events when not held within premises designed to accommodate such events, such as auditoriums, stadiums or other public assembly facilities;
 5. Similar temporary uses which, in the opinion of the community development director, are compatible with the district and surrounding land uses.

Temporary uses may be subject to additional permits, other city department approvals, licenses and inspections as required by applicable laws or regulations. Temporary uses which may have specific regulations specified in the municipal code include such uses as: meetings, assemblies and parades in public places (Chapter 5.70) and Carnivals, Circuses (Chapter 10.44).

C. Exemptions.

1. Events which occur in theaters, meeting halls or other permanent public assembly facilities;
2. Carnivals, fairs, bazaars or special events held on school premises or at religious institutions;
3. Special events less than seventy-two (72) hours and sponsored by the San Rafael business improvement district;
4. Events which receive street closure approval from the city council.
5. Recycling or "e-waste" collection events conducted or sponsored by a public agency for the purpose of collecting non-recyclable items such as electronics, paint or other materials and preclude deposit of such items into the sanitary landfill, when located on a developed non-residential property for a maximum duration of three (3) consecutive days and no more than two (2) times annually (calendar year).

D. Findings.

1. The operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
2. The proposed site is adequate in size and shape to accommodate the temporary use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the site.
3. The proposed site is adequately served by streets having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use will or could reasonably generate.

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4. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at alternate locations acceptable to the community development director.

In approving the application for an administrative permit for a temporary use, the community development director may impose conditions that are deemed necessary to ensure the permit will be in accordance with the required findings and standards.

- E. Standards. The applicant shall provide information to show that the following standards have been satisfactorily addressed:
 1. Temporary Parking Facilities. Appropriate traffic control measures and adequate temporary parking facilities, including vehicular ingress and egress, shall be provided to the satisfaction of the city public works department and the police department.
 2. Nuisance Factors. Measures to control or mitigate potential nuisance factors such as glare or direct illumination of adjacent properties, noise, vibration, smoke, dust, dirt, odors, gases and heat shall be provided to the satisfaction of the community development department, planning division.
 3. Site Issues. The placement, height and size of temporary buildings, structures and equipment shall be reviewed by the community development department, planning division for consistency with base district regulations and other zoning ordinance requirements.
 4. Sanitary/Medical Facilities. Sanitary and medical facilities shall be provided to the satisfaction of the county health department.
 5. Trash/Litter Control. Adequate measures shall be taken for the collection, storage and removal of garbage, litter or debris from the site to the satisfaction of the community development department, planning division.
 6. Signs. Any proposed signage for the temporary use shall comply with Chapter 14.19, Signs, to the satisfaction of the community development department, planning division.
 7. Hours of Operation. The use shall be limited in terms of operating hours and days to ensure compatibility with surrounding uses and neighborhood to the satisfaction of the community development department, planning division.
 8. Performance Bonds. A performance bond or other security deposit shall be submitted to the city finance department to assure that any temporary facilities are removed from the site within a reasonable timeframe following the event and that the property is cleaned up and restored to its former condition.
 9. Public Safety. Security and public safety measures shall be provided, including traffic control measures if needed, to the satisfaction of the police department.
 10. Compliance With Other Laws. Approval of the requested temporary permit is contingent upon compliance with applicable provisions of other laws. Any event which includes the preparation, sale or serving of food shall comply with Marin County Health Department standards and permit requirements.
 11. Other. Other conditions may be required as needed to ensure the proposed temporary use is managed and operated in an orderly and efficient manner and in accordance with the intent and purpose of this section.

(Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1663 § 1 (part), 1994; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 62, 6-21-2010; Ord. No. 1923, § 2(Exh. A), 6-16-2014)

Chapter 14.18 PARKING STANDARDS

14.18.010 Specific purposes.

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

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

(Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1964 , § 2(Exh. B) § 20, 11-19-2018; Ord. No. 1996 , div. 2(Exh. A, 8.1), 8-16-2021)

14.18.020 Applicability.

- A. Off-street parking, loading and bicycle facilities shall be provided for any new building constructed and for any new use established, for any addition or enlargement of an existing building or use, and for any change in the occupancy of a building or the manner in which the use is conducted that would result in additional spaces being required, subject to the provisions of this chapter.
- B. Provisions of this chapter shall apply uniformly throughout the city according to specific land usage and shall be without regard to zoning district classification.
- C. Parking areas may be reconfigured in compliance with the provisions of this chapter only.
- D. The provisions of this chapter are applicable to properties with the downtown mixed use district except for provisions specific to: 1) parking requirements; 2) the downtown parking district; and 3) parking lot screening and landscape standards. For these parking provisions, refer to the Downtown San Rafael Precise Plan Form-Based Code, which adopted by separate ordinance and incorporated herein by reference.

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(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, § 64, 6-21-2010; Ord. No. 1996 , div. 2(Exh. A, 8.2), 8-16-2021)

14.18.030 Computation.

If, in the application of the requirements of this chapter, a fractional number is obtained, one (1) parking space or loading berth shall be required for a fraction of one-half (½) or more, and no space or berth shall be required for a fraction of less than one-half (½).

(Ord. 1625 § 1 (part), 1992).

14.18.040 Parking requirements.

- A. Off-street parking shall be provided in accord with the following chart. Where the specific use in question is not listed, the community development director shall determine if another similar use exists which may be used to select an appropriate parking standard. In order to make this determination, the community development director may require the submission of survey data from the applicant or collected by the community development department, planning division at the applicant's expense. Parking surveys conducted for this purpose shall be subject to the review and recommendation by the department of public works.
- B. Parking Modification. The parking requirement for any specific use listed may be modified so as to provide adequate parking which is fair, equitable, logical and consistent with the intent of this chapter. Such modification may also include reduction in parking ratios for businesses in the downtown zoning districts that allow the use of private parking facilities to be used for public parking during evening or weekend hours. Parking modifications shall require an application for a use permit and shall be subject to review by the community development director and public works director, and approval by the zoning administrator.
- C. For properties located within the downtown mixed use district and Downtown parking district, refer to the Downtown San Rafael Precise Plan Form-Based Code for off-street parking standards, which is adopted by separate ordinance and incorporated herein by reference.
- D. In addition to the off-street parking requirements listed below, off-street loading and unloading shall be provided for certain uses in accord with Section 14.18.050, Off-street loading and unloading.
- E. Off-street parking is not required for FAR increases up to ten percent (10%) of the building or seven hundred fifty (750) square feet, whichever is larger, as granted under Section 14.16.150(G)(1)(b).
- F. Operation. As specified in the Downtown San Rafael Precise Plan Form-Based Code adopted by separate ordinance, parking in the downtown mixed use district may be operated to serve the uses for which the parking was approved, or may be shared with other uses in the downtown mixed use zoning district, and/or be made available to the public, subject to a use permit for parking modifications.

Use Classification	Off-Street Parking Required	Additional Standards
Residential		See Section 14.16.282.C.2. for parking requirements for SB 9 Housing Developments
Single-family residential	2 covered spaces per unit.	
Single-family residential, hillside	On streets less than 26 feet wide, a minimum of two additional on-site parking spaces shall be provided (not on the driveway apron) per unit. These spaces should be conveniently placed relative to the dwelling	

	unit which they serve. This requirement may be waived or reduced by the hearing body when the size or shape of the lot or the need for excessive grading or tree removal make the requirement infeasible.	
Studios (multifamily unit)	1 covered space per unit.	
Studio (duplex unit), 500 sq. ft. or less in size	1 space per unit	See Section 14.16.282.C.2 for parking requirements for SB 9 Housing Developments
Studio (duplex unit), Greater than 500 sq. ft.	1.5 spaces per unit (including 1 covered space).	
1 bedroom unit	1.5 spaces per unit (including 1 covered space).	
Two-bedroom units	2 spaces (1 covered)	
Three or more bedroom units	2 spaces per unit (including 1 covered space).	
Guest parking, multifamily	1 space per 5 units.	
Mobilehome parks	2 covered spaces per unit.	
Senior housing projects	.75 space per unit, or as specified by use permit.	
Emergency shelters for the homeless, permanent:		
Residential district	1 space for each employee on maximum staffed shift plus 1 space per five beds:	
1—5 beds	1 space plus staff parking.	
6—10 beds	2 spaces plus staff parking.	
11—15 beds	3 spaces plus staff parking.	
Commercial and light industrial/office districts	1 space for each employee on maximum staffed shift plus 1 space per 10 beds:	
1—10 beds	1 space plus staff parking.	
11—20 beds	2 spaces plus staff parking.	
21—30 beds	3 spaces plus staff parking.	
Emergency shelters for the homeless, temporary or rotating	As specified by use permit.	
Emergency shelters serving children and/or families with children	1 space per family based on maximum program capacity plus 1 space per employee on the maximum staffed shift.	
Residential care facilities for the non-handicapped:		
Small (0—6 clients)	See single-family residential.	
Large (6—10 clients)	1 space for each five clients plus 1 space for each staff person, visiting doctor or employee on maximum staffed shift.	
Rooming or boarding houses	1 space for each guest room or as determined by parking study.	
Accessory dwelling unit (ADU):	See Section 14.16.285	
Visitor accommodations		

Bed and breakfast inns	2 spaces plus 1 space per bedroom.	
Hotels or motels	1 space per sleeping room plus 1 space for manager plus 1 space for every 2 employees.	
Hotels, convention or hotels with banquet, restaurant or meeting facilities, etc.	Parking in addition to the hotel requirement is required, as determined by a parking study. Parking requirement as specified in use permit.	
Day care		
Family day care home (small)	No requirement.	
Family day care home (large)	Minimum 2 spaces. The required parking for the dwelling unit shall count as the required parking for family day care.	
Day care center	1 space per five children. In addition, one of the following must be provided as recommended by the public works director for safety purposes: 1) A posted "loading zone" for dropping-off and picking-up children; 2) A loop driveway with an apron for drop-offs and pick-ups.	
General commercial uses		
Retail sales (non-bulky items)	1 space per 250 gross building sq. ft.	
Retail sales (bulky items, such as machinery, furniture, vehicles, etc.)	1 space per 400 gross building sq. ft.	
Shopping centers	1 space per 250 gross building sq. ft.	
Animal care facilities	1 space per 300 gross building sq. ft.	
Food and beverage service establishments, excluding fast food restaurants	1 space for each 50 sq. ft. of floor area intended for public use.	
Fast food restaurants	1 space per 100 sq. ft. for 50 percent of the gross building sq. ft.; and one space per 65 sq. ft. for 50 percent of the gross building sq. ft. or one space per 2.5 interior seats, whichever is greater.	
Funeral and interment services	1 per each 35 sq. ft. of floor area for assembly rooms plus 1 space for each employee, plus 1 space for each car owned by such establishment.	
Motor vehicle sales and service:		
Coin-op washing	1 space at each washing stall and vacuum stall.	
Gasoline stations	3 spaces per station, plus.	
With minor repairs such as tune-ups, brakes, batteries, tires, mufflers	2 spaces per service bay.	
With mini-market area	1 space per 250 sq. ft. of gross retail.	
Rentals	1 space per 500 gross sq. ft. of floor area plus 1 space per 1,000 sq. ft. of outdoor rental storage area.	

Repairs, major and/or minor	1 space per 500 sq. ft. or 3 spaces per service bay (each service bay may count as one of the parking spaces), whichever is greater.	
Sales, new or used vehicles	1 space per 400 gross building sq. ft. excluding auto repair area; plus, for repair portions of the building: 1 space per 500 gross building sq. ft., or 3 spaces per service bay for automobile repair (each service bay may count as one of the parking spaces), whichever is greater, or 1 space per 2,000 sq. ft. open lot area, whichever is greater.	
Music rehearsal/recording studios	1 space per 500 gross building sq. ft.	
Personal service establishments	1 space per 250 gross building sq. ft.	
Barber/beauty shop/nail salon	2 spaces per chair or workstation.	
Dry cleaning establishment	2 spaces plus 1 space for each employee.	
Laundry (self service)	1 space for each 2 washing machines and/or dry cleaning machines.	
Recreation facilities (indoors)		
Bowling alleys	4 spaces for each bowling lane plus additional spaces for other uses.	
Game arcades	1 space for each 5 coin-operated amusement devices.	
Health clubs and gymnasiums	1 space per 250 sq. ft. of gross building sq. ft.	
Poolhalls/billiards	2 spaces for each table or as determined through a parking study.	
Theaters	Parking study required. Parking subject to the approval of the community development director or the hearing review body for the development.	
Offices and related uses		
Financial services and institutions	1 space for each 200 sq. ft. gross building sq. ft.	
Medical services:		
Clinics	1 space per 225 gross building sq. ft.	
Hospitals	Parking study required.	
Major medical facilities, including extended care facilities	Parking study required.	
Offices, excluding mental health practitioners	1 space per 225 gross building sq. ft.	
Offices, mental health practitioners	1 space per 250 gross building sq. ft.	
Administrative, business and professional offices	1 space per 250 gross building sq. ft.	

Industrial		
Industrial uses	1 space per 500 gross building sq. ft.	
Light industrial/office mixed-use:		
Light industrial sq. ft. of building	1 space per 500 gross building sq. ft.	
Office sq. ft. of building	1 space per 250 gross building sq. ft.	
Mini-storage	Parking study required. Subject to approval by the community development director or hearing review body for the development	
Public utility facilities	Parking study required. Subject to approval by the community development director or hearing review body for the development.	
Storage, warehousing and distribution	1 space per 500 gross building sq. ft.	
Wholesale and distribution	1 space per 500 sq. ft. gross building sq. ft.	
Cannabis testing/lab, cannabis infused products, cannabis delivery and cannabis distribution	1 space per 500 gross building sq. ft.	
Marinas	3 spaces for every 4 boat slips. Plus parking for support uses in the marina, such as restaurants or retail uses.	
Public/quasi-public uses		
Libraries, museums and other cultural facilities	Parking study required. Subject to approval by the community development director or hearing review body for the development.	
Public service and utility	Parking study required. Subject to approval by the community development director or hearing review body for the development.	
Religious institutions	1 space per 4 seats.	
Schools (Note: The following are guidelines for public schools)		
Parochial, private		
K—8	3 spaces per classroom or 1 space per 100 sq. ft. of auditorium space, whichever is greater.	
9—12	1 space for each 4 students based on maximum school capacity, or as specified by use permit.	
Vocational, business trade schools	1 space per 150 gross building sq. ft.	
Performing arts or other	1 space per 250 gross building sq. ft.	
Transportation facilities		
Bus stations, park and ride facilities, public transit stations	Parking study required. Subject to approval by the community development director or hearing review body for the development.	

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(Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, §§ 65, 66, 6-21-2010; Ord. No. 1923, § 2(Exh. A), 6-16-2014; Ord. No. 1955, (Exh. A, § 11), 3-19-2018; Ord. No. 1964, § 2(Exh. B) §§ 21–23, 11-19-2018; Ord. No. 1996, div. 2(Exh. A, 8.3), 8-16-2021; Ord. No. 2002, div. 13, 12-6-2021; Ord. No. 2013, § 4, 8-1-2022)

14.18.045 Designated parking for clean air vehicles.

- A. Applicability. Parking spaces serving new nonresidential buildings shall be designated for any combination of low-emitting, fuel-efficient, and carpool/van pool vehicles, as defined by Section 5.102 of the California Green Building Standards Code, California Code of Regulations, Part 11 of Title 24.
- B. Number of Short-Term Spaces Required. Parking spaces for clean air vehicles shall be provided in accord with the following chart:

Total Number of Parking Spaces	Number of Required Clean Air Vehicle Spaces
0–9	0
10–25	1
26–50	3
51–75	6
76–100	8
101–150	11
151–200	16
201 and over	At least 8% of total

- C. Parking Stall Marking. The following characters shall be painted, using the same paint for stall striping, such that the lower edge of the last word aligns with the end of the stall striping and is visible beneath a parked vehicle: "CLEAN AIR VEHICLE".
- D. Prewiring for Electric Vehicle Charging Stations. In new or substantially renovated parking facilities of twenty-five (25) or more spaces electrical conduit capable of supporting suitable wiring for an electric vehicle charging station shall be installed between an electrical service panel and an area of clean air vehicle parking spaces as required by this section. The conduit shall be capped and labeled for potential future use.

(Ord. No. 1892, § 2, 2-22-2011; Ord. No. 1923, § 2(Exh. A), 6-16-2014)

14.18.050 Off-street loading and unloading.

The minimum off-street loading and unloading space required for specific uses shall be as follows:

- A. Retail and service establishments: one off-street loading and unloading space with minimum dimensions of ten feet (10') in width by thirty-five feet (35') in length, with a fourteen-foot (14') height clearance.
- B. Light industrial or mixed-use light industrial/office buildings: one off-street loading and unloading space for each twenty thousand (20,000) square feet of gross building area. Each loading space shall have minimum dimensions of twelve feet (12') in width by sixty-five feet (65') in length, with a fourteen-foot (14') height clearance.

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- C. Each loading area shall have adequate driveways, turning and maneuvering areas for access and usability, and shall at all times have access to a public street or alley.
 - D. In the office and industrial/office districts, loading areas shall not be located in required front or street side yards.
 - E. Off-street loading and unloading spaces shall be adequately screened from view from public rights-of-way to the satisfaction of the planning director.
 - F. In the downtown mixed use district, on lots less than ten thousand (10,000) square feet, and where a parking lot is provided, the loading area may be incorporated into an aisle or backup area; provided, that there is adequate backup space for required parking spaces as determined by the traffic engineer.

(Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1996 , div. 2(Exh. A, 8.4), 8-16-2021)

14.18.060 Downtown parking district.

The downtown parking district boundaries shall be as defined by the Downtown San Rafael Precise Plan Form-Based Code, which is adopted by separate ordinance and incorporated herein by reference. Parking for nonresidential uses in the downtown parking district shall be provided consistent with the following:

- A. The off-street parking requirement is waived for up to 1.0 FAR of the total square footage of buildings located within the downtown parking district.
- B. Off-street parking for building square footage above 1.0 FAR and for all residential uses shall be provided consistent with the parking requirements the Downtown San Rafael Precise Plan Form-Based Code.

(Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1964 , § 2(Exh. B) § 24, 11-19-2018; Ord. No. 1996 , div. 2(Exh. A, 8.5), 8-16-2021)

Editor's note(s)—Ord. No. 1964 , § 2(Exh. B) § 24, adopted November 19, 2018, amended § 14.18.060 and in so doing changed the title of said section from "Downtown parking assessment district" to "Downtown parking district," as set out herein.

14.18.061 Reserved.

Ord. No. 1996 , div. 2(Exh. A, 8.6), adopted August 16, 2021, repealed § 14.18.061, which pertained to Downtown's West End and environs and derived from Ord. No. 1882, Exh. A, § 67, June 21, 2010.

14.18.070 Parking requirements for multiple uses.

- A. Multiple Uses—Basis for Calculation. Where there is more than one use in a single structure or on a site, or two (2) or more separate instances of the same use, off-street parking requirements shall be the sum of the requirements for the various uses. Off-street parking required for one occupant of a structure shall not be considered as satisfying the required parking facilities for another occupant of the structure, unless otherwise provided in this chapter.
- B. Changes in Occupancy in Multi-Tenant Buildings. Master use permits filed in accordance with Section 14.22.040, Master use permits, for multi-tenant buildings or sites with multiple uses shall specify the types and allowable amounts of various uses. The total parking provided for the site shall be consistent with

subsection A above. When occupants of a multi-tenant building or a multiple-use site change, the approved mix and amount of land use shall be consistent with the master plan approval to ensure the provision of adequate parking facilities.

(Ord. 1625 § 1 (part), 1992).

14.18.080 Parking requirements for reciprocal uses with shared parking facilities.

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

(Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 68, 6-21-2010; Ord. No. 1964, § 2(Exh. B) § 25, 11-19-2018)

14.18.090 Bicycle parking.

- A. Applicability. Bicycle parking shall be required for all new nonresidential buildings and in major renovations of nonresidential buildings having thirty (30) or more parking spaces, and for all public/quasi-public uses.
- B. Number of Short-Term Spaces Required.
 - 1. Commercial, office, industrial, and multi-family residential uses: five percent (5%) of the requirement for automobile parking spaces, with a minimum of one two-bike capacity rack.
 - 2. Public/quasi-public uses: as determined by parking study, or as specified by use permit.
 - 3. Exempt uses: animal sales and service; motor vehicle sales and services; building materials and supplies (large-item); catering establishments; funeral and interment services; temporary uses; recycling facilities; other uses as determined by the planning director.
- C. Number of Long-Term Spaces Required.
 - 1. For nonresidential buildings with over ten (10) tenant-occupants: Five percent (5%) of the requirement for automobile parking spaces, with a minimum of one space.
- D. Reduction of Vehicle Parking. Properties that provide bicycle parking in excess of the bicycle parking spaces identified in Section 14.18.090.B. and/or C. may qualify for a reduction to the overall vehicle parking requirements subject to the approval of a use permit for parking modification.
- E. Design.
 - 1. Short-Term Parking: Bike racks shall be provided with each bicycle parking space. The rack shall consist of a stationary object to which the user can lock the bike.
 - 2. Long-Term Parking: Acceptable parking facilities include:
 - a. Covered, lockable enclosures with permanently anchored racks for bicycles,
 - b. Lockable bicycle room with permanently anchored racks, or
 - c. Lockable, permanently anchored bicycle lockers.
 - 3. Parking facilities shall support bicycles in a stable position.

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4. The facilities shall provide at least an eighteen inch (18") clearance from the centerline of adjacent bicycles on the left and right, and at least ten inches (10") to walls or other obstructions.
 5. An aisle or other space shall be provided to bicycles to enter and leave the facility. This aisle shall have a width of at least five feet (5') to the front or rear of a standard six-foot (6') bicycle parked in a facility.
 6. Bicycle parking should be situated at least as conveniently to building entrances as the most convenient car parking area, but a minimum distance of one hundred feet (100') of a visitors' entrance. Bicycle and auto parking areas shall be separated by a physical barrier or sufficient distance to protect parked bicycles from damage by cars.
 7. Bicycle parking facilities should be located in highly visible, well-lit areas to minimize theft and vandalism.
 8. Overhead coverage or rain shelters for bicycle parking facilities are encouraged.
 9. The planning director (or the planning director's designated appointee) shall have the authority to review the design of all bicycle parking facilities required by this title with respect to safety, security and convenience.

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1892, § 3, 2-22-2011; Ord. No. 1964, § 2(Exh. B) § 26, 11-19-2018)

14.18.100 Parking space dimensions.

- A. Standard size parking spaces shall be nine feet (9') by nineteen feet (19') in dimension, except that in downtown, the standard size parking space shall be eight and one-half feet (8.5') by eighteen feet (18') in dimension.
- B. Compact parking spaces shall be eight feet (8') by sixteen feet (16') in dimension.

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 69, 6-21-2010)

14.18.110 Compact spaces—Allowable percentage.

- A. Allowable Percentage. A maximum thirty percent (30%) of the required parking spaces may be compact spaces for facilities exceeding five (5) spaces.
- B. Spaces Labeled. Compact spaces shall be labeled in parking facilities as compact spaces to the satisfaction of the city traffic engineer.
- C. Distribution. Compact spaces should be distributed throughout the parking lot to the extent feasible.

(Ord. 1625 § 1 (part), 1992).

14.18.120 Tandem parking prohibition.

Tandem parking is prohibited, unless approved under this section:

- A. Under Section 14.18.150, Alternate parking locations for uses with insufficient parking;

- B. With an environmental and design review permit under the Hillside Residential Design Guidelines Manual;
- C. For an accessory dwelling unit, as provided for in Section 14.16.285 of this title; or
- D. As a concession granted for residential projects which include sufficient affordable housing units, as provided for in Section 14.16.030(H)(3)(a)(i) of this title.
- E. Within the downtown mixed use district, when the tandem parking spaces are assigned to a single residential unit or where the tandem spaces are assigned to a single tenant subject to exception permit as outlined under Section 14.24.020.G.3.
- F. As part of a mechanical or automated parking system.

(Ord. 1838 § 41, 2005; Ord. 1625 § 1 (part), 1992).

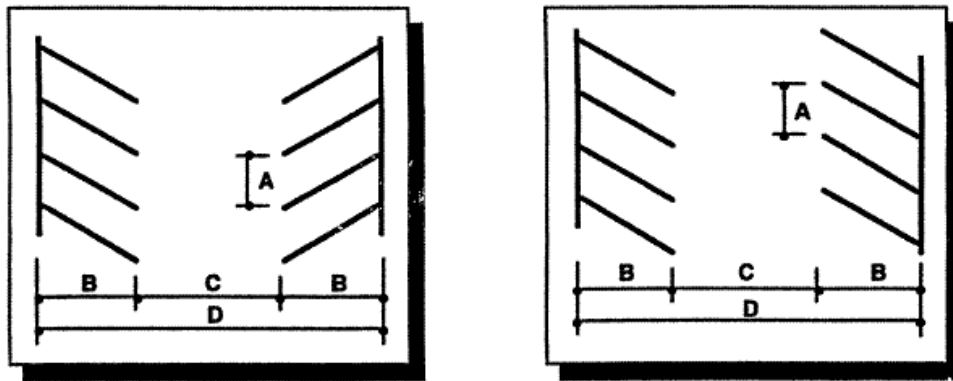
(Ord. No. 1964 , § 2(Exh. B) § 27, 11-19-2018; Ord. No. 1996 , div. 2(Exh. A, 8.7), 8-16-2021)

14.18.130 Parking facility dimensions and design.

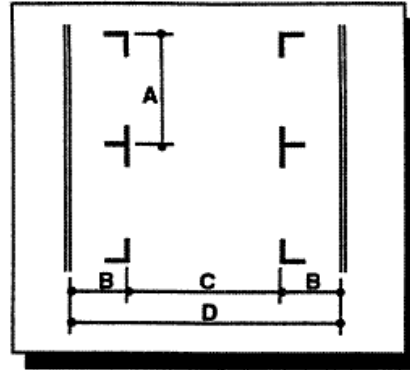
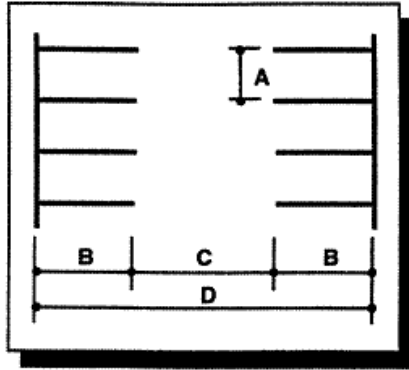
A. Minimum Standards.

1. The following shows the minimum dimensions for aisle widths and parking spaces for parking facilities. Where the configuration and/or layout angle for proposed parking differs from those shown, the dimensions shall be prorated and adjusted accordingly, as approved by the city traffic engineer.
2. Aisle widths and parking space dimensions in excess of the minimum standards may be required on the recommendation from the city traffic engineer, city engineer or fire department where indicated by traffic, grade or site conditions. An exception to the minimum aisle widths may be granted, subject to Section 14.24.020(F), Parking.

Illustration A for Section 14.18.130



60° ONE WAY					60° TWO WAY			
A	B	C	D	DIMENSION	A	B	C	D
STANDARD								
10'-6"	18'-0"	20'-0"	56'-0"	City-wide	10'-6"	18'-0"	24'-0"	60'-0"
*	*	*	*	Downtown	*	*	*	*
9'-3"	15'-0"	20'-0"	NA	COMPACT	9'-3"	15'-0"	24'-0"	NA

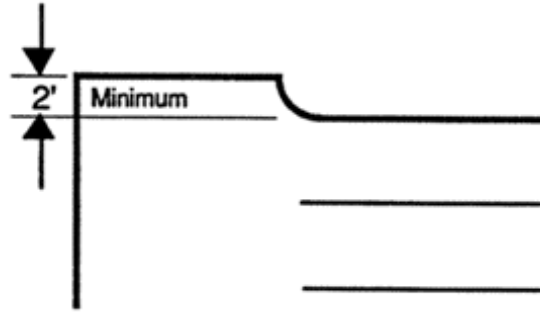


90° TWO WAY					ONE WAY PARALLEL			
A	B	C	D	DIMENSION	A	B	C	D
STANDARD								
9'-0"	19'-0"	26'-0"	64'-0"	City-wide	22'-0"	9'-0"	12'-6"	30'-6"
8'-6"	18'-0"	26'-0"	62'	Downtown	*	8'-6"	*	*
8'-0"	16'-0"	26'-0"	NA	COMPACT	20'-0"	8'-0"	12'-6"	NA

* As approved by the Traffic Engineer.

- B. Parking Spaces for the Handicapped. All parking facilities shall comply with state requirements regarding parking for the disabled, as per state Chapter 71 of the Uniform Building Code, Site Development Requirements for Handicapped Accessibility.
- C. Double Line Striping. Delineation of parking stalls by double line striping is encouraged, and may be required by the city traffic engineer based on site conditions, such as "high turnover" utilization or restricted maneuvering space.
- D. Tree Wells. Tree wells shall have a minimum area of thirty-six (36) square feet and a minimum interior width of six feet (6'), exclusive of curbs. See Section 14.18.160, Parking lot screening and landscaping for additional landscape design standards.
- E. Curb Overhang. A minimum of two feet (2') shall be allowed for overhang at curblines. Where overhangs are provided, the minimum stall depth (dimension "B") may be reduced by two feet (2'). Wherever "parking overhang" encroaches into sidewalk areas, the sidewalks shall be a minimum of six feet (6') in width. In landscaped areas, ground cover and irrigation systems should not be placed within the overhang areas.
- F. Parking Stall Access. Use of a required parking space shall not require more than two (2) vehicle maneuvers. At the end of a parking facility with four (4) or more parking spaces, an aisle or driveway providing access to the end parking space shall extend at least two feet (2') beyond the required width of the parking space in order to provide adequate on-site area for turnaround purposes.

Illustration B for Section 14.18.130



TYPICAL END STALL TREATMENT

(Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 70, 6-21-2010; Ord. No. 1923, § 2(Exh. A), 6-16-2014)

14.18.140 Access to public right-of-way.

A. Driveway Widths. The minimum curb cut for driveways at the face of the curb shall have the following minimum inside depressed width.

1. Serving a residential use:

- 6 or fewer spaces: 10 feet
- 7 to 24 spaces: 12 feet (1-way) or 20 feet (2-way)
- 25 or more spaces: 12 feet (1-way) 24 feet (2-way)

2. Serving a nonresidential use:

- 6 or fewer spaces: 12 feet
- 7 to 24 spaces: 12 feet (1-way) or 20 feet (2-way)
- 25 or more spaces: 15 feet (1-way) or 26 feet (2-way)

The zoning administrator, planning commission or city council may, on the basis of a recommendation from the city traffic engineer, city engineer or fire department, require driveways in excess of the above widths where needed by traffic, grade or site conditions. They may also require driveways to be constructed with full curb returns and handicapped ramps as opposed to simple curb depression.

- B. Separation Distance of Driveways Serving the Same Parking Facility. Driveways serving the same parking facility shall be located at least twenty-five feet (25') apart.
- C. Driveway Grades. Driveway grades shall be subject to review and determination by the city engineer. Maximum driveway grade typically allowed is eighteen percent (18%).
- D. Encroachment Permit Required. An encroachment permit is required from the public works department for work done in the public right-of-way. (Note: See Chapter 11.04 of the municipal code).

(Ord. 1663 § 1 (part), 1994; Ord. 1625 § 1 (part), 1992).

14.18.150 Alternate parking locations for uses with insufficient parking.

To reduce existing on-street parking congestion where dwelling units were legally built with fewer than the currently required number of parking spaces, additional on-site parking for vehicles belonging to the residents of such developments shall be permitted as follows.

- A. The zoning administrator, by environmental and design review permit, may approve, for single-family or duplex units, the location, including tandem parking, of additional parking spaces in the front or street side yards, providing that the following findings can be made:
 - 1. Additional on-site parking is not used as the basis for increasing the number of residential units;
 - 2. Such parking will not create hazards by obstructing views to or from adjoining sidewalks and streets;
 - 3. Fifty percent (50%) of the front and street side yards are landscaped.
- B. The zoning administrator, by environmental and design review permit, may approve, for multifamily development, additional on-site parking in patterns or locations that do not meet current standards, providing that the following findings can be made:
 - 1. Such parking will not create a hazard or nuisance to the neighborhood or adjoining neighbors;
 - 2. Such parking is likely to be used;
 - 3. Such parking will reduce existing on-street parking congestion;
 - 4. Needed on-site recreation facilities are not adversely affected.

(Ord. 1625 § 1 (part), 1992).

14.18.160 Parking lot screening and landscaping.

New or substantially renovated parking lots with more than five (5) spaces shall provide landscaping in accordance with the following standards. Substantially renovated parking lots shall be those for which paving material and curbing is removed and the resulting lot is reconfigured. With the exception of sub-sections F, G, H, I, and J below, the provisions of this section do not apply to properties within the downtown mixed use district. The Downtown San Rafael Precise Plan Form-Based Code, which is adopted by separate ordinance includes provisions and requirements for parking lot screening and landscaping.

The following provisions shall also be used as guidelines for parking lot improvements on remodel projects.

- A. Screening. Parking areas visible from the public right-of-way shall be screened to headlight height through the use of landscaped earth berms, low walls, fences, hedges, or combination thereof, with trees and plantings, or similar means. Fences, walls, and hedges need not be solid.
- B. Minimum Trees. A minimum of one (1) canopy tree shall be provided for every four (4) parking spaces. Trees shall be distributed throughout the parking area to shade cars and paved areas. Clustering of trees may be considered subject to approval of the decision-making body, where it is demonstrated that the intent will be met to provide ample shading and screening of parking areas and enhance the visual appearance of parking lots. In downtown, this section does not apply to parking lots for twenty (20) or fewer cars, and the standards in this section may be reduced for parking lots for twenty-one (21) to forty (40) cars, subject to recommendation by the design review board and with the approval of a minor design review permit.
- C. Tree Selection and Distribution. Parking lot trees shall be selected and located to achieve maximum shading of paved surfaces, through utilization of the following techniques:

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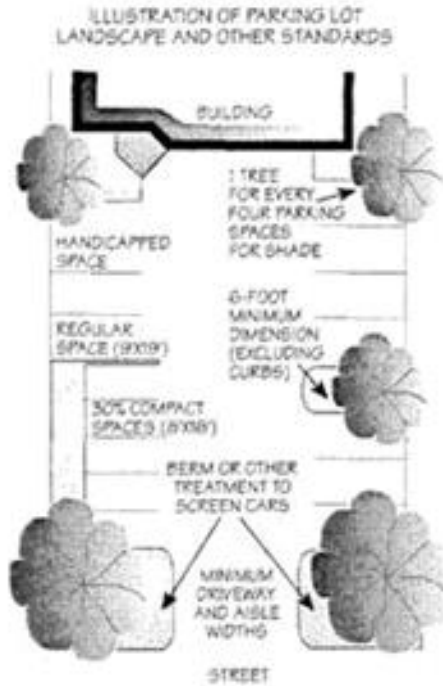
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1. Distribute trees uniformly throughout parking areas, incorporating use of regularly spaced finger islands (see illustration below) and landscape medians between parking rows to the extent practicable.
 2. Cluster trees on southerly and westerly perimeters of parking lots.
 3. Provide minimum tree canopy diameters of fifteen feet (15') and include tree species with large canopy diameters, e.g., greater than thirty feet (30').
 4. Increase tree planting ratios as necessary to provide equivalent canopy coverage of the site where less than half of the required trees are proposed as large canopy tree species.
- D. Minimum Size of Planting Areas and Tree Wells. Planting areas containing trees and tree wells shall have a minimum area of thirty-six (36) square feet and a minimum interior width of six feet (6'), exclusive of curbs. For large canopy tree species, tree wells shall have a minimum area of sixty-four (64) square feet and a minimum width of eight feet (8') exclusive of curbs, to the extent this larger planting area is practicable and can be accommodated on-site.
- E. Curbs and Wheel Stops. A maximum overhang of two feet (2') shall be allowed for overhang of vehicles into planting areas. All planters and sidewalks located adjacent to driveways, loading areas, or parking lots shall be protected along the parking lot side with concrete curbs or wheel stops. Alternative treatments may be considered, subject to the approval of the community development director (or the director's designated appointee) or the appropriate hearing review body.
- F. Irrigation. Permanent, automatic irrigation systems shall be provided for all planted areas, in compliance with Section 14.16.370 Water-Efficient Landscape.
- G. Soil Preparation and Verification. Planting areas and tree wells shall be prepared by excavation to a minimum depth of three feet (3'), scarifying sides of tree wells (to promote soils integration, water absorption and healthy root growth), amendment of soil (as recommended based on soils analysis), and compaction to no more than seventy-five percent (75%) within twelve inches (12") of a curb or sidewalk. For parking lots containing twenty-five (25) spaces or more a licensed landscape architect shall monitor tree well excavation, soil preparation and tree planting and provide written verification to the community development director that excavation, soil preparation and tree planting have complied with the standards established by this subsection to promote normal healthy tree growth. Such written verification shall be received by the community development director prior to use of the parking facility and/or occupancy of the use.
- H. Maintenance. Landscaped areas associated with parking lots shall at all times be maintained in a healthy and clean condition, with replanting as necessary to maintain compliance with the previously approved landscape plan. For parking lots containing twenty-five (25) spaces or more the property owner shall obtain a minimum one (1) year maintenance contract and warranty for tree growth and provide documentation of such to the community development director prior to use of the parking facility and/or building or site occupancy.
- I. Parking Structures. The top level of parking structures shall utilize light-colored/high albedo paving material (reflectance of at least 0.3), or utilize shade structures, photovoltaic carports, landscaped trellises, or trees to achieve at least fifty percent (50%) daytime shading.
- J. Bio-filtration. Persons owning or operating a parking lot, gas station, area of pavement or similar facility developed with hardscape surfaces shall undertake all practicable measures to minimize discharge of pollutants to the city storm drain, in compliance with city standards, including utilization of all best management practices and the requirements of San Rafael Municipal Code Title 9.30 (Urban Runoff) enforced by the department of public works. To facilitate compliance with city storm drain pollution discharge requirements, innovative landscape design concepts may be substituted for the above standards subject to the approval of the appropriate review body, including use of permeable

pavers, bio-swales, at grade curbs and openings in curbs to allow filtration of runoff through landscape areas. Landscape plans and alternative measures shall subject to compliance with any recommendations of the department of public works.

Illustration 14.18.160



(Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1923, § 2(Exh. A), 6-16-2014; Ord. No. 1996, div. 2(Exh. A, 8.8), 8-16-2021)

14.18.170 Lighting.

Lights provided to illuminate any parking facility or paved area shall be designed to reflect away from residential use and motorists. It is the intent to maintain light standards in a low profile design, as well as to be compatible to the architectural design and landscape plan. Light fixtures (e.g., pole and wall-mount) should be selected and spaced to minimize conflicts with tree placement and growth. (See Section 14.16.227 for additional standards on foot-candle intensity).

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1923, § 2(Exh. A), 6-16-2014)

14.18.180 Residential districts—Garage and carport standards.

- A. Single-Car Garages. The minimum interior dimensions of single-car garages shall be ten feet (10') by twenty feet (20').

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- B. Double-car Garages. The minimum interior dimensions of double-car garages shall be twenty feet (20') by twenty feet (20').
 - C. Single-car Carports. The minimum interior dimensions of single-car carports shall be nine feet (9') by nineteen feet (19').
 - D. Double-car Carports. The minimum interior dimensions of double-car carports shall be eighteen feet (18') by nineteen feet (19').
- (Ord. 1625 § 1 (part), 1992).

14.18.190 Recreational vehicle parking in residential districts.

In any of the following locations, parking of recreational vehicles, camper shells, trailers, boats and other similar equipment, when parked or stored incidental to the basic residential use of the property, is permitted for loading, unloading and storage purposes providing it does not obstruct the view of pedestrians and vehicles on the adjacent sidewalk and/or street and does not otherwise constitute a nuisance.

- A. For Single-Family and Duplex Residential Units. Recreational vehicle parking is permitted:
 - 1. Within the garage, carport or parking space required by the zone in which the use is located; or
 - 2. In the front yard setback when on the driveway to the garage, carport or parking spaces required by the zone; or
 - 3. In the front yard setback between the existing driveway and the side property line when the distance between the two is no greater than twelve feet (12') at any point; or
 - 4. In rear yards, interior side yards or other areas not defined as "yards," providing the unit is partially or fully screened as viewed from off-street by a solid fence that conforms to the permitted height limits, vegetation, structures or topography;
 - 5. Recreational vehicles shall be parked in an orderly manner, generally perpendicular to the street. Parking parallel to the front property line is prohibited;
 - 6. No part of the recreational vehicle shall extend over the public sidewalk or right-of-way;
 - 7. The parking space and connecting driveway shall be surfaced with gravel, concrete, asphalt or similar materials.
- B. For Multifamily Residential Units (Three (3) or More Units Whether Constructed as Apartments, Townhouses or Condominiums) and Mobilehome Parks. Recreational vehicle parking is permitted in areas that are designed and constructed for such purposes under permits approved by the planning commission.

(Ord. 1163 § 1 (part), 1994; Ord. 1625 § 1 (part), 1992).

14.18.200 Location of parking and maneuvering areas.

Parking or maneuvering areas, excluding access driveways, shall be prohibited in all required yard areas in the medium- and high-density residential districts.

(Ord. 1663 § 1 (part), 1994; Ord. 1625 § 1 (part), 1992).

14.18.210 Commercial parking in MR and HR districts.

Public or private parking lots for automobiles may be permitted in a medium-density or high-density residential district adjacent to any nonresidential district, providing a use permit and environmental and design review permit are first obtained in each case.

(Ord. 1625 § 1 (part), 1992).

14.18.220 On-site and remote parking.

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

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 71, 6-21-2010; Ord. No. 1964 , § 2(Exh. B) § 28, 11-19-2018)

14.18.230 Parking spaces—In lieu payments.

Where practical difficulty is involved in meeting the off-street parking requirements for a building hereafter constructed, the requirement may be met wholly or in part by in-lieu payments where the owner of the building site offers (in writing) to make, and the city council agrees to accept, such payments. When such an offer is made, the planning commission shall investigate and report to the city council its findings as to the reasons which are alleged to make such substitution necessary. The city council may accept or reject the proposal for substitution, and if it finds the substitution necessary, shall determine the amount of payment to be made. The payment shall equal the fair market value of the land which would otherwise have been devoted to off-street parking, plus the cost of paving and other improvements as determined by the city engineer. All moneys collected shall be used for the purchase and improvement of off-street parking facilities. Each of such facilities shall be so located as to serve primarily the general area and class of zoning district from which the respective in-lieu payments are derived.

(Ord. 1625 § 1 (part), 1992).

14.18.240 Grandfathered parking.

- A. No use of land lawfully existing on the effective date of the ordinance codified in this title shall be considered nonconforming solely because of the lack of off-street parking, loading or bicycle facilities prescribed in this chapter.
- B. The number of existing required parking spaces may be reduced to achieve compliance with state or federal disabled access requirements. In such instances, properties shall not be considered nonconforming solely because of the lack of off-street parking prescribed by this chapter.
- C. The number of required spaces within an existing parking lot approved or established prior to adoption of this section (i.e., June 16, 2012) may be reduced in order to achieve greater conformity with the city urban runoff pollution prevention standards contained in San Rafael Municipal Chapter 9.30, as required by the department of public works, and/or the parking lot landscape regulations contained in Section 14.18.160, provided that the property owner can demonstrate to the satisfaction of the public works department and/or community development director that sufficient parking and vehicle maneuvering will remain to support the intended use(s) of the subject property. In such instances, properties shall not be considered nonconforming solely because of the lack of off-street parking prescribed by this chapter.
- D. For additions or enlargements of any existing building or use, or any change of occupancy or manner of operation that would increase the number of parking, loading or bicycle spaces required, additional parking shall be required for such addition, enlargement or change. Where parking for an existing use is substandard, improvements to improve or upgrade the parking may also be required where feasible.
- E. A nonconforming structure which has been damaged or destroyed more than seventy-five percent (75%) and which is rebuilt to its original condition must provide parking equivalent to prior existing parking. Where parking was substandard, improvements to improve or upgrade the parking may also be required where feasible.
- F. Determination of the amount of parking improvements required to upgrade or improve existing substandard parking conditions shall be made by the community development director or the appropriate hearing review body. Such determination shall consider the size of the proposed addition in relation to the existing development, off-site parking conditions and site constraints.

(Ord. 1838 § 42, 2005; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1923, § 2(Exh. A), 6-16-2014)

14.18.250 Permanence of off-street parking.

- A. Once any off-street parking or loading space has been provided, which wholly or partially meets the requirements of this title, such off-street parking or loading space shall not thereafter be reduced, eliminated or made unusable in any manner which renders the on-site parking inadequate for the building and/or uses in existence on or created after the adoption of the ordinance codified in this title. Covered parking shall not be converted to uncovered parking.
- B. Accessory off-street parking or loading facilities which are located on the same lot as the building or use served, and which were in existence on the effective date of the ordinance codified in this title, or were provided voluntarily after such effective date, shall not hereafter be reduced below, or if already less than, shall not further be reduced below, the requirements of this title for a similar building or use.

(Ord. 1625 § 1 (part), 1992).

Chapter 14.19 SIGNS

14.19.010 Purpose.

The provisions of this chapter shall regulate the location, size, type and number of signs permitted within the city of San Rafael. The purpose of this chapter shall be:

- A. To safeguard and enhance property values;
- B. To protect the public and private investment in buildings, improvements and open spaces;
- C. To preserve and improve the visual appearance of the city as a place to live and work;
- D. To encourage sound signage practices as a means to aid existing and new businesses and provide information to the public;
- E. To ensure the preservation of freedom of speech;
- F. To preserve and promote traffic safety;
- G. To protect the public health, safety and general welfare of the community at large.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

14.19.020 Applicability and interpretation.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

14.19.021 Compliance as of effective date of this chapter.

The provisions of this chapter shall apply to all signs posted, installed, erected, constructed, or a change of sign copy on or following the effective date of this chapter.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

14.19.022 Applicability to sign content.

The provisions of this chapter do not regulate the message content of signs or sign copy, regardless of whether the message content is commercial or noncommercial. In each instance and under the same conditions to which this chapter permits any sign, a sign containing an ideological, political, or other noncommercial message and constructed to the same physical dimensions and character shall be permitted. For purposes of this chapter, a "commercial" message or sign is any message or sign which directs attention to commercial activity including a business, commodity, service, attraction or entertainment; and a "noncommercial" message or sign is one, which is determined not to be a commercial message or sign as defined herein.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

14.19.023 Compliance with applicable ordinances, regulations and laws.

All signs posted, erected or constructed on or following the effective date of this chapter shall comply with all other applicable laws, regulations, provisions and conditions required by the other titles of the San Rafael Municipal Code and any applicable county, state or federal approval required for such sign.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

14.19.024 Requirements for associated city permits and approvals.

Any associated city permit or approval required for a sign, including but not limited to a building permit, electrical permit, encroachment permit, or planning permit (e.g., use permit or environmental and design review permit) that is required shall be approved prior to the posting, installation, erection or construction of the sign.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

14.19.025 Interpretation of provisions of this chapter.

The community development department staff shall have the authority to interpret the provisions of this chapter. Should there be a question or disagreement regarding the interpretation of the department staff, the community development director shall review the dispute and render a determination as to the intent of the chapter provision. Sign terms and definitions used to interpret the provisions of this chapter are found in Chapter 14.03, Definitions.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

14.19.026 Severability.

In the event that any part of this chapter is held to be invalid or inapplicable to any sign or signs, it is intended that the invalid section or sections be severed from the remaining provisions in order to continue in force and effect the remaining sections of this chapter.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

14.19.030 Exempt signs.

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

- A. Building and Street Address Signs. Each sign shall not exceed five (5) square feet in size and one per building for each street frontage.
- B. Official Flags. Official flags of any nation, state or local government. Official flags may be placed on a pole not exceeding the height limit established by the applicable zoning district. Flags over the height limit are subject to environmental and design review pursuant to Section 14.16.120 and Section 14.25.040. The height of the flag shall be no more than one-fourth (¼) the height of the pole.

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- C. Weather flags, nautical flags and pennants when displayed on boats, in marinas, or on any land area within fifty feet (50') of water frontage, where primarily intended to be viewed from the water and void of any commercial messages.
 - D. On-Site Directional or Informational Signs. Directional or informational signs placed on-site, which are intended to provide public safety or convenience, not exceeding five (5) square feet in area per sign. Examples of such signs include, but are not limited to, parking lot directional signs, posting of business hours and location of restrooms, telephones, "parking in rear," "drive-through service window," and "no-smoking." Premises addressing signs that are larger than five (5) square feet in size shall be exempt if the larger addressing sign is required by the Fire Code.
 - E. Signs Essential for Public Purposes. Signs installed by the city, a state or federal governmental agency, and public utility or service, which are essential for public purposes. Public purpose signs include, but are not limited to official signs for traffic control (e.g., street signs), fire and police signs, signs for other regulatory purposes, such as for public information and safety, public notices, emblems and other forms of official identification.
 - F. Interior Signs. Signs located within the interior of a building, lobby, mall or court, when such sign is intended for interior viewing. This provision does not apply to interior signs placed within ten feet (10') of a window, where such sign is visible from a public street.
 - G. Nonstructural Modifications and Maintenance of Conforming Signs. Modifications and maintenance of a conforming sign that are nonstructural. Modifications do not include a change in sign face or copy, which requires the approval of a sign permit under Section 14.19.041 of this chapter.
 - H. Signs Regulated by State or Federal Laws. Signs that are regulated by state or federal laws, or other applicable local laws, provided that such signs are sized and located to be consistent with the state, federal, or local applicable laws. Examples of such signs include the posting of gasoline and fueling station price signs.
 - I. Community Gardens Signs. Informational signage required for community gardens as outlined in Section 14.17.030, provided that such signs do not exceed the maximum allowable size contained in said section.
 - J. Community Service Signs. Signs installed on city owned property by the city of San Rafael for the purpose of providing multi-lingual information of: upcoming events, classes, meetings and/or update on neighborhood/community issues. These signs may be electronic face and contain moving messages for the purpose of allowing dissemination of information in multiple languages and shall be subject to the following standards:
 - 1. Number of Signs: One electronic message signs shall be permitted per site.
 - 2. Size of Signs: Signs shall be a maximum size of forty-eight (48) square feet.
 - 3. Height of Signs: Free-standing electronic message signs shall not exceed a height of six feet (6').
 - 4. Sight Distance: Free-standing electronic message signs shall provide an adequate line of sight distance pursuant to Section 14.16.295.
 - 5. Hours of Use: Electronic message signs shall be equipped with a timer to assure the signs are not used between the hours of 10 p.m. and 7 a.m.
 - 6. Length of time for display of each message: Electronic message signs may display changing messages provided that each message is displayed for no less than four (4) seconds.
 - 7. Brightness Sensors: Electronic message signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim

according to ambient light conditions (e.g., photocell technology), or that can be adjusted to comply with the 0.3-foot candle requirement.

8. The signs shall not include neon lights.
9. The signs shall be subject to a ninety (90) day post installation review.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

(Ord. No. 1882, Exh. A, § 72, 6-21-2010; Ord. No. 1964 , § 2(Exh. B) § 29, 11-19-2018)

14.19.040 Sign application and permit procedures.

Except for those signs that are exempt under Section 14.19.030, all signs shall require the approval of a sign permit and shall follow the permit procedures set forth in Sections 14.19.041 through 14.19.049.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

14.19.041 Sign permit required.

A sign permit shall be required for all signs that are posted, installed, erected or constructed, and for changes in sign copy or face of existing signs.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

14.19.042 Application.

All sign permit applications shall be filed with the community development department, planning division and shall include the following information:

- A. A completed application form containing a written description of the sign size and location. The form shall be signed by the property owner or an authorized representative such as a licensed sign contractor, or purchaser under a contract of sale or lessee.
- B. The application fee, as amended from time to time by resolution of the city council.
- C. Graphic materials, drawn to scale and dimensioned, describing the sign location and design. Application materials shall include elevations, drawings, plot and site plans, profiles, photographs, proposed illumination, color and material samples, an inventory of all existing signs on the subject property and other pertinent information which may be deemed necessary to review and render a decision on the application.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

14.19.043 Review authority.

Application, administration and authority over the provisions and requirements of this chapter shall lie with the following official bodies or officials:

- A. Community Development Director. The community development director or his or her designee has the authority to:
 1. Approve, conditionally approve or deny a sign permit, as set forth in Section 14.19.048(A) and signs requiring a minor exception, as set forth in Section 14.19.048(B). Refer a sign permit

application to the design review board for advisory review and recommendation on design matters relating to a sign proposal.

2. Approve, conditionally approve or deny a request for an extension to an approved sign permit and requests to extend, modify or revise an approved sign program.
- B. Planning Commission. The planning commission has the authority to approve, conditionally approve or deny:
1. A sign program, as set forth in Section 14.19.046;
 2. Signs requiring a major exception, as set forth in Section 14.19.045;
 3. Signs incorporated into the design of new buildings or major design improvements proposed to existing buildings and properties, and mural signs subject to an environmental and design review permit, as set forth in Chapter 14.25;
 4. Appeal of sign permit actions of the community development director.
- C. Design Review Board. The design review board shall serve as an advisory body to the planning commission and community development director on all sign programs and environmental and design review permits for building and site improvements that include signs, including mural signs. As determined on a case-by-case basis by the community development director or planning commission, the design review board may provide advisory review and recommendations on other sign matters.
- DC. Appeals. All decisions of the community development director or the planning commission can be appealed in accordance with the provisions of Chapter 14.28, Appeals.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

14.19.044 Criteria for approval of signs.

All signs requiring sign permit approval shall comply with the provisions of this chapter, unless an exception has been granted or a sign program has been approved, which authorize deviations from these provisions.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

14.19.045 Exceptions (major and minor).

When a proposed sign(s) deviates from the provisions and standards of this chapter pertaining to sign size, placement, type, number, design and type of illumination, an exception request may be filed with a sign permit application, subject to the following:

- A. Minor Exceptions. A minor exception applies to requests which do not deviate from the sign provisions for size and height by more than twenty percent (20%), or when the community development director determines that alternative placement, number, type, design or illumination of a proposed sign(s) would be minor and appropriate for the site, business or use.
- B. Major Exceptions. A major exception applies to requests, which deviate from the standard or provisions for sign size and height by more than twenty percent (20%), or when the community development director determines that alternative placement, number, type, design or illumination of a proposed sign(s) would be major.
- C. Findings for Approval of an Exception. The following findings shall be made in rendering a decision on a request for exception:

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1. The exception is necessary to overcome special or unusual site conditions such as exceptional building setbacks, and lack of or limited visibility due to orientation, shape or width of the property and building improvements;
 2. The exception is appropriate in that it would allow signage that would be in proper scale with the building and site improvements, would be compatible with other conforming signs in the immediate vicinity, and would promote a good design solution; and
 3. The exception would permit an improvement that would not be detrimental or disruptive to the safety or flow of vehicular or pedestrian traffic either on-site or off-site.
- D. Not Applicable. The exceptions process shall not apply or be used to permit a prohibited sign, as set forth under Section 14.19.080 of this chapter.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

14.19.046 Sign programs.

The establishment of a sign program shall be an alternate to the sign standards and provisions contained in this chapter under certain circumstances, as follows:

- A. Purpose. Sign programs are specifically intended for unique use and property circumstances with the purpose of addressing multiple uses on one site or multiple signs for uses with special sign needs. Sign programs shall be used to achieve aesthetic compatibility between the signs within a project, and may allow some flexibility in the number, size, type and placement of signs.
- B. Applicability. Sign programs are permitted specifically for shopping centers, a single building or multiple buildings containing multiple tenants on one or more contiguous sites, signs proposed in a planned development (PD) district, gasoline or fueling stations and automobile or vehicle dealerships and movie theaters only. Sign programs shall not be used for other uses or conditions with the intent to deviate from the provisions of this chapter.
- C. Design Continuity. Sign programs shall be designed so that all signage has a consistent and common design theme and placement, utilizing common materials, colors and illumination.
- D. Findings Required for Approval of a Sign Program. The planning commission shall make the following findings in rendering a decision on a sign program:
 1. All of the signs contained in the program have one or more common design elements such as placement, colors, architecture, materials, illumination, sign type, sign shape, letter size and letter type;
 2. All of the signs contained in the program are in harmony and scale with the materials, architecture, and other design features of the buildings and property improvements they identify, and the program is consistent with the general design standards specified in Section 14.19.054; and
 3. The amount and placement of signage contained in the program is in scale with the subject property and improvements, as well as the immediately surrounding area.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

14.19.047 Environmental and design review permit.

When new buildings are proposed for development or exterior design modifications are proposed to existing buildings subject to an environmental and design review permit (as set forth in Chapter 14.25), signage shall be

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(Supp. No. 36, Update 2)

incorporated into the design improvements of the project. Under these circumstances and unless approved as part of a sign program, signage shall be considered and processed with the required environmental and design review permit, as set forth in Chapter 14.25. When signage is reviewed and approved with an environmental and design review permit, no separate sign permit shall be required provided that:

- A. The signage complies with the provisions of this chapter; and
- B. The size, placement, design, number and illumination parameters of the permitted signage are adequately documented in the approved plans or conditions of approval for the environmental and design review permit.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

14.19.048 Processing and noticing requirements.

The following processing and noticing procedures shall be followed prior to rendering a decision on a sign permit, an exception or a sign program:

- A. Sign Permit, Administrative Approval. Following review of a sign permit application for compliance with the provisions of this chapter and other applicable approvals, the community development director, or his or her designee, shall render a decision on the application. A decision on a sign permit application may be rendered without notice to surrounding property owners.
- B. Minor Exceptions and Modifications to an Approved Sign Program. Following review of an application for and prior to rendering a decision on a minor exception or a modification or revision to an approved sign program, property owners contiguous to the subject property shall be mailed a public notice informing them of the director's intent to act on the application. The notice shall indicate that the director will take action on the application, on or after the date, which is fifteen (15) calendar days following the date of the notice.
- C. Major Exceptions, Sign Programs, Mural Signs and Appeals. Major exceptions, sign programs, mural signs, appeals and other sign-related applications requiring planning commission action shall be noticed consistent with the requirements of Chapter 14.29, Public Notice.
- D. Prompt Review and Action. Review and action on any sign permit, exception or sign program applications or on any administrative appeal of any action taken by the city on these applications shall be prompt and expeditious, according to the provisions of law and the city's municipal code and procedures. Judicial review shall be in accordance with the provisions of Code of Civil Procedure Sections 1094.8 et seq.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

14.19.049 Time limits for sign permit and related sign approvals.

- A. Initial Time Limits. All sign permit, sign program and exception approvals shall expire six (6) months from the action date, unless the approved sign(s) has been installed, erected or posted, or unless another time limit is specified as a condition of approval.
- B. Time Limits for Extensions. Prior to expiration of a sign permit, sign program or exception, the applicant may apply to the community development department for an extension from the date of expiration.
- C. Automatic Extension when Subsequent Permits are Approved. The expiration date of the sign permit, sign program or extension shall be automatically extended when a building permit, electrical permit,

encroachment permit or similar subsequent permit is granted. The approval shall be automatically extended to concur with the expiration date of the subsequent permit.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

14.19.050 General sign provisions.

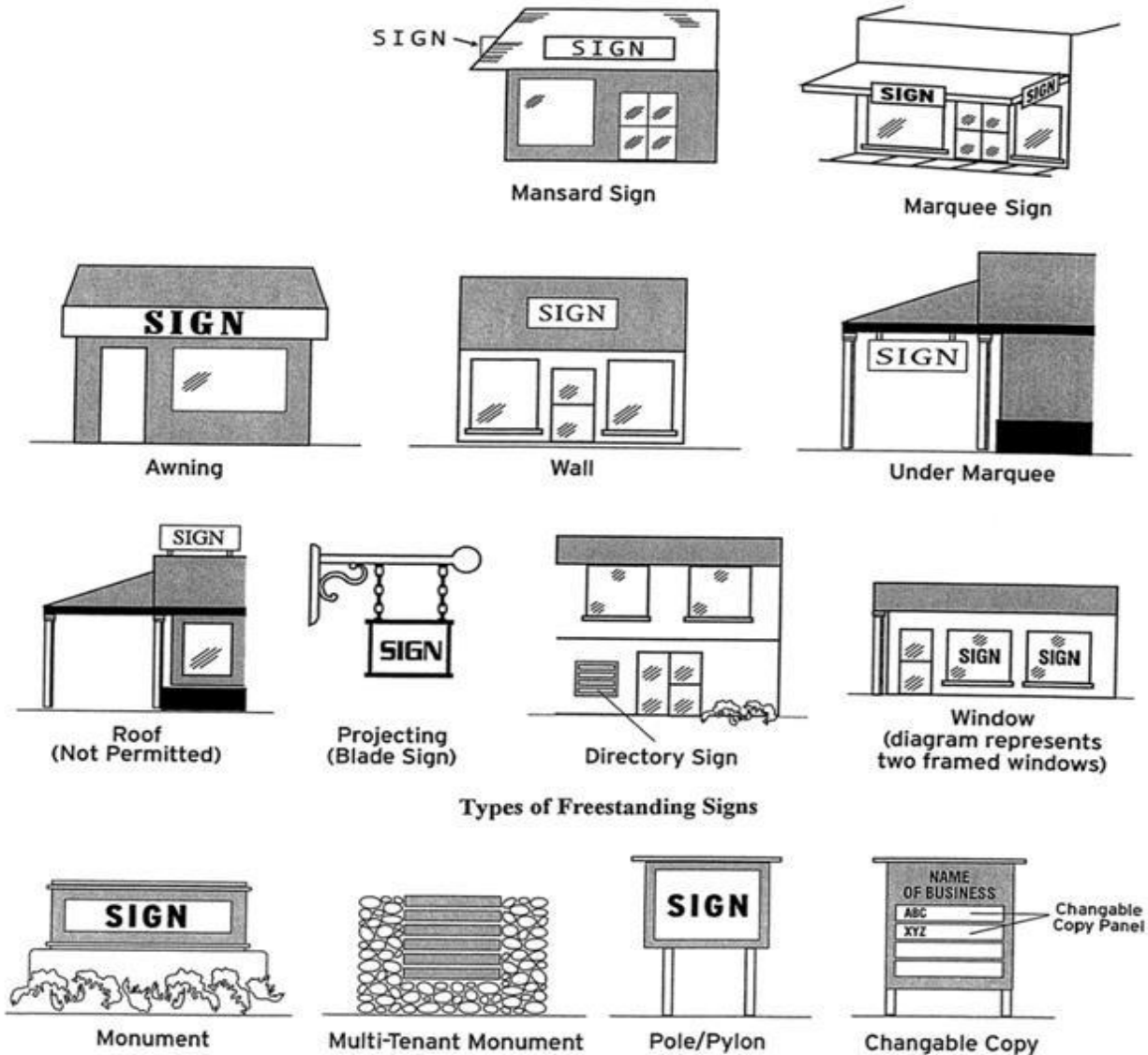
All signs subject to the provisions of this chapter shall comply with the following general sign provisions.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

14.19.051 Types of signs.

Examples of sign types are presented in Figure 14.19-1. A definition for these sign types is provided in Chapter 14.03, Definitions. The type of sign that is permitted for a business or use shall be regulated by zoning district, as specified in Section 14.19.060 and Table 14.19-2 of this chapter.

Figure 14.19-1
Types of Signs



(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

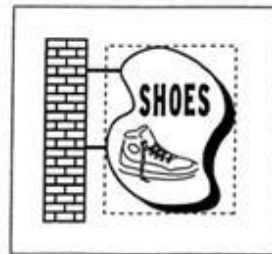
14.19.052 Computation or determination of permitted sign area.

To determine sign compliance with sign area limitations of this chapter, sign area shall be measured as follows:

- A. Measuring Surface Sign Area. Surface area of a sign shall be calculated as follows:
 1. By enclosing the extreme limits of all framing, writing, logo, representation, emblem and other display including, among others, telephone numbers and internet web site addresses within a single, continuous perimeter composed of squares or rectangles. This method of sign measurement is depicted in Figure 14.19-2.

2. When a sign is comprised of individual letters, which appear as an unframed surface, the script and logo for each line shall be calculated separately. When distance between two (2) lines of script is more than twice the height of the script, each line shall be counted as one sign. This method of sign measurement is depicted in Figure 14.19-2.
 3. The area of the sign shall be taken as the area of one face.
- B. Measuring Three-Dimensional Objects. Signs that are spherical, conical, cylindrical, and non-geometric three-dimensional shapes shall be measured as the area of their maximum projection upon a vertical plane. This method of sign measurement is depicted in Figure 14.19-3.

**Figure 14.19-2
Measuring Surface Sign Area**



**Figure 14.19-3
Measuring Three-Dimensional Signs**

- C. Measuring Double-Faced (back-to-back) Signs. The area of a double-faced sign where the sign faces are placed back-to-back shall be calculated as a single sign face.
- D. Measuring Double-Faced or Multiple-Faced Signs where More than One Sign Face is Visible from Any One Location. The area of all faces that can be viewed from any one direction at one time shall be counted in determining the permitted sign area.
- E. Tubing or Strings of Lights. Exclusive of seasonal decorations and lighting, illuminated tubing and strings of lights used to outline portions of a building or windows shall be included in the calculation of permitted sign area. The tubing or strings of lights shall be deemed to have a minimum width of six inches (6") in the calculation of the sign area. When illuminated tubing and strings of lights border an area that forms a substantially closed geometric shape, which contains signage within this shape, all area within the closed shape shall be considered the sign area.
- F. Clocks and Temperature Display. Elements of a sign displaying time of day and temperature shall be included in measuring the surface sign area, when such elements are clearly a part of or integral to a sign or sign structure displaying the business or use. Clocks and architectural elements and structures solely displaying time of day or temperature in analog or digital format are considered signs and are subject to the provisions of this chapter.
- G. Supporting Framework, Bracing, Pedestals or Foundations. Supporting framework, bracing, pedestals or foundations that are clearly incidental to or separate from the sign display shall not be computed as

sign area. Examples of this condition would be a solid foundation or pedestal base on a monument-type sign. When such members are designed or illuminated so as to contribute to the advertising qualities of the sign display, the area of such members shall be computed as sign area.

- H. Sign Frames. Signs, which are framed or have distinguishing color background shall be measured by the entire area of the sign and background, including the framing surfaces.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

14.19.053 Location, placement and design of signs.

The location and placement of a sign shall be subject to the following:

- A. On-Site Location Only. All signs shall be located on the same site or building as the subject business or use, except as otherwise permitted by the provisions of this chapter.
- B. No Obstruction of Exits, Windows and Safety Equipment. No sign shall be built, placed, posted or affixed in any manner where a portion of the sign or its supports would interfere with the free use of any fire escape, exit or standpipe, or obstruct any required stairway, door, ventilator or window.
- C. Maintenance of Adequate Sight Distance. No sign shall be built, placed, posted or affixed in any manner or location where it will physically impede or cause hazardous obstruction to the visibility of vehicles or persons entering or exiting doorways or driveways that are proposed or are in use.
- D. General Placement of Signs. The permitted sign(s) for a business or use shall be placed on the street front face or front elevation of the building where the business or use is located (see definition for frontage, business or use in Chapter 14.03) with the following exceptions:
 - 1. Where a building is located on a one-way street, or where public visibility of the front face or front entrance of the building is limited or impaired, the permitted sign may be placed on the side or rear face or elevation of the building to improve visibility, provided that the provisions for sign size and number are not exceeded.
 - 2. Where a business or use is within a multi-tenant building and has no frontage, or is located on a floor above or below the ground floor level, identification for the business or use shall be limited to a building directory sign placed at the building entrance, or on a multi-tenant, monument sign, when such sign is permitted under the provisions of this chapter.
- E. Frontage on Corner Lots. On corner lots where a business or use has frontage on two (2) streets, signs may be placed on both street frontages, but the permitted square footage for each building front may not be transferred from one street frontage to another.
- F. Frontage on a Public Parking Lot or Public Parking Structure. Where a business or use has frontage on and an entrance access to a public parking lot or public parking structure, this frontage shall be considered the same as frontage on a public street when determining permitted sign area.
- G. Placement of Window Signs. No more than twenty-five percent (25%) of the area of a framed window or a continuous window area shall be used for a sign. When a window contains multiple panes, the framed area of the whole window, inclusive of the individual paned areas, shall be used in calculating the permissible sign area. Except in the downtown districts where second floor business signs are permitted, window signs shall be permitted only in windows located on the ground floor of a structure. Permanent window signs shall be counted against the overall, permitted sign area and number and shall be subject to the same provisions and limitations as for wall signs.
- H. Placement and Design of Marquee Signs. The location and placement of marquee signs shall be subject to the following provisions:

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1. A minimum vertical clearance of eight feet (8') above the sidewalk, path, public property, public right-of-way or easement shall be maintained.
 2. Signs shall not project beyond the ends or sides of the marquee.
 3. Signs placed on the face of a marquee may extend above the top of the marquee provided that this extension is not more than one-half ($\frac{1}{2}$) the height of the marquee face and is below the building roofline.
- I. Placement and Design of Projecting and Blade Signs. The location and placement of projecting and blade signs shall be subject to the following provisions:
1. The maximum permitted sign area for a projecting sign shall be thirty-six (36) square feet, except in the downtown mixed use district. In the downtown mixed use district, a projecting sign shall not exceed five (5) square feet in area.
 2. A minimum vertical clearance of eight feet (8') above the sidewalk, path, public property, public right-of-way or easement shall be maintained.
 3. Signs shall be placed at or below the sill of the second floor windows in a multi-story building or below the eave line of a single-story building. Projecting signs shall be permitted for a ground floor business or use only.
 4. Signs shall not project more than a distance of six feet (6') from the building face, including all structural members. In no case shall the sign project closer than two feet (2') from the street curb.
 5. Signs shall be placed to maintain appropriate sight distance.
 6. When projecting and blade signs are illuminated, the conduit and wiring that provides the source of illumination shall be concealed or screened, to the extent feasible.
 7. To avoid visual clutter, a minimum distance of fifteen feet (15') shall be maintained between projecting and blade signs that are located on the same property. This provision does not apply in the downtown mixed use district.
- J. Placement and Design of Mansard Signs. Mansard signs shall be located on the lower two-thirds ($\frac{2}{3}$) of the roof slope and shall not project more than three feet (3') from the sloped roof face at any point. The sign ends of a mansard sign shall be designed to return and be flush with the roof surface, so that the rear of the sign and the sign bracing is not visible.
- K. Placement and Design of Awning Signs. The location and placement of awning signs shall be subject to the following provisions:
1. Signs may be placed on the sides or ends of the awning. However, each sign placed at this location shall be counted as one of the permitted signs for the business or use.
 2. The sign shall cover no more than fifty percent (50%) of the front face area of the awning and fifty percent (50%) of the awning sides or ends.
 3. When awning signs are illuminated, the illumination shall be limited to the sign script and logo only. Illumination designed to light the entire awning is not permitted.
- L. Placement and Design of Freestanding Signs. The location and placement of freestanding signs shall be subject to the following provisions:
1. Signs shall be placed so that the sign face is perpendicular to the public street or right-of-way, to the extent possible.

2. A minimum distance of seventy-five feet (75') shall be maintained between any two (2) freestanding, pole or pylon-type sign. Where there is less than seventy-five feet (75') between two (2) such signs, a freestanding sign may be permitted provided that it is limited to a monument-type sign, as specified in Table 14.19-1.
3. A freestanding sign shall not exceed the height of the building on the site where the sign is located.
4. Freestanding signs are permitted on sites, which have a minimum frontage width of fifty feet (50') and minimum building setback of fifteen feet (15'). Freestanding signs are regulated by zoning district, as specified in Section 14.19.060 and Table 14.19-2 of this chapter. The general sign area and height limits for all freestanding signs are as follows (Table 14.19-1):

**Table 14.19-1
Requirements and Limitations for Freestanding Signs**

Location	Minimum Lot Frontage	Minimum Building Setback+	Maximum Sign Area	Maximum Sign Height++	Permitted Sign Type
General Location	50—75 feet	15 feet	32 sf	6 feet	Monument
	76+ feet	25 feet	36 sf	21 feet	Monument, Pole/Pylon
Freeway-Oriented*	50—75 feet	15 feet	32 sf	6 feet	Monument
	76—99 feet	25 feet	36 sf	21 feet	Monument, Pole/Pylon
	100—249 feet	25 feet	50 sf	21 feet**	Monument, Pole/Pylon
	249+ feet	35 feet	72 sf	21 feet**	Monument, Pole/Pylon

* "Freeway-Oriented" means those businesses and uses directly facing a frontage road, which is both parallel to and generally level with US Highway 101 or Interstate 580.

** Height bonus permitted: one (1) foot of sign height for every five (5) feet of sign setback measured from the property line, up to a maximum sign height of 25 feet.

+ Minimum building setback measured from property line.

++ Freestanding sign height shall be measured from the ground level or grade at which the sign is placed to the highest elevation point of the sign.

Note: See Table 14.19-2 (Sign regulations for zoning districts) and Section 14.19.060 (Commercial office, industrial marine districts) for additional requirements.

M. Placement and Design of Changeable Copy Signs. Changeable copy signs shall be permitted in conjunction with the approval of a sign program. In the event the signage is not part of a sign program, a changeable copy sign may be proposed with a request for a sign permit in any zoning district subject to the following:

1. ~~The but the~~ changeable copy face shall be no more than fifty percent (50%) of the sign face area, and
2. ~~The sign shall require review and a recommendation by the design review board.~~

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- N. Placement of Signs on Public Bus Shelters. Signs placed on public bus shelters under contract with the city are permitted subject to the approval of an environmental and design review permit.
 - O. Placement and Design of Mural Signs. Murals that are defined as a sign in Chapter 14.03 are permitted subject to the approval of an environmental and design review permit **by the planning director. The sign shall require review and a recommendation by the design review board.**
 - P. Placement and Design of Directory Signs. Directory signs shall be placed at the building entrance that provides primary access to the businesses or uses contained within the building. Directory signs shall not exceed ten (10) square feet in area, and shall be affixed to the wall of the building (wall sign).

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

(Ord. No. 1882, Exh. A, §§ 73, 74, 6-21-2010; Ord. No. 1996 , div. 2(Exh. A, 9.1), 8-16-2021)

14.19.054 General design standards.

All signs subject to the approval of a sign permit shall comply with the following design and performance standards:

- A. Sign Design. The design of the sign, including the shape shall be:
 - 1. An integral part of, compatible with, and complement the design of the buildings and improvements on the site where the sign is to be located and shall be compatible with the character and design of signs in the immediate neighborhood of the site. Creative and unique design is encouraged provided that the design is appropriate for the site and improvements and compatible with the character of the surrounding area.
 - 2. The sign message, including the use of graphic symbols shall be simple. Lettering shall be legible, uncomplicated, and appropriate to the image of the building.
- B. Sign Type. The type of sign shall be appropriate for the building and improvements on the site where the sign is to be located. The following sign types are encouraged:
 - 1. The use of individual letters incorporated into the building design is encouraged and preferred over signs contained in a canister or frame, or signs directly painted on the surface of a building.
 - 2. Monument-type freestanding signs are encouraged and preferred over pylon or pole-type signs.Upon request, a bonus sign area of ten percent (10%) above the maximum permitted sign area will be granted as an incentive to select one of the encouraged sign types. A request for bonus sign area must be included in the application for a sign permit.
- C. Sign Colors and Materials. The colors and materials for the sign shall be compatible with and complement the colors and materials of the buildings and improvements on the site where the sign is to be located. The following standards are required:
 - 1. Sign colors shall be subtle. Bright and reflective colors shall be avoided, unless such colors are proposed to promote a creative or unique sign design. The use of contrasting colors between sign background and the sign script or logo is encouraged to maximize legibility.
 - 2. Sign materials shall be compatible with the materials used on the buildings and improvements found on the site.
 - 3. Sign materials that are metal or have reflective qualities shall have a matte or non-glare surface.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

14.19.055 Illumination standards.

The illumination of signs from an artificial source shall be minimized to avoid a nuisance, hazard, light and glare on the property where the sign is to be located and on the surrounding neighborhood. The following sign illumination standards shall be required:

- A. Sign Illumination Regulated by Zoning District. The type of sign illumination that is permitted shall be regulated by zoning district, as specified in Section 14.19.060 and Table 14.19-2 of this chapter.
- B. Illumination that is Permitted. All lighting shall comply with current electrical code requirements. The following types of illumination are permitted:
 - 1. Internal illumination. The light source is internally located or concealed behind an opaque face of individual letters or a framed canister. The rays of illumination go through the face of the sign or are projected outwards toward the edge of the sign forming a halo around the sign frame.
 - 2. External, indirect illumination. The light source is exposed and directed toward the sign face but is shielded or concealed from view with proper shields or glass lenses to avoid glare. Examples of external illumination include gooseneck light fixtures and ground mounted light fixtures.
 - 3. Reflective illumination. Illumination that is not electrically charged, but responds to light, such as from passing vehicle headlights, by shining or glowing.
 - 4. Neon. Exposed neon or other gas-filled tubing is permitted with limited use, ~~subject to review and a recommendation by the design review board.~~ **subject to review**
- C. Illumination Intensity. No sign shall be illuminated so that the primary source of the light is visible beyond the property line or in any way will cause excessive glare or brightness. The city shall reserve the right to require and/or complete a post-installation inspection of the sign illumination. If, as a result of this inspection it is determined that the illumination is too bright and adversely impacts adjacent properties and uses, the city can require a reduction and/or adjustment in the intensity of the sign illumination, so that it is in keeping with the general level of illumination on surrounding properties.
- D. Illumination that is Prohibited. Except as permitted by Section 14.19.030.I., the following types of illumination are prohibited:
 - 1. Blinking, flashing or fluttering lights or illumination that has a changing light intensity, brightness or color;
 - 2. Animation or moving messages;
 - 3. Searchlights.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

(Ord. No. 1923, § 2(Exh. A), 6-16-2014; Ord. No. 1964, § 2(Exh. B) § 30, 11-19-2018)

14.19.060 Zoning district sign standards.

The size, type, number and illumination of signs shall be regulated by zoning district. Except for those signs not subject to a sign permit under Sections 14.19.030 and 14.19.070 of this chapter, or signs authorized through approval of a sign program under Section 14.19.046 of this chapter, all signs approved and erected on and following the date this chapter is enacted shall comply with the standards and limitations set forth in this section and in Table 14.19-2 for each zoning district.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

14.19.061 Allowance—Number of signs permitted.

The maximum number of signs that are permitted for a business or use shall be regulated by zoning district, as specified below and in Table 14.19-2 of this chapter. Where more than one sign is permitted for a business or use, the combined area of the signs shall not exceed the sign square footage limit that is allotted.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

14.19.062 Single-family residential and duplex residential districts.

In order to protect and preserve the character and quality of life in the single-family residential and duplex residential districts, signs located in these districts shall be limited in number, type, size and illumination, so as to minimize signage, while allowing necessary identification of the subject uses. Permitted signs include the following, and as specified in Table 14.19-2:

- A. Permitted uses in the single-family and duplex residential districts shall be allowed one wall sign per residential unit, not exceeding five (5) square feet in area. No sign permit is required. Examples of signs for permitted uses would be, among others, signs displaying a residential nameplate, or a small residential care, family care home or day care facility for six (6) or fewer residents. Home occupation signs are regulated under Section 14.16.220(D) of this title.
- B. Conditional uses in the single-family and duplex residential districts that are subject to the approval of a use permit shall be allowed one wall or monument-type sign, not exceeding twenty (20) square feet in area. Examples of signs for conditional uses would be, among others, signs displaying a school, a religious institution, or a large residential care, day care or family care facilities for seven (7) or more residents, children or adults.
- C. Monument-type signs sited at the entrance of a neighborhood or subdivision, placed on private property, not exceeding twenty (20) square feet per sign and two (2) per entrance.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

14.19.063 Multiple-family residential and residential or office districts.

Signs located in all multiple-family residential and residential or office districts shall be limited in size and illumination, as these districts provide a transition between the single-family and duplex residential districts and the non-residential districts. Permitted signs include those signs permitted in the single-family and duplex residential districts, except that a greater number and amount of sign area, and a broader range of sign types are permitted, as specified in Table 14.19-2.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

14.19.064 Commercial, office, industrial, marine related districts.

Signs located in all commercial, office, industrial, and marine related districts shall be permitted sign area based on the linear width of business or use frontage (see definition for frontage, business or use in Chapter 14.03), as follows:

- A. Single-Tenant Buildings. All non-residential uses except for office uses, shall be permitted one square foot of sign area for each linear foot of business or use frontage, up to a maximum of two hundred (200) square feet. For buildings with more than two hundred feet (200') in linear frontage width, a maximum sign area of two hundred (200) square feet shall be permitted. Office uses shall be permitted

one-half (½) square feet of sign area for each linear foot of building frontage, up to a maximum sign area of one hundred (100) square feet of sign area, regardless of building frontage width.

- B. Multiple-Tenant Buildings. For all non-residential uses, except for office uses, each ground floor occupant shall be entitled to one square foot of sign area for each linear foot of business or use frontage, with each occupant entitled to a minimum sign area of twenty-five (25) square feet. For office uses, each ground floor occupant shall be entitled to one-half (½) square feet of sign area for each linear foot of office tenant frontage, with each office use entitled to a minimum sign area of fifteen (15) square feet.
- C. Where a business or use is located in a multiple-tenant building, and where such business or use has no frontage or is located on a floor above or below the ground floor level, identification shall be limited to a building directory sign or multi-tenant monument sign, as provided in Sections 14.19.053(D)(2) and 14.19.053(P) of this chapter.
- D. For buildings with less than twenty-five feet (25') in linear frontage width, a minimum sign area of twenty-five (25) square feet shall be permitted for all non-residential uses except for office uses. For such buildings containing office uses, a minimum sign area of fifteen (15) square feet shall be permitted.
- E. For a single business or use with more than one frontage or where a business or use is contained in more than one building, each frontage shall be considered and calculated separately in determining permitted sign area. However, in no case shall one business or use be permitted more than an aggregate sign area of two hundred (200) square feet. For office uses, the maximum permitted, aggregate sign area shall be one hundred (100) square feet.
- F. For all non-residential uses except for office uses, a maximum of two (2) permanent signs shall be permitted per frontage for each business or use except as follows:
 - 1. There shall be no more than one freestanding sign per lot or parcel.
 - 2. There shall be no more than one projecting sign per business or use.
 - 3. Office uses shall be permitted a maximum of one permanent sign per frontage for each office tenant.
- G. Small, ancillary, informational signs are not included in the calculation of the allowable sign area or number, if such signs, in aggregate, do not exceed five (5) square feet in area. Examples of such signs include, among others, signs displaying hours of operation, business and association memberships, credit cards that are accepted, "now hiring" signs and restaurant menus.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

14.19.065 Downtown mixed use district.

Size, placement and design of signs in the downtown mixed use district are intended for view primarily by pedestrians and persons in vehicles nearby at the street level, not from long distances. The unique characteristics found in the downtown mixed use district include a higher density of business uses, and multiple ground floor business uses, which substantiate special sign provisions. Signs located in the downtown mixed use district shall be subject to the following provisions:

- A. Permitted sign area shall be based on frontage width of a business or use, per the provisions of Sections 14.19.064(A) through (E) and 14.19.064(G).
- B. For all non-residential uses except office use, a maximum of three (3) signs shall be permitted per frontage for each business or use, which may be a combination of sign types. For office uses in the

downtown mixed use district, a maximum of one sign shall be permitted per frontage for each business or use.

Table 14.19-2					
Sign Regulations for Zoning Districts					
Zoning District	Permitted Sign Type	Permitted Number of Signs	Maximum Sign Area**	Maximum Sign Height (freestanding)	Permitted Illumination
Single-Family Residential & Duplex Residential Districts	Wall [permitted uses, see Section 14.19.062(A)]	One (1) per residence	Five (5) square feet	NA	No illumination+
	Monument [subdivision or neighborhood sign]	Two (2) per entrance	Twenty (20) square feet (per sign)	Six feet (6')	External illumination only+
	Wall, Monument, Directory, Changeable Copy [uses subject to approval of a Conditional Use Permit, see Section 14.19.062(B)].	One (1) per site	Twenty (20) square feet	Six feet (6')	External illumination only+
Multiple-Family Residential Districts & Residential/Office Districts	Wall, Projecting/Blade, Awning, Monument, Directory, Changeable Copy	Two (2) per site	Multiple-Family Residential Districts: Twenty-five (25) square feet (e.g., building identification, rental & vacancy information)** Residential/Office Districts: Thirty-six (36) square feet**	Six feet (6')	External illumination only+
Commercial, Office,	Wall, Window, Projecting/Blade,	For nonresidential	For nonresidential	Six feet (6') for	External illumination,

Industrial, Marine Related Districts (NC, GC, O, C/O, FBWC, LI/O, I, CCI/O, M and MC)	Awning, Marquee, Mansard, Monument, Directory, Changeable Copy and Pole/Pylon signs	uses except office uses: Two (2) per frontage of business or use**	uses except office uses: One (1) square foot for each linear foot of building width of business or use frontage** Minimum sign area of twenty-five (25) square feet. See 14.19.064.	monument signs Twenty-one feet (21') for pole/pylon signs Twenty-five feet (25') for freeway-oriented pole/pylon signs*	Internal illumination, Reflective illumination and Neon
		For office uses:	For office uses:		
		One (1) per frontage of business**	One-half (½) square foot for each linear foot of building width of business frontage** Minimum sign area of fifteen (15) square feet. See 14.19.064.		
Downtown Mixed Use District	Wall, Window, Projecting/ Blade, Awning, Marquee, Mansard, Monument, Directory, Changeable Copy and Pole/Pylon sign.	Three (3) per frontage of business or use, except for office use (1 max)**	Same as permitted in the Commercial, Office, Industrial and Marine Related Districts.	Six feet (6') for monument signs Twenty-one feet (21') for pole/pylon signs	External illuminated, Internal illumination, Reflective illumination and Neon
	Second floor tenant: Window	Second floor tenant: One (1) per use.	Second floor tenant: Five (5) square feet	NA	No illumination permitted.
Other Districts	Compliance with standards and provisions of the zoning district that is most similar to the	Compliance with standards and provisions of district most similar to the	Compliance with standards and provisions of district most similar to the subject zoning district.	Compliance with standards and provisions of district most similar to the	Compliance with standards and provisions of district most similar to

	subject zoning district.	subject zoning district.		subject zoning district.	the subject zoning district.
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;note; + ;hg;Exception: Internally illuminated and backlit illumination permitted for property and building address signs.

* Freeway-oriented signs are permitted for businesses and properties, which directly face a frontage road that is both parallel to and generally level with Highways US 101 or I-580 (Table 14.19-1).

** Unless, as noted, where more than one (1) sign is permitted for a business or use, the combined area of the signs shall not exceed the maximum permitted sign area (see Section 14.19.061).

Note: See Table 14.19-1 (Requirements and limitations for freestanding signs) and Section 14.19.053.L (Placement and design of freestanding signs) for additional requirements.

- C. Projecting and marquee signs placed under a roof eave or awning are encouraged to provide pedestrian-oriented signage. Projecting signs shall not exceed five (5) square feet in area.
- D. Second floor tenant window signs are permitted and shall not exceed one (1) per business or use and five (5) square feet in area.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

(Ord. No. 1882, Exh. A, § 75, 6-21-2010; Ord. No. 1996 , div. 2(Exh. A, 9.2, 9.3), 8-16-2021)

14.19.066 Other districts.

Signs located in zoning districts other than those referenced in Sections 14.19.062 through 14.19.065 of this chapter shall comply with the standards and provisions of the zoning district that is most similar to the subject district.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

14.19.070 Temporary signs.

The city recognizes that temporary signs are often used as a means of communicating messages, whether commercial or noncommercial, as to certain temporary or short term matters or events such as commercial promotions, special events or activities, elections and current events. The regulations in this section are intended to allow the expression of such communications while minimizing the adverse aesthetic or public safety impacts that may be caused by the uncontrolled proliferation and abandonment of such signs, such as visual clutter, traffic obstruction and accumulation of debris. The following signs are considered temporary and may be posted on site for a limited period of time in accordance with the provisions of this chapter. Unless noted below as not requiring sign permit approval, temporary signs require the approval of a sign permit prior to being installed or erected:

- A. City-Installed Banners. Banners, signs, and associated supporting structures installed by the city for events and announcements, which are placed across or over a public street, or affixed to street light poles. The location, placement and provisions for such banners, signs and supporting structures shall be established by standards and subject to fees, as set forth by resolution of the city council from time to time. No sign permit is required.
- B. Noncommercial Signs. Temporary signs bearing ideological, political or other noncommercial message, including, but not limited to, political and election signs may be located on a site or place of business.

The total sign area permitted per site or place of business shall not exceed thirty-two (32) square feet. Noncommercial signs may be displayed for a maximum of ninety (90) days per calendar year. Signs relating to an election shall be removed no later than ten (10) days following the election. No sign permit is required.

C. Real Estate Sale and Leasing Signs. Temporary real estate sale and leasing signs shall be subject to the following:

1. On-Site Display. Ground-mounted or placed on the building, not exceeding five (5) square feet and one (1) in number per building for single-family, duplex residential and multiple-family residential uses. On-site display signs shall not exceed twenty (20) square feet and two (2) in number for all nonresidential uses.
2. Off-Site Display. A-frame or ground-mounted, placed off-site such as for announcement of an open house, not exceeding five (5) square feet in size. Open house signs shall be permitted between the hours of ten a.m. (10:00 a.m.) and seven p.m. (7:00 p.m.) on Saturdays, Sundays, Thursdays (brokers open) and holidays, and shall be limited to five (5) in number.
3. No real estate sign shall be placed in the public right-of-way, which includes the sidewalk, travel or parking lane and center median of a street.
4. No sign permit is required.

D. Special Function and One-Time Event Signs. Signs, posters and notices for special functions and one-time events are permitted subject to the following:

1. A maximum of two (2) signs, not exceeding ten (10) square feet in area for each sign;
2. Signs shall be posted on-site or off-site on private property. Such signs shall not be placed on utility poles, streetlights or fences located on public property;
3. Signs shall not be displayed for more than seven (7) days prior to or more than four (4) days after the function or event;
4. In no instance shall a sign for a special function or one-time event be displayed for more than thirty (30) days;
5. Signs displayed or placed in a window shall not exceed twenty-five percent (25%) of the window area;
6. No sign permit is required.

Examples of special function and one-time event signs include, among others, signs displaying a special sale, grand opening, business closing, garage, yard or estate sale, meetings, or fundraisers.

E. Temporary Banners. Banners may be displayed by businesses and uses on a temporary basis in all zoning districts, except in the single-family residential, duplex residential and multiple-family residential districts, subject to the following permit requirements and criteria:

1. A sign permit is required and must be obtained prior to the display of a temporary banner. The submittal requirements for a sign permit for temporary banners are as follows:
 - a. A complete application form;
 - b. A photograph of the site showing the proposed location of the banner(s);
 - c. Three (3) sets of drawings denoting the banner, the location of the banner as it would appear on the building or property, the total banner area (length and width), the linear street frontage of the business or use for multiple-tenant buildings, proposed illumination

and method of banner attachment. These drawings need not be prepared by a professional architect or draftsman, but shall include all appropriate dimensions and/or scale;

- d. A completed and signed (by the business owner) pre-citation form noting the term or duration of time for display of the banner;
- e. The required application fee for an administrative level sign permit.

2. All temporary banners shall comply with the following criteria:

- a. One banner, up to a maximum size of thirty-two (32) square feet is permitted per business or use frontage. Businesses or uses with two (2) frontages are permitted two (2) banners authorized under one (1) sign permit, provided that both banners have the same beginning and expiration dates, are each placed on separate frontages, and neither banner exceeds thirty-two (32) square feet. Temporary banners shall be excluded from the calculations of the maximum, total permanent sign area for a business or use permitted by the sign ordinance (San Rafael Municipal Code Title 14, Chapter 19).
- b. No banner, in whole or in part, shall include, via attachment or any other means, windblown devices intended to attract attention such as posters, pennants, ribbons, streamers, strings of light bulbs, spinners, balloons, or other inflatable objects.
- c. Temporary banners may be displayed for a maximum of sixty (60) days per calendar year, which can occur all at once or in increments. A separate sign permit shall be required for each increment. Extensions of an approved sign permit for a temporary banner may be granted, provided that the banner does not change, the extension request is received in writing no less than two (2) working days prior to expiration, and the maximum sixty (60) day time limit for display is not exceeded.
- d. Banners shall be attached to the building. However, where a business or use is set back from the street, or where public visibility of the entrance of a business or use is limited or impaired, a freestanding banner, supported by a temporary frame, may be placed on-site, between the property line and the building entrance, in a landscaped or paved area.
- e. No banner shall project above the eave line of the building.
- f. If any part of the banner projects over public property, public right-of-way, or public easement, a minimum vertical clearance of eight feet (8'), measured from grade shall be maintained, provided that an encroachment permit or license agreement has been obtained for said projection.
- g. A banner may project a maximum of four feet (4') from the outer surface of the building (e.g., a banner placed on an awning), provided that it does not project to within two feet (2') of the curblineline of the street or vehicular roadway.
- h. If a banner is illuminated, the illumination shall be located and directed so that it does not create glare, or be capable of reflecting light or directing such light onto or into any adjoining or nearby lot, structure or public right-of-way. When spotlights or floodlights are used to illuminate a banner, a reflector shall be provided with proper shields or glass lenses concentrating illumination upon the area of the banner, so as to prevent glare upon the street, sidewalk or adjacent property. Flashing lights that change color or intensity are prohibited. All lighting shall comply with National Electric Code (NEC) requirements.
- i. Banners shall be permitted for announcement or advertisement associated with the on-site business or use only. This requirement shall be tenant-specific for multiple-tenant buildings.

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- j. Banners shall comply with the sign location and placement provisions of the sign ordinance (San Rafael Municipal Code Sections 14.19.053(B) and (C)), which prohibits signs from obstructing exits, windows and safety equipment, and requires that signs maintain adequate sight distance.
 - k. As regulated by Sections 14.19.080(F), (H) and (L) of this chapter, banners are prohibited from displaying statements, words or pictures that are obscene or offensive to morals, are imitative of official signs, or are likely to cause traffic confusion or traffic hazard.
- F. Temporary Construction Signs. Maximum of two (2) in number per site and no more than thirty-six (36) square feet per sign. No illumination is permitted. Examples of such signs include, among others, signs displaying the construction project, the parties involved in the construction, and subdivision or development sales. Such signs are subject to the approval of a sign permit and shall be permitted through the duration of construction and sales and shall be removed no later than one (1) month following completion of construction, or following the last sale. This temporary sign provision does not apply to the required posting of a sign giving notice of the city of San Rafael noise restrictions (Section 8.13.050).
- G. Temporary, Portable A-Frame Signs in the Downtown Mixed Use District. The location, placement and provisions for temporary, portable A-frame signs permitted in the downtown mixed use district shall be established by standards and subject to fees, as set forth by resolution of the city council from time to time.
- H. Temporary Use Signs. Signs for temporary uses such as but not limited to outdoor, temporary or seasonal sales lots, Christmas tree or pumpkin sales lots. The maximum number of signs, the location and size shall be established with the use permit required for the temporary use, as required by Chapter 14.22. Temporary use signs shall be displayed for the period of time established by the use permit.
- I. Temporary Construction or Vacant Storefront Signs. Window film or similar covering that contains an artistic graphic or message may be installed in storefront windows for the purpose of obscuring view into a vacant or under construction tenant space within a building. Temporary window display signs may include a non-commercial display such as artwork or commercial message announcing "under construction", "coming soon", or similar information related to a project under construction. This signage shall be subject to prior review and approval of a temporary sign permit by the community development director to assure that sign content, message size or proposed artwork design, materials, colors, type and duration are appropriate and would enhance the appearance of the streetscape during the period of construction or temporary vacancy. In general, any message content should not exceed twenty-five percent (25%) of available storefront glazing and should not be installed for more than six (6) months (or for the duration of a valid building permit).

(Ord. 1838 § 43, 2005; Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

(Ord. No. 1923, § 2(Exh. A), 6-16-2014; Ord. No. 1996, div. 2(Exh. A, 9.4), 8-16-2021)

14.19.080 Prohibited signs.

A prohibited sign is a sign that is not permitted under the provisions of this chapter. The city may require the removal or abatement of a prohibited sign. Failure of a property owner to remove or abate a prohibited sign after service by the city of written notification/order to do so shall be deemed a violation of this chapter. The compliance date for prohibited signs shall be set by the community development director or designee, based upon a reasonable amount of time to correct the violation. Notices required to be given in this chapter shall be served on the sign owner or permittee in accordance with the provisions of Section 1.08.060 of this code. The failure of

any person to receive any notice required under this chapter shall not affect the validity of any proceedings concerning violation of this chapter. The following types of signs and devices are prohibited:

- A. A-Frame and I-Frame Portable Ground Signs. Except as permitted by city council resolution in the downtown districts, or as permitted for real estate sale and leasing (on-site or off-site display for open house), as set forth in Section 14.19.070;
- B. Abandoned Signs. Signs that have been abandoned for a period of six (6) months or more following the closing of a business or use on the site where the sign is located;
- C. Animated and Moving Signs. Animated and moving signs include:
 - 1. Electronic message display, blinking, flashing, change in light intensity, or moving signs, except time and temperature signs and community service signs as permitted by Section 14.19.030.I.,
 - 2. Windblown devices such as balloons, inflatable objects, pennants, ribbons, streamers,
 - 3. Signs producing smoke, sound and other substances;
- D. Billboards and Similar Off-Site Advertising. Billboards and similar off-site advertising including temporary signs that are placed on or suspended from a vehicle but not including signs painted on or permanently affixed to the body of the vehicle;
- E. Dilapidated Signs. Where elements of the sign surface, structural support, frame members, panels or other sign elements are clearly dilapidated, have cause to compromise the ability of the sign to identify a business or use, or are in a condition to cause a hazard;
- F. Imitative of Official Signs. Signs (other than those used for traffic direction) which contain or are an imitation of an official traffic sign or signal, or contain the words stop, go, slow, caution, danger, warning or similar words; or signs which imitate or may be construed as other public notices, such as a zoning violation, building permit, business license, etc.;
- G. Natural Despoliation. No sign shall be cut, burnt, limed, painted or otherwise marked on a cliff, hillside, field or tree;
- H. Obscene or Offensive to Morals. Signs containing statements, words, or pictures of an obscene, indecent or immoral character, which taken as a whole appeals to prurient interest in sex, and which sign is patently offensive and when taken as a whole, does not have serious literary, artistic, political or scientific value;
- I. Portable Signs. Signs that are constructed to roll, slide or be moved from one location to another, except for certain A-frame signs permitted under the provisions of this chapter;
- J. Privilege Signs. Standardized signs supplied to a retailer by a manufacturer wherein the manufacturer's name and/or logo or emblem on the sign exceeds one-third of a face of a sign;
- K. Roof Signs. Except where permitted as a mansard sign under the provisions of this chapter, signs placed on the roof of a building or structure;
- L. Signs Likely to Cause Traffic Confusion or Traffic Hazard. Signs or lighting which are of a size, location, movement, coloring or manner of illumination which:
 - 1. May be confused with or construed as a traffic control device,
 - 2. Will hide from view any traffic or street sign or signal,
 - 3. May not be effectively shielded to prevent glare or where the lighting is of an intensity, which causes glare or impairs the vision of a driver;
- M. Signs surfaced with or made of fluorescent paint or material;

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- N. Signs affixed to public structures and/or signs located in the public right-of-way, including, but not limited to telephone poles, light standards and utility fixtures, posts and fences. Posters, signs, temporary handbills and similar advertising notices are permitted on public kiosks established for such purpose.

(Ord. 1838 § 44, 2005; Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

(Ord. No. 1964 , § 2(Exh. B) § 31, 11-19-2018)

14.19.090 Nonconforming signs.

- A. A nonconforming sign is a sign that was legally established and maintained in compliance with the provisions and requirements of all applicable laws in effect at the time of the original installation but does not now comply with the provisions of this chapter.
- B. Changes to sign copy and face, nonstructural modifications and nonstructural maintenance are permitted subject to the approval of a sign permit.
- C. The following provisions shall apply to nonconforming signs:
 - 1. Any structural modification to or alteration of any nonconforming sign or elements thereof shall require immediate compliance with this chapter.
 - 2. A nonconforming sign may not be changed to another nonconforming sign or structurally modified or altered to extend its useful life.
 - 3. Use of a nonconforming sign may not be re-established or continued after a business or use for which the sign identified is discontinued for more than six (6) months.
 - 4. Any nonconforming sign shall be removed or made to conform to the provisions of this chapter if the sign has been more than fifty percent (50%) destroyed and the destruction requires replacement of more than the face of the sign.
 - 5. The city may require the removal of a nonconforming sign maintained, continued, or altered contrary to subsection C of this section. Failure of a property owner to remove or abate such a nonconforming sign within ninety (90) days after service by the city of written notification or order to do so shall be deemed a violation of this chapter. Notices required to be given in this chapter shall be served on the sign owner or permittee in accordance with the provisions of Section 1.08.060 of this code. The failure of any person to receive any notice required under this chapter shall not affect the validity of any proceedings concerning violation of this chapter.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

14.19.100 Violations and enforcement.

It is unlawful for any person to violate any of the provisions of this chapter or to violate any of the terms and conditions of a permit or program issued pursuant to this chapter. Such violations are punishable as provided in Chapters 1.40, 1.42, 1.44 and 1.46

(Code Enforcement and Authority Powers) of the San Rafael Municipal Code, or by any applicable provision of state law.

(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).

Division V ADMINISTRATIVE REGULATIONS

Chapter 14.20 ZONING ADMINISTRATOR AUTHORITY

14.20.010 Specific purposes.

This chapter establishes the authority of the zoning administrator, references matters subject to review by the zoning administrator and establishes public notice and hearing procedures for zoning administrator actions.

(Ord. 1625 § 1 (part), 1992).

14.20.020 Zoning administrator authority established.

The office of zoning administrator is created pursuant to Government Code Section 65900. The purpose of the zoning administrator process is to enable less complicated applications to be acted upon in a less costly, more expeditious manner, while still providing the public and applicant full notification of and participation in the zoning review process.

(Ord. 1625 § 1 (part), 1992).

14.20.030 Appointment of the zoning administrator.

The planning director shall appoint the zoning administrator. The zoning administrator shall be an employee of the city of San Rafael's planning department and shall be directly responsible to the planning director while acting in the capacity of zoning administrator.

(Ord. 1625 § 1 (part), 1992).

14.20.040 Actions of the zoning administrator.

The zoning administrator shall hear and have the power to approve, conditionally approve, deny or refer to the planning commission use permits, variances and environmental and design review permits as specified in Chapters 14.22, Use Permits, 14.23, Variances and 14.25, Environmental and Design Review Permits.

(Ord. 1625 § 1 (part), 1992).

14.20.050 Adoption of procedures.

It shall be the duty of the planning director to establish, subject to approval by the planning commission, rules and procedures necessary to process, review, notify, hear and make findings and a determination of the items referred to in Section 14.20.040, Actions of the zoning administrator.

(Ord. 1625 § 1 (part), 1992).

14.20.060 Public notice and hearing on zoning administrator items.

The zoning administrator shall hold a public hearing on applications for use permits, variances or environmental and design review permits, as listed in the corresponding chapters. Notice shall be given consistent with Chapter 14.29, Public Notice.

(Ord. 1824 § 1 (Exh. A) (part), 2004: Ord. 1625 § 1 (part), 1992).

14.20.070 Referral to planning commission of zoning administrator items.

When, in the opinion of the planning director, any matter set forth in Section 14.20.040, Actions of the zoning administrator, is of a size, importance or unique nature such that it is judged not to be a routine matter, it may be placed directly on the agenda of the planning commission for determination in lieu of having it processed by the zoning administrator.

(Ord. 1625 § 1 (part), 1992).

Chapter 14.21 ADMINISTRATIVE USE PERMITS

14.21.010 Specific purposes.

Administrative use permits allow certain uses to be established in particular zoning districts if they comply with the specific criteria and performance standards as established in Chapter 14.17, Performance Standards, and other standards as required elsewhere in this title. Administrative use permits are intended to streamline the use permit process for select uses where clear performance standards are established and extensive public review is not warranted. The performance standards established in Chapter 14.17, Performance Standards, are designed to ensure that proposed uses will be compatible and harmonious with existing uses in the neighborhood.

(Ord. 1625 § 1 (part), 1992).

14.21.020 Applicability.

Uses identified in the Land Use Tables as "A" shall be subject to administrative use permit review.

(Ord. 1838 § 45, 2005: Ord. 1694 § 1 (Exh. A) (part), 1996: Ord. 1625 § 1 (part), 1992).

14.21.030 Authority.

The planning director may approve, conditionally approve or deny an administrative use permit application, unless otherwise restricted by state law. Development must comply with all of the required standards in Chapter 14.17, Performance Standards, and with all other requirements of Title 14 unless specifically exempted in Chapter 14.17.

(Ord. 1625 § 1 (part), 1992).

14.21.040 Referral to planning commission.

When, in the opinion of the planning director, any matter set forth in Section 14.21.020, Applicability, is of a size, importance or unique nature such that it is judged not to be a routine matter, it may be placed directly on the

agenda of the planning commission for determination in lieu of having it processed by the planning director. Requests for modifications from performance standards of Chapter 14.17, Performance Standards, will be referred to the planning commission for review and determination.

(Ord. 1625 § 1 (part), 1992).

14.21.050 Application.

Applications for administrative use permits shall be initiated by submitting the following information to the planning department: a completed application form, signed by the property owner or authorized agent, accompanied by the required fee, and any other information, plans or maps prescribed by the planning director. Application procedures and processing timeframes shall be in accordance with state law and procedural guidelines established by the planning director.

(Ord. 1625 § 1 (part), 1992).

14.21.060 Public notice and hearing.

Public notice and/or hearing are not required for issuance of an administrative use permit.

(Ord. 1625 § 1 (part), 1992).

14.21.070 Conditions of approval.

The planning director or the planning commission may apply reasonable conditions of approval to bring the development into conformity with requisite performance standards.

(Ord. 1625 § 1 (part), 1992).

14.21.080 Findings.

The planning director or the planning commission may issue an administrative use permit if the following findings can be made:

- A. The proposed use is listed in this chapter as a use permitted pursuant to an administrative use permit and subject to performance standards;
- B. The proposed use as conditioned conforms to the performance standards for the proposed use as outlined in Chapter 14.17, Performance Standards;
- C. The physical location or placement of the use on the site is compatible with and relates harmoniously to the surrounding uses in the neighborhood;
- D. Any other findings required under Chapter 14.17, Performance Standards, for the specific use;
- E. The use, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the city;
- F. That the use, as conditioned, will be compatible with surrounding uses.

(Ord. 1625 § 1 (part), 1992).

14.21.090 Notice of decision.

The planning director shall prepare a written decision which shall contain the findings of fact upon which such decision is based and conditions of approval, if any. The decision shall be mailed to the applicant.

(Ord. 1625 § 1 (part), 1992).

14.21.100 Appeals.

Appeals of decisions on administrative use permits shall be filed within five (5) working days of the issuance of the permit. Appeals shall be filed and processed in accordance with Chapter 14.28, Appeals.

(Ord. 1625 § 1 (part), 1992).

14.21.110 Effective date of permit.

An administrative use permit shall become effective at the end of the appeal period as specified in Chapter 14.28, Appeals, unless appealed.

(Ord. 1625 § 1 (part), 1992).

14.21.120 Approval to run with the land.

Any administrative use permit approval shall run with the land and shall continue to be valid for the time frame specified whether or not there is a change of ownership of the site or structure to which it applies.

(Ord. 1625 § 1 (part), 1992).

14.21.130 Extensions.

An administrative use permit may be extended by the planning director if the findings required by Section 14.21.080, Findings, remain valid and application is made prior to expiration.

(Ord. 1625 § 1 (part), 1992).

14.21.140 Amendments—New application.

Requests for changes in the conditions of approval of an administrative use permit, or a change to site plans or operation that would affect a condition of permit approval, shall be treated as an administrative use permit amendment. The procedures for filing and processing an application for an administrative use permit amendment shall be the same as those established for an initial or new administrative use permit application.

(Ord. 1625 § 1 (part), 1992).

14.21.150 Revocation.

An administrative use permit that is exercised in violation of a condition of approval or a provision of this title may be revoked, as provided in Chapter 14.29, Enforcement.

(Ord. 1625 § 1 (part), 1992).

14.21.160 New applications following denial or revocation.

If an application for an administrative use permit is denied or revoked, no new application for the same, or substantially the same, administrative use permit shall be filed within one year of the date of denial or revocation of the initial application, unless the denial is made without prejudice.

(Ord. 1625 § 1 (part), 1992).

14.21.170 Expiration.

Administrative use permits are valid for one year unless a different expiration date is stipulated at the time of approval, a building permit has been issued and construction diligently pursued, a certificate of occupancy has been issued, or the permit is renewed and extended.

(Ord. 1625 § 1 (part), 1992).

Chapter 14.22 USE PERMITS

14.22.010 Specific purposes.

Use permits are required for uses which may be suitable only in specific locations in a zoning district or which require special consideration in their design, operation or layout to ensure compatibility with surrounding uses.

(Ord. 1625 § 1 (part), 1992).

14.22.020 Authority.

- A. The zoning administrator shall approve, conditionally approve or deny applications for conditional use permits identified in the Land Use Tables as CZ use permits. The planning commission shall approve, conditionally approve or deny applications for conditional use permits identified in the Land Use Tables as C use permits.
- B. When, in the opinion of the community development director, any matter set forth in Section 14.22.020.A of this chapter or in the land use regulation tables listed in each of the zoning districts regulated by this title:
 - 1. Is deemed to be an insignificant or inconsequential change in use;
 - 2. Will not have a detrimental impact on surrounding properties; and
 - 3. Is not a use warranting the designated level of review, the use permit application may be processed and acted on by the zoning administrator.

In cases where the zoning administrator takes action on a use permit application that would typically be reviewed and acted on by the planning commission, the planning commission shall be informed of the pending action through receipt of the public hearing notice. The public hearing notice shall indicate that the use permit review is being delegated from the planning commission to the zoning administrator for action, and that a request may be made to refer the matter back to the planning commission for action. Prior to an action by the zoning administrator, a planning commissioner may direct, or a member of the public may request, that the application be referred to the planning commission for a public hearing and action.

(Ord. 1831 § 1 (part), 2004; Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1663 § 1 (part), 1994; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 76, 6-21-2010)

14.22.030 Application.

Applications for use permits shall be initiated by submitting the following information to the planning department: a completed application form, signed by the property owner or authorized agent, accompanied by the required fee, and any other information, plans or maps prescribed by the planning director. Application procedures and processing timeframes shall be in accordance with state law and procedural guidelines established by the planning director.

(Ord. 1625 § 1 (part), 1992).

14.22.040 Master use permits.

Master use permits may be filed for development where there are multiple uses or tenants on a given site, or for temporary programs which involve multiple sites (rotating programs). Master use permits shall be processed in accord with all of the provisions of Chapter 14.22.

(Ord. 1625 § 1 (part), 1992).

14.22.050 Multiple applications.

When multiple permit applications are filed for a given development or site (for example, in the case of a development which requires a use permit, environmental and design review permit and a variance) the planning director may schedule combined hearings.

(Ord. 1625 § 1 (part), 1992).

14.22.060 Public notice and hearing.

- A. Public Hearing. The zoning administrator or planning commission, as the case may be, shall hold a public hearing on an application for a use permit.
- B. Notice of public hearings shall be given consistent with Chapter 14.29, Public Notice.

(Ord. 1824 § 1 (Exh. A) (part), 2004; Ord. 1663 § 1 (part), 1994; Ord. 1625 § 1 (part), 1992).

14.22.070 Conditions of approval.

In approving a use permit the zoning administrator or planning commission may impose reasonable conditions.

(Ord. 1625 § 1 (part), 1992).

14.22.080 Findings.

The zoning administrator or planning commission may issue a use permit if the following findings can be made:

- A. That the proposed use is in accord with the general plan, the objectives of the zoning ordinance, and the purposes of the district in which the site is located;

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(Supp. No. 36, Update 2)

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- B. That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the city;
 - C. That the proposed use complies with each of the applicable provisions of the zoning ordinance.

(Ord. 1625 § 1 (part), 1992).

14.22.090 Notice of decision.

The zoning administrator or planning commission shall prepare a written decision which shall contain the findings of fact upon which such decision is based and conditions of approval, if any. The decision shall be mailed to the applicant.

(Ord. 1625 § 1 (part), 1992).

14.22.100 Effect of failure to give notice.

No action, inaction or recommendation regarding any development by the zoning administrator or planning commission shall be held void or invalid or be set aside by any court by reason of error or omission pertaining to the notices, including the failure to give any notice required by this section, unless the court after an examination of the entire case, shall be of the opinion that the error or omission complained of was prejudicial, and that by reason of such error or omission the party complaining or appealing sustained and suffered substantial injury, and that a different result would have been probable if such error or omission had not occurred or existed. There shall be no presumption that the error or omission is prejudicial or that injury was done if error or omission is shown.

(Ord. 1625 § 1 (part), 1992).

14.22.110 Appeals.

Appeals of zoning administrator or planning commission use permit determinations shall be filed and processed in accordance with Chapter 14.28, Appeals.

(Ord. 1625 § 1 (part), 1992).

14.22.120 Effective date of permit.

A use permit shall become effective at the end of the appeal period as specified in Chapter 14.28, Appeals, unless appealed.

(Ord. 1625 § 1 (part), 1992).

14.22.130 Approval to run with the land.

Any use permit approval shall run with the land and shall continue to be valid for the time period specified whether or not there is a change of ownership of the site or structure to which it applies.

(Ord. 1625 § 1 (part), 1992).

14.22.140 Extensions.

A use permit may be extended by the zoning administrator if the findings required by Section 14.22.080, Findings, remain valid and application is made prior to expiration.

(Ord. 1625 § 1 (part), 1992).

14.22.150 Amendments—New application.

Requests for changes in the conditions of approval of a use permit, or a change to site plans or operation that would affect a condition of approval, shall be treated as a use permit amendment. Applications for use permit amendments shall be heard and decided by the original hearing body. The planning director may make a determination that a use permit amendment may be heard by the zoning administrator rather than the original hearing body if the director finds that the changes involved are minor, noncontroversial and will not alter the basic function of the approved use. The procedures for filing and processing an application for a use permit amendment shall be the same as those established for an initial or new use permit application.

(Ord. 1625 § 1 (part), 1992).

14.22.160 Revocation.

A use operated in violation of a condition of permit approval or a provision of this title may be revoked, as provided in Chapter 14.30, Enforcement.

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 77, 6-21-2010)

14.22.170 New applications following denial or revocation.

If an application for a use permit is denied or revoked, no new application for the same, or substantially the same, use permit shall be filed within one year of the date of denial or revocation of the initial application, unless the denial is made without prejudice.

(Ord. 1625 § 1 (part), 1992).

14.22.180 Expiration.

Use permits are valid for two (2) years unless a different expiration date is stipulated at the time of approval, a building permit has been issued and construction diligently pursued, a certificate of occupancy has been issued, or the permit is renewed or extended. If more than one (1) phase of a development is approved in a single action and the later phases remain outstanding, their approval shall lapse at the end of the authorized time frame.

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1996 , div. 2(Exh. C, 5.1), 8-6-2021)

Chapter 14.23 VARIANCES

14.23.010 Specific purposes.

The purpose of this chapter is to provide flexibility from the strict application of development standards consistent with the purposes of this title. Variances are intended to resolve practical difficulties or unnecessary hardships resulting from the strict application of development standards when special circumstances pertaining to the land such as size, shape, topography or location deprives such property of privileges enjoyed by other property in the vicinity and in the same zoning district. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and district in which such property is situated.

(Ord. 1625 § 1 (part), 1992).

14.23.020 Authority.

The zoning administrator shall hear all variance applications except variances applications that are a part of a project being heard at a higher level; however, when in the opinion of the planning director, any matter that is judged not to be routine matter, shall be heard by the planning commission.

(Ord. 1663 § 1 (part), 1994; Ord. 1625 § 1 (part), 1992).

14.23.030 Application.

Applications for variances shall be initiated by submitting the following information to the planning department: a completed application form signed by the property owner or authorized agent and accompanied by the required fee, and any other information, plans or maps prescribed by the planning director. Application procedures and processing timeframes shall be in accordance with state law and procedural guidelines established by the planning director.

(Ord. 1625 § 1 (part), 1992).

14.23.040 Multiple applications.

When multiple permit applications are filed for a given development or site (for example, in the case of a development which requires a use permit, environmental and design review permit and a variance) the planning director may schedule combined hearings.

(Ord. 1625 § 1 (part), 1992).

14.23.050 Public notice and hearing.

- A. Public Hearing Required. The zoning administrator or planning commission, as the case may be, shall hold a public hearing on an application for a variance.
- B. Notice of public hearings shall be given consistent with Chapter 14.29, Public Notice.

(Ord. 1824 § 1 (Exh. A) (part), 2004; Ord. 1663 § 1 (part), 1994; Ord. 1625 § 1 (part), 1992).

14.23.060 Conditions of approval.

In approving a variance the zoning administrator or planning commission may impose reasonable conditions.

(Ord. 1625 § 1 (part), 1992).

14.23.070 Findings.

The zoning administrator or planning commission may approve an application for a variance if the following findings can be made:

- A. That because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the requirements of this title deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification;
- B. That the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which such property is situated;
- C. That granting the variance does not authorize a use or activity which is not otherwise expressly authorized by the zoning regulations for the zoning district in which the subject property is located;
- D. That granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare.

The zoning administrator or planning commission may approve an application for a variance from the parking standards of this title in order that some or all of the required parking spaces be located off-site, or that in-lieu fees or facilities be provided instead of the required parking spaces, if, in addition to subsections (A) through (D) of this section, both of the following findings can be met:

- E. The variance will be an incentive to, and a benefit for, the nonresidential development; and,
- F. The variance will facilitate access to the nonresidential development by patrons of public transit facilities.

(Ord. 1625 § 1 (part), 1992).

14.23.080 Notice of decision.

The zoning administrator or planning commission shall prepare a written decision which shall contain the findings of fact upon which such decision is based and conditions of approval, if any. The decision shall be mailed to the applicant.

(Ord. 1625 § 1 (part), 1992).

14.23.090 Effect of failure to give notice.

No action, inaction or recommendation regarding any development by the zoning administrator or planning commission shall be held void or invalid or be set aside by any court by reason of error or omission pertaining to the notices, including the failure to give any notice required by this section, unless the court after an examination of the entire case shall be of the opinion that the error or omission complained of was prejudicial, and that by reason of such error or omission, the party complaining or appealing sustained and suffered substantial injury, and that a different result would have been probable if such error or omission had not occurred or existed. There shall be no presumption that error or omission is prejudicial or that injury was done if error or omission is shown.

(Ord. 1625 § 1 (part), 1992).

14.23.100 Appeals.

Appeals of zoning administrator or planning commission determinations on variance applications shall be filed and processed in accordance with Chapter 14.28, Appeals.

(Ord. 1625 § 1 (part), 1992).

14.23.110 Effective date of permit.

A variance shall become effective at the end of the appeal period as specified in Chapter 14.28, Appeals, unless appealed.

(Ord. 1625 § 1 (part), 1992).

14.23.120 Approval to run with the land.

Any variance approval shall run with the land and shall continue to be valid for the time period specified whether or not there is a change of ownership of the site or structure to which it applies.

(Ord. 1625 § 1 (part), 1992).

14.23.130 Extensions.

A variance may be extended by the zoning administrator if the findings required by Section 14.23.070, Findings, remain valid and application is made prior to expiration.

(Ord. 1625 § 1 (part), 1992).

14.23.140 Amendments—New application.

A request for changes in conditions of approval of a variance, or a change to plans that would affect a condition of approval, shall be treated as a new application unless the zoning administrator finds that the changes to the approved plans are noncontroversial, minor, do not involve substantial alterations or additions to the plans and are consistent with the intent of the original approval.

(Ord. 1625 § 1 (part), 1992).

14.23.150 Revocation.

A variance that is exercised in violation of a condition of approval or a provision of this title may be revoked, as provided in Chapter 14.30, Enforcement.

(Ord. 1625 § 1 (part), 1992).

14.23.160 New applications following denial or revocation.

If an application for a variance is denied or revoked, no new application for the same, or substantially the same, variance shall be filed within one year of the date of denial or revocation of the initial application, unless the denial is made without prejudice.

(Ord. 1625 § 1 (part), 1992).

14.23.170 Expiration.

Variations are valid for two (2) years unless a different expiration date is stipulated at the time of approval, a building permit has been issued and construction diligently pursued, a certificate of occupancy has been issued, or the permit is renewed or extended. If more than one (1) phase of a development is approved in a single action and the later phases remain outstanding, their approval shall lapse at the end of the authorized time frame.

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1996 , div. 2(Exh. C, 6.1), 8-6-2021)

Chapter 14.24 EXCEPTIONS

14.24.010 Specific purposes.

The purpose of this chapter is to provide flexibility in the application of selected site development regulations where minor adjustments are needed. Exceptions shall only be granted for the site development standards cited in Section 14.24.020, Authority. Exceptions granted shall be compatible with adjoining uses and consistent with the purposes of this title and the specific zoning district in which the subject property is located.

(Ord. 1625 § 1 (part), 1992).

14.24.020 Authority.

The planning director shall approve, conditionally approve or deny applications for exceptions. The planning director shall review and decide the following types of exceptions to site development standards which may be allowed:

- A. Fence Height.
 - 1. In any residential district, the maximum height of any side or rear yard fence may be increased by a maximum of two feet (2'), where topography of sloping sites or a difference in grade between adjoining sites warrants such increase in height to maintain a level of privacy or effectiveness of screening as generally provided by any such fence in similar circumstances.
 - 2. In any residential district, the maximum height of any front yard or street side yard fence may be increased by a maximum of two feet (2') to prevent access to natural or physical hazardous conditions either on the lot or on an adjacent lot.
- B. Setbacks. The minimum front setback may be decreased by not more than ten percent (10%) and the side setback may be decreased by not more than one foot in the R5 district. The minimum front and side setbacks may be decreased by not more than 2.5 feet in the R7.5 district, and by not more than five feet (5') in the R10, R20, R1a and R2a districts. In any of the above-listed districts, the side setback shall not be decreased to less than three feet (3'). Rear yard setbacks may be decreased by not more than ten percent (10%) in any residential district. Setback exceptions shall only be allowed where the proposed setback area or yard is in character with the surrounding neighborhood and is not required as an essential open space or recreational amenity to the use of the site, and where such decrease will not unreasonably affect abutting sites.

C. Lot Coverage.

1. In any residential district, the maximum lot coverage may be increased by not more than ten percent (10%) of the lot area, where such increases are necessary for significantly improved site planning or architectural design, creation or maintenance of views, or otherwise facilitate highly desirable features or amenities, and where such increases will not unreasonably affect abutting sites.
2. For single-family residences situated in any residential district, an addition of up to one hundred (100) square feet of floor area may be permitted in conjunction with a request for an environmental and design review permit for a "lift and fill" addition (i.e., raising an existing habitable floor space to permit the creation of a new, single habitable floor area below), irrespective of the maximum lot coverage restriction of the zoning district, where the planning director determines that the floor area addition is necessary to permit circulation between the resultant stories of habitable floor space. This exception shall not be available in conjunction with an exception pursuant to subsection (C)(1) of this section.

D. Maximum Upper-Story Floor Area. For single-family residences situated in any residential district, an addition of up to one hundred (100) square feet of floor area may be permitted in conjunction with a request for an environmental and design review permit for a "lift and fill" addition (i.e., raising an existing habitable floor space to permit the creation of a new, single habitable floor area below), irrespective of the maximum upper-story floor area restriction of the zoning district, where the planning director determines that the floor area addition is necessary to permit circulation between the resultant stories of habitable floor space.

E. Height. In all nonresidential zoning districts, except the R/O district, building height may be increased beyond the height limit where: (1) additional building height is required for a special use or function, and the building is designed specifically for that use; or (2) there are special circumstances related to the site and topography which warrant the exception. For a public or quasi-public structure, a higher height may be permitted where necessary for health or safety purposes. In addition, in all cases, nonresidential height exceptions may only be approved where scenic views are not adversely affected, and where exceptional design is provided. If the height exception is more than five feet (5'), the exception must be approved by the planning commission as part of approval of an environmental and design review permit.

F. Landscaping.

1. In multifamily residential districts, required buffer landscaping may be modified, ~~subject to review by the design review board~~, where innovative landscape design is proposed, where there are special circumstances related to the site and where such modifications will ensure an adequate buffer for adjacent properties.
2. In all nonresidential districts, the minimum landscaping percentages may be reduced for remodel projects, ~~subject to review by the design review board~~, where redevelopment or remodeling is proposed and existing conditions are such that complying with the standard make it infeasible to provide adequate parking.

G. Parking.

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

condition, and where such reduction is necessary to provide for additional parking where existing parking does not meet current standards.

3. In downtown residential or non-residential projects, tandem parking may be allowed, subject to review by the traffic engineer and the fire department, where necessary to accommodate the required parking spaces, provided that the tandem spaces are assigned to the same unit or tenant and that the spaces are located convenient to the unit.
4. In any single-family residential district, a recreational vehicle may be parked parallel to the residence in the front yard where there is a curved or circular driveway or where there are special and unique circumstances on the site because of topography or lot shape. Recreational vehicle parking exceptions shall only be allowed where such parking is set back fifteen feet (15') from the front property line and where it will not have an adverse visual impact on adjoining lots or lots across the street.

(Ord. 1838 § 46, 2005; Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1663 § 1 (part), 1994; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 78, 6-21-2010; Ord. No. 1964, § 2(Exh. B) § 32, 11-19-2018)

14.24.030 Application.

Applications for exceptions shall be initiated by submitting the following information to the planning department: a completed application form signed by the property owner or authorized agent, accompanied by the required fee, and any other information, plans or maps prescribed by the planning director.

(Ord. 1625 § 1 (part), 1992).

14.24.040 Public notice and hearing.

In cases involving building height exceptions for nonresidential buildings, the proposed exception shall be reviewed, noticed and heard with the related development applications by the planning commission and/or city council. In the case of all other types of exceptions, no public notice or hearing shall be required.

(Ord. 1625 § 1 (part), 1992).

14.24.050 Conditions of approval.

In approving an exception, the planning director may impose reasonable conditions.

(Ord. 1625 § 1 (part), 1992).

14.24.060 Findings.

The planning director may approve an application for an exception if the following findings can be made:

- A. That there are special circumstances applicable to the property or land use, including but not limited to the size, shape, topography, location or surroundings that warrant granting of a minor exception from the strict application of the standards in this title;
- B. That granting the exception will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare.

(Ord. 1625 § 1 (part), 1992).

14.24.070 Notice of decision.

The planning director shall prepare a written decision which shall contain the findings of fact upon which such decision is based and conditions of approval, if any. The decision shall be mailed to the applicant.

(Ord. 1625 § 1 (part), 1992).

14.24.080 Appeals.

Appeals of the planning director's determinations on requests for exceptions shall be filed and processed in accordance with Chapter 14.28, Appeals.

(Ord. 1625 § 1 (part), 1992).

14.24.090 Effective date of permit.

- A. An exception shall become effective on the date specified by the written decision by the planning director granting the exception. Such approval date shall indicate the planning director's approval only of the exception and does not eliminate or replace the need to secure a building permit prior to any construction activity.
- B. The rights granted by the exception shall be effective only when exercised within the time period established as a condition of granting the exception, or, in the absence of such established time period, one year from the date the permit becomes effective.

(Ord. 1625 § 1 (part), 1992).

14.24.100 Approval to run with the land.

Once exercised, any exception granted shall run with the land and shall continue to be valid upon a change of ownership of the site or structure to which it applies.

(Ord. 1625 § 1 (part), 1992).

14.24.110 Extensions.

An exception may be extended by the planning director if the findings required by Section 14.24.060, Findings, remain valid and application is made prior to expiration.

(Ord. 1625 § 1 (part), 1992).

14.24.120 Amendments—New application.

A request for a change in the conditions of approval of an exception, or changes to plans which would affect a condition of approval, shall be treated as a new application for an exception.

(Ord. 1625 § 1 (part), 1992).

14.24.130 Revocation.

An exception that is exercised in violation of a condition of approval or a provision of this title may be revoked, as provided in Chapter 14.29, Enforcement.

(Ord. 1625 § 1 (part), 1992).

14.24.140 New applications following denial or revocation.

If an application for an exception is denied or revoked, no new application for the same, or substantially the same, exception shall be filed within one year of the date of denial or revocation of the initial application, unless the denial is made without prejudice.

(Ord. 1625 § 1 (part), 1992).

14.24.150 Expiration.

Exceptions are valid for two (2) years unless a different expiration date is stipulated at the time of approval, a building permit has been issued and construction diligently pursued, a certificate of occupancy has been issued, or the permit is renewed or extended. If more than one (1) phase of a development is approved in a single action and the later phases remain outstanding, their approval shall lapse at the end of the authorized time frame.

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1996 , div. 2(Exh. C, 7.1), 8-6-2021)

Chapter 14.25 ENVIRONMENTAL AND DESIGN REVIEW PERMITS

14.25.010 Specific purposes.

Environmental and design review implements general plan policies concerning the environment and design by guiding the location, functions and appearance of development. The key environmental and design goal of the city is to respect and protect the natural environment and assure that development is harmoniously integrated with the existing qualities of the city. The purposes of environmental and design review are to:

- A. First and foremost, maintain a proper balance between development and the natural environment;
- B. Ensure that the location, design and materials and colors of development blends with and enhances the natural setting;
- C. Maintain and improve the quality of, and relationship between, development and the surrounding area to contribute to the attractiveness of the city;
- D. Preserve balance and harmony within neighborhoods;
- E. Promote design excellence by encouraging creative design and the innovative use of materials and methods and techniques;
- F. Preserve and enhance views from other buildings and public property;

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- G. Ensure the right to make residential additions and modifications which minimize the impact on adjacent residences and which are designed to be compatible with the existing residence and neighborhood.
 - H. Ensure superior urban design and the protection of historic resources in the downtown mixed use district, as stipulated in and promoted by the vision of the Downtown San Rafael Precise Plan and Form-Based Code, which is adopted by separate ordinance and incorporated herein by reference.

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1996 , div. 2(Exh. A, 10.1), 8-16-2021)

14.25.020 Authority.

The planning commission, zoning administrator or community development director shall approve, conditionally approve or deny applications for environmental and design review permits. This authority is identified as follows:

- A. Major Environmental and Design Review Permit. The planning commission shall make determinations on environmental and design review applications for any major physical improvement listed under Section 14.25.040(A).
- B. Minor Environmental and Design Review Permit. The zoning administrator shall make determinations on environmental and design review applications for any minor physical improvement listed under Section 14.25.040(B), and one-time extensions to major and minor environmental and design review permit approvals. ~~When, in the opinion of the zoning administrator, an applicant or a member of the public, any matter set forth in Section 14.25.040(B) does not meet the applicable review criteria set forth in Section 14.25.050, the application shall be forwarded to the design review board for its recommendation. Requests for referral to the design review board made by an applicant or member of the public must be made in writing within the public review period and prior to the conclusion of the zoning administrator's public hearing, and must set forth specific reasons why it is believed that the proposed design does not meet the applicable review criteria.~~
- C. Administrative Environmental and Design Review Permit. The community development director shall make determinations on environmental and design review applications for administrative design review, as listed under Section 14.25.040(C), and one-time extensions to administrative environmental and design review permit approvals. Applications which clearly meet the applicable review criteria may be approved over the counter, at the discretion of the community development director.
- D. Elevated Level of Review. When, in the opinion of the community development director, any matter set forth in Section 14.25.040(B) or (C) is of a size, importance or unique nature such that it is judged not to be a routine matter, it may be placed directly on the agenda of the planning commission for determination in lieu of having it processed by the zoning administrator or community development director.
- E. Reduced Level of Review. When, in the opinion of the community development director, any matter set forth in Section 14.25.040(A) or (B) of this chapter is insignificant or inconsequential, will have no detrimental impact on surrounding properties or public vantage points, and is not a matter requiring the designated level of review, it may be processed by the zoning administrator or community development director. In cases where the zoning administrator or community development director process an application that would normally be reviewed by the planning commission, the planning commission shall be informed of the pending action through receipt of the public hearing notice. The public hearing notice shall indicate that the design review permit review is being delegated from the planning commission to the zoning administrator or community development director for action, and

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that a request may be made to refer the matter back to the planning commission for action. Prior to an action by the zoning administrator or community development director, a planning commissioner may direct, or a member of the public may request, that the application be referred to the planning commission for a public hearing and action.

(Ord. 1838 § 47, 2005; Ord. 1820 § 2, 2004; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 79, 6-21-2010)

14.25.030 Application.

A. Initial Consultation. An initial consultation may be initiated by requesting an appointment with the community development director or a designated representative. Sketches of the design of a proposed structure or alteration should be submitted for informal staff review so that an applicant may be informed of environmental and design review ~~board~~ policies of the City prior to preparing detailed drawings.

~~B. Conceptual Review Required. The applicant of a development subject to major environmental and design review shall submit an application for conceptual review by the design review board. Conceptual review focuses on the conceptual design approach, and gives both the design review board and the applicant the opportunity to work together to achieve a quality design by providing an opportunity for the board to identify and discuss relevant issues and indicate the appropriateness of the design approach. Submittal materials shall include a site plan, floor plans and building elevations with sufficient detail to convey the proposed design direction. The applicant's presentation should have a level of detail adequate to show the architect's analysis of the problem and to explain the proposed design solution. Conceptual review is optional for development subject to minor environmental design review.~~

BC. Application for Environmental and Design Review. Applications for environmental and design review permits shall be initiated by submitting to the community development department a completed application form, signed by the property owner or authorized agent, accompanied by the required fee, and the following information. (Note: All residential projects located in the hillside development district or on lots with slopes over twenty-five percent (25%) shall submit the information required in Appendix A, Environmental and Design Review Application Requirements for Hillside Residential Development Projects, of the Hillside Residential Design Guidelines Manual.) The community development director may require that additional information be submitted or may waive the submission of listed information.

1. Contextual map showing the relationship of the proposed development to the surrounding buildings and site features;
2. Natural features map providing detailed information about on-site features, including existing trees and other vegetation, and the impact of the development on existing site conditions;
3. Site plan(s) showing proposed parking, loading, circulation, drainage facilities and utility connections;
4. Landscape plan showing all existing and proposed improvements, location of proposed plantings, landscape material and structures, and community amenities. For projects that are required to provide water-efficient landscapes pursuant to Section 14.16.370 of this title, the landscape plan and supportive materials shall comply with Marin Municipal Water District (MMWD) Ordinance No. 414 (including any subsequent amendments).
5. Grading plan showing existing and proposed contours, the extent of cut and fill, and erosion control methods;
6. Building elevations including exterior materials and colors, and showing all sides of the structures;
7. Floor and roof plans;

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8. Phasing plan, if proposed;
 9. Site photographs showing site and adjacent properties;
 10. Shadow diagram if deemed necessary to evaluate potential shading of adjacent properties;
 11. Story poles reflecting the proposed height of the structure(s) if needed to evaluate project impacts.
 12. All existing street frontage improvements, if applicable, and any proposed modifications to public improvements, including any proposed or required street tree removal or planting.

CD. Multiple Applications. When multiple permit applications are filed for a given development or site (for example, in the case of a development which requires a use permit, environmental and design review permit and a variance) the community development director may schedule combined hearings.

(Ord. 1838 § 48, 2005; Ord. 1820 § 3, 2004; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, §§ 80—82, 6-21-2010)

14.25.040 Improvements subject to review.

No improvement subject to environmental and design review shall hereafter be constructed, located, repaired, altered, expanded or thereafter maintained, except in accordance with a design approved as provided in this chapter. The following items shall be subject to environmental and design review permits, whether or not a building permit is required.

A. Major Physical Improvements.

1. New construction on vacant property, including, but not limited to:
 - a. Any residential structure located within one hundred (100) vertical feet of a ridgeline,
 - b. Residential structures with three (3) or more dwelling units, and boarding houses,
 - c. Residential structures as required by subdivision or zoning approvals,
 - d. Offices, retail and industrial structures,
 - e. Public, quasi-public, religious, social and similar community structures,
 - f. Marinas and yacht clubs;
2. Modifications to existing structures, including, but not limited to:
 - a. Additions to multifamily residential structures with three (3) or more units, where the addition constitutes more than forty percent (40%) of the total square footage of the building,
 - b. Additions and alterations to existing nonresidential structures where the addition is greater than forty percent (40%) of the existing square footage. (Note: The community development director may determine that an addition or alteration greater than forty percent (40%) which has a minor impact on the visual character or function of a building is subject to a minor design review permit.),
 - c. Relocation of a nonresidential structure, or of a residential structure with three (3) or more existing dwelling units.
3. Major site design improvements, including but not limited to:

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- a. Subdivisions located on properties with an average slope of twenty-five percent (25%) or greater, or with a general plan land use designation of hillside residential or hillside resource residential,
 - b. Cutting of one thousand (1,000) or more cubic yards per site per year, or fill of two thousand (2,000) or more cubic yards per site per year. (Exempt: Where removal is being done in accordance with an approved and legally effective tentative and/or final subdivision map, and a legally effective building permit.) (Note: A use permit is also required where the principal use proposed is cutting or filling.),
 - c. Landscaping as part of a development subject to major environmental and design review,
 - d. Circulation and parking and loading facilities for pedestrians, bicycles and motor vehicles on a development subject to major environmental and design review,
 - e. Signs for a development subject to environmental and design review. The sign permit application shall be reviewed for location, size and type of signs concurrently with the design review application. See Chapter 14.19, Signs;
4. Development subject to review as a major physical improvement pursuant to any other provision of this title;
 5. Mural signs painted on the exterior surface of a wall of an existing or new structure;
 6. Wireless telecommunications facility, as prescribed under Section 14.16.360.B.
- B. Minor Physical Improvements.
1. For minor projects located in the downtown mixed use district, refer to the Downtown San Rafael Precise Plan and Form-Based Code which is adopted by separate ordinance.
 2. New construction and modifications, including, but not limited to:
 - a. Any new residence or residential additions over five hundred (500) square feet in size, or any modification that increases the height of the roofline, when located on residential lots with average slopes of twenty-five percent (25%) or greater or located in the hillside resource residential and hillside residential general plan land use designations.
 - b. Any addition or modification that results in lifting the existing ground level floor of a residence to construct a new ground level floor (lift and fill) located on single-family or duplex residential lots (See Section 14.25.050.F.6. for design criteria).
 - c. Accessory structures, or additions or modifications to any residential structure located within one hundred (100) vertical feet of a ridgeline when such improvement increases the height of a roofline, or increases building scale and mass and is determined to be visible from off-site.
 - d. Additions to multifamily residential structures containing three (3) or more dwelling units, where the addition constitutes forty percent (40%) or less than the total square footage of the building.
 - e. New two-story single-family and duplex residential structures proposing an upper story level over five hundred (500) square feet in size (See Section 14.25.050.F.6. for design criteria).
 - f. Upper-story additions to single-family and duplex residential structures over five hundred (500) square feet in size (See Section 14.25.050.F.6. for design criteria).

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- g. Accessory structures on developed non-residential properties over one hundred twenty (120) square feet in size.
 - h. Accessory structures on developed multi-family residential properties over two hundred forty (240) square feet in size.
 - i. New construction or reconstruction of boat docking facilities,
 - j. Additions and alterations to existing nonresidential structures and/or additions to existing nonresidential structures where the addition is forty percent (40%) or less of the existing square footage and no greater than one thousand two hundred fifty (1,250) square feet. Based on the scope and potential impact of the change(s), the level of review may be decreased by the community development director.
 - k. Structures over the height limit, including flagpoles, aboveground utility distribution facilities, including communications towers and public water tanks, windmills, monuments, steeples, cupolas, and screens for mechanical equipment (chimneys are exempt).
 - l. Wireless communications facilities, as prescribed under Chapter 14.16.360.B.
3. Minor site design improvements, including, but not limited to:
- a. Cutting of more than fifty (50) cubic yards and less than one thousand (1,000) cubic yards per site per year, or fill more than fifty (50) cubic yards and less than two thousand (2,000) cubic yards per site per year. (Exempt: Where removal is being done in accordance with an approved and legally effective tentative and/or final subdivision map, and a legally effective building permit.) (Note: A use permit is also required where the principal use proposed is cutting or filling.)
 - b. Landscaping, exterior lighting, fencing, and retaining walls over four feet (4') high, proposed as part of a minor physical improvement subject to environmental and design review.
 - c. Landscape revisions determined to be minor revisions to an existing hillside residential, multifamily or nonresidential development, proposed as part of a minor physical improvement.
 - d. Parking and loading areas, including driveways, sidewalks and curb cuts, on a development subject to minor environmental and design review,
 - e. Commercial parking lots, including private parking and new parking locations for uses with insufficient parking.
 - f. Drive-Through Facilities. See Section 14.16.110, Drive-through facilities, of this title, for regulations.
 - g. Signs for a development subject to environmental and design review. The sign permit application shall be reviewed for location, size and type of signs concurrently with the design review application. See Chapter 14.19, Signs, of this title.
4. Development subject to review as a minor physical improvement pursuant to any other provision of this title.
- C. Administrative Design Permits.
- 1. For projects located in the downtown mixed use district that are subject to administrative design review, refer to the Downtown San Rafael Precise Plan and Form-Based Code which is adopted by separate ordinance.

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2. Decks, or additions to existing decks, higher than thirty inches (30") above grade, located on residential lots with average slopes of twenty-five percent (25%) or greater or located in the hillside resource residential and hillside residential general plan land use designations, except no review is required for decks:
 - a. Less than a total of one hundred (100) square feet,
 - b. Not visible from the public street or adjacent properties, or
 - c. Replacing an existing elevated deck with a deck of same size and configuration.
 3. New single-family residences located on a flag lot.
 4. New one-story duplexes, or ground floor additions over five hundred (500) square feet in size or that include addition of a bedroom.
 5. Conversion of a single-family residence to a duplex.
 6. Design changes to projects that previously obtained design review approval. This includes modifications to upper story additions, modifications to windows or architectural, site design or landscaping changes. Based on the scope and potential impact of the change(s), the level of review may be increased by the community development director.
 7. Outdoor eating areas (as prescribed by Section 14.17.110).
 8. Minor exterior alterations to a structure or development, which are subject to environmental and design review, that, in the opinion of the community development director, have minimal impacts on the visual character or function of the building or development.
 9. Satellite dishes over the height limit in a multifamily or nonresidential district.
 10. Residential fences over seven feet (7') in height, and as set forth under the criteria in Section 14.16.140.
 11. Nonresidential fencing over seven feet (7') in height as set forth under Section 14.16.160 proposed to be located in a front yard or between the principal building and public street frontage(s).
 12. Detached accessory structures located on hillside residential lots with slopes of twenty-five percent (25%) or greater or located in areas with a general plan land use designation of hillside residential or hillside resource residential.
 13. Retaining walls over four feet (4') in height (measured from the top of the footing or finished grade, as determined by the community development director, to the top of the wall) and/or minor landscaping or grading modifications on properties located on a hillside lot as identified in Section 14.12.020 (-H hillside overlay district) of this title, or located within one hundred (100) vertical feet of a ridgeline.
 14. Minor landscaping revisions to existing or approved multifamily or nonresidential development that are determined to alter the character of the site.
 15. Minor modifications to existing parking lots (reconfiguration or expansion).
 16. Exterior repainting and refinishing on a development which significantly deviates from the color scheme and/or palette previously approved through an environmental and design review permit, or on structures in the hillside area as identified in Section 14.12.020 of this title when the colors or materials are not from the approved earthtone-woodtone list.
 17. Outdoor storage areas.

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18. Design changes to dwelling units that were existing or approved as of January 1991 and that are being replaced pursuant to Section 14.16.060 (conservation of dwelling units), or dwelling units that are being replaced pursuant to Section 14.16.270.B.5 (nonconforming structures) of this title.
 19. Modifications to properties in the Eichler-Alliance (-EA) combining district which increase the height of roof structures by more than six inches (6") or change the roof pitch, including the creation of sloping roofs, covered atriums that exceed the existing roof height, clerestories or exposed exterior ducting, but excluding the review of solar collectors which are flush-mounted or not visible from the street frontage.
 20. Rooftop equipment and screens visible from off-site.
 21. Minor additions or modifications to a wireless communications facility, as prescribed under Section 14.16.360.B.
 22. Residential accessory structures to be located between the front-facing wall of the primary structure and the front setback except as permitted by Section 14.16.020.E.
 23. Non-residential accessory structure one hundred twenty (120) square feet or less in size.
 24. Ancillary detached accessory structures on a developed multi-family residential property two hundred forty (240) square feet or less in size.
 25. Development subject to review for an administrative design permit pursuant to any other provision of this title.

D. Exempt from Design Review.

1. Single-family dwellings when sited on individual lots with frontage on a public street and not otherwise subject to design review as listed above;
2. Ordinary maintenance and repairs;
3. New decks or additions to decks, except where review is required for decks located in hillside areas as prescribed in Section 14.25.040.C, above;
4. Installation of solar panels on existing structures or grounds, as provided under state law and in compliance with all applicable development standards;
5. Public art installations on public or private property approved through a City-established public art program. For purposes of this section (14.25.040), "public art" is defined as all forms of art including, but not limited to: sculptures, murals, mosaics, and fountains, which are located on the exterior of a publicly owned facility or on a privately owned property when such artwork is placed in a location intended to be visible to the general public;
6. The community development director may declare improvements which have been determined to be minor or incidental within the intent and objectives of this chapter to be exempt from review.

(Ord. 1838 § 49, 2005; Ord. 1825 § 2 (Exh. A) (part), 2004; Ord. 1820 § 4, 2004; Ord. 1819 § 2, 2004; Ord. 1802 § 6, 2003; Ord. 1751 § 7, 2000; Ord. 1663 § 1 (part), 1994; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, §§ 83—89, 6-21-2010; Ord. No. 1923, § 2(Exh. A), 6-16-2014; Ord. No. 1964, § 2(Exh. B) § 33, 11-19-2018; Ord. No. 1991, divs. 1, 2, 3-1-2021; Ord. No. 1996, div. 2(Exh. A, 10.2), 8-16-2021; Ord. No. 2002, div. 14, 12-6-2021)

* Legislative history: Ordinances 1819 and 1820, adopted contemporaneously on February 2, 2004, amended the same code section, Section 14.25.040(C). Ordinance 1819 added a new subsection 10 to Section 14.25.040(C) and Ordinance 1820 moved subsections 1 and 2 from Section 14.25.040(C) to Section 14.25.040(B). Due to clerical error and contrary to the intent of the city council, Ordinance 1820 did not incorporate the amendment resulting from Ordinance 1819. The correct version of Section 14.25.040(C), as intended by the city council in its adoption of Ordinances 1819 and 1820, is set forth herein.

14.25.050 Review criteria.

- A. Consistency with General Plan Design Policies. To ensure that each proposed improvement shall accomplish the purposes of Section 14.25.010, Specific purposes, environmental and design review shall be guided by general plan design policies, and the following criteria.
- B. Consistency with Specific Plans.
 - 1. In addition to the criteria listed below, development will be evaluated for consistency with applicable neighborhood and area design plans. Adopted plans which include design guidelines include: Hillside Residential Design Guidelines Manual, San Rafael Design Guidelines, the San Rafael General Plan 2040, specifically the neighborhoods element, and community design and preservation element, and any design guidelines or amendments that are adopted by resolution.
 - 2. Development proposed within the downtown mixed use district shall comply with the design criteria and provisions set forth in the Downtown San Rafael Precise Plan Form-Based Code, which is adopted by separate ordinance and incorporated herein by reference. The criteria listed below shall apply where the Downtown San Rafael Precise Plan form-based code is silent on the specific criteria topic.
- C. Design Criteria. Review shall be guided by the following criteria to assure that, with regard to buildings, structures and physical improvements, each proposed development shall carry out the purposes of this chapter, the general plan policies and any design plans. Any or all of the following criteria may, upon recommendation of the design review board, be waived by the planning commission when the applicant has demonstrated that alternative design concepts carry out the objectives of this chapter and where such development is consistent with the general plan. Hillside residential design criteria may be waived by the city council with the following findings:
 - 1. The project design alternative meets the stated objectives of the guidelines to preserve the inherent characteristics of hillside sites, display sensitivity to the natural hillside setting and compatibility with nearby hillside neighborhoods, and maintain a strong relationship to the natural setting; and
 - 2. Alternative design solutions which minimize grading, retain more of the project site in its natural state, minimize visual impacts, protect significant trees, or protect natural resources result in a demonstrably superior project with greater sensitivity to the natural setting and compatibility with and sensitivity to nearby structures.
- D. Competent Design. The development plans shall be designed by, and bear the signature of a person who, under the building code, has been designated as legally competent to submit such development proposal. Plans for a development subject to a major environmental and design review permit before the design review board-planning commission shall be prepared by, and bear the signature of, an architect and/or landscape architect licensed by the state of California Department of Consumer Affairs.
- E. Site Design. There should be a harmonious relationship between structures within the development and between the structures and the site. Proposed structures and site development should be related accordant to existing development in the vicinity. There must be a consistent organization of materials and a balanced relationship of major elements.

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1. Views. Major views of the San Pablo Bay, wetlands, bay frontage, the Canal, Mt. Tamalpais and the hills should be preserved and enhanced from public streets and public vantage points. In addition, respect views of St. Raphael's Church up "A" Street.
 2. Site Features and Constraints. Respect site features and recognize site constraints by minimizing grading, erosion and removal of natural vegetation. Sensitive areas such as highly visible hillsides, steep, unstable or hazardous slopes, creeks and drainageways, and wildlife habitat should be preserved and respected.
 3. Access, Circulation and Parking. The development should provide good vehicular, bicycle and pedestrian circulation and access, on-site and in relation to the surrounding area, including public streets, waterways, shorelines and open space areas. Safe and convenient parking areas should be designed to provide easy access to building entrances. Parking facilities should detract as little as possible from the design of proposed or neighboring structures. Entrances to parking structures should be well-defined and should include materials compatible with those of the parking garage. Traffic capacity of adjoining streets must be considered.
 4. Energy-Efficient Design. The site design shall show that due regard has been given to orientation of structures to streets and climatic considerations.
 5. Drainage. Special attention shall be given to proper site surface drainage and an adequate drainage system. (Note: The details of drainage systems shall be subject to approval of the director of the department of public works.)
 6. Utility Service. Utility connections shall be installed underground. Proposed method of sanitary sewage disposal for all buildings shall be indicated. Refuse collection areas shall be screened and located in areas convenient both to users and to persons who make collections. There shall be adequate ingress and egress to all utilities. (Note: Recycling facilities must meet Standard of Resolution 93-57.)
- F. Architecture. The project architecture should be harmoniously integrated in relation to the architecture in the vicinity in terms of colors and materials, scale and building design. The design should be sensitive to and compatible with historic and architecturally significant buildings in the vicinity, and should enhance important community gateways, view corridors and waterways as identified in the general plan.
1. Design Elements and Approaches. Design elements and approaches which are encouraged include:
 - a. Creation of interest in the building elevation;
 - b. Pedestrian-oriented design in appropriate locations;
 - c. Energy-efficient design;
 - d. Provision of a sense of entry;
 - e. Variation in building placement and height;
 - f. Dwelling units accessible to the mobility-impaired;
 - g. Equal attention to design of all facades in sensitive locations;
 - h. Bedrooms and decks oriented away from high noise sources;
 - i. Common usable areas should offer residents a convenient and attractive place to exercise, relax and meet one another;
 - j. Private yard areas should be oriented away from high noise sources and take advantage of view opportunities and solar orientation.
 2. Materials and Colors. Materials and colors should be consistent with the context of the surrounding area. To minimize contrast of the structure with its background as viewed from the surrounding

neighborhood, color selection shall coordinate with the predominant colors and values of the surrounding landscape and architecture. High-quality building materials are required. In hillside areas, as identified in Section 14.12.020 of this title, natural materials and colors in the earth tone and woodnote range are generally preferred. Other colors and materials may be used which are appropriate to the architectural style, harmonious with the site and/or compatible with the character of the surrounding environment.

- a. Earthtone/woodtone colors are considered to be various natural shades of reddish-brown, brown, grey, tan, ocher, umber, gold, sand, blue and green.
 - b. Natural materials include adobe, slump block, brick, stone, stucco, wood shakes, shingles and siding, and tile roofs.
 - c. Concrete surfaces shall be colored, textured, sculptured and/or patterned to serve a design as well as a structural function.
 - d. Metal buildings, roofs, or finishes that develop an attractive oxidized finish (such as copper or weathering steel) may be used. Unpainted metal, galvanized metal or metal subject to rusting is discouraged.
 - e. Glare-reducing and color-harmonizing finishes may be required on glass surfaces when they constitute fifty percent (50%) or more of a wall or building face, or when they permit a view of pipes, utilities and other service units.
 - f. Reflective glass, such as mirror or glazed, is discouraged. Such glass may be prohibited where it has an adverse impact, such as glare on pedestrian or automotive traffic or on adjacent structures.
 - g. Roof materials shall minimize reflectivity.
3. Walls, Fences, and Screening. Walls, fences and screening shall be used to screen parking and loading areas, refuse collection areas and mechanical equipment from view. Screening of mechanical equipment shall be designed as an integrated architectural component of the building and the landscape. Utility meters and transformers shall be incorporated into the overall project design.
 4. Exterior Lighting. Light sources should provide safety for the building occupants, but not create a glare or hazard on adjoining streets or be annoying to adjacent properties or residential areas.
 5. Signs. Signs shall be designed consistent with the guidelines in Chapter 14.19, Signs.
 6. Upper-Story Additions and Modifications Which Result in More Than One Floor. Design review of new two-story homes, upper-story additions and lift-and-fill construction is not intended to preclude such development, but rather required to assure better design of such additions and to limit impacts on adjacent properties. Modifications to structures on lots in the hillside development overlay district or on lots with an average slope of twenty-five percent (25%) or more are subject to the Hillside Residential Design Guidelines Manual.
 - a. Windows Facing the Rear Yard. There shall be a minimum number of upper-story windows facing the rear where privacy of adjacent residential structures would be significantly affected (e.g., unfiltered and direct views from a primary living area into a primary living room, bedroom or backyard recreational area of an adjoining residential property would result). Windows above the first story shall be designed so that they do not look directly onto private patios or backyards of adjoining residential property. Skylights, opaque glass, permanently affixed louvers, inset windows or windows with high sills may be required where appropriate when other window designs would severely affect the privacy of rear yards or patios of adjacent residences.

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- b. Windows Facing the Side Yard. Windows, balconies or similar openings above the first story shall be oriented so as not to have a direct line-of-sight into windows, balconies or similar openings of adjacent structures.
 - c. Windows Facing the Front Yard. Windows, balconies, doors or other openings above the first story are encouraged. Windows and doors shall match the style and scale of the windows and doors of the existing structure. Upper-story additions shall be an extension of the existing residence with internal circulation connecting to the existing structure.
 - d. Outside Stairways. Outside stairways to upper stories shall be designed as modest structures which do not dominate the facade of the building.
 - e. Design Consistency. Proposed roof slope, window style and building materials shall be designed to be consistent with the roof slope, window style and materials of the existing structure.
 - f. Neighborhood Compatibility. Where a prevailing design exists on both sides of the street for the length of the block, the addition or modification shall be designed to be compatible with the design character and scale of the neighboring buildings.
 - g. Shading. Shading of existing solar collectors and primary, active recreational areas in the rear and/or side yards of adjacent properties should generally not exceed ten percent (10%) of the area or increase existing shading by more than ten percent (10%) between the hours of noon and three p.m. (3:00 p.m.) on December 21 due to the proposed upper-story construction. For purposes of this subsection, a solar collector shall be any device which is designed primarily to collect solar energy and which contains an area of twenty-four (24) square feet or more. Applications which cannot meet this design criterion shall demonstrate that every feasible effort has been made to reduce the shading impacts of the proposed structure and that a reasonable upper-story addition which complies with this design criterion is not feasible.
- G. Landscape Design. The natural landscape should be preserved in its natural state, insofar as practicable, by minimizing grading, and tree and rock removal. The landscaping shall be designed as an integral enhancement of the site, sensitive to natural site features.
- 1. Outdoor Amenity Areas. Outdoor amenity areas should be designed to minimize noise impacts on adjoining uses.
 - 2. Water-Efficient Landscape Design. Water conservation shall be considered and incorporated in the design of landscape and irrigation plans for all projects. For projects that are required to provide a water-efficient landscape pursuant to Section 14.16.370 of this title, the landscape plan and supportive materials shall comply with Marin Municipal Water District (MMWD) Ordinance, and future amendments, as adopted. Where available and when deemed appropriate, reclaimed water shall be used for irrigation.
 - 3. Landscaped Buffer Area. Landscaped buffer areas may be required near wetlands and other sensitive habitat areas. A landscaped berm around the perimeter of parking areas is encouraged.
 - 4. Street Trees and Landscaping. Street trees shall be shown on plans submitted for a project within the downtown area, and shall be provided and protected in accordance with the city street tree planting guidelines and recommendations of the city arborist. Street trees and landscaping should be consistent with the following:
 - a. Provide smaller scale, seasonal color and street trees for pedestrian-oriented streets;
 - b. Provide high-canopy traffic-tolerant trees and landscaped setbacks for primary vehicular circulation streets.

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- c. Existing mature trees proposed to be removed as part of a project should be replaced with an equivalent number, size and alternate species.
 - d. Trees proposed to remain shall be protected during construction.
 - e. All trees shall be installed, protected and pruned in accord with accepted arboricultural standards and practices.
- H. Temporary Visual and Air Pollution Resulting from Construction. Temporary pollution resulting from grading and construction shall be minimized to avoid unnecessary annoyance to persons living or working in the area.

(Ord. 1838 §§ 50, 51, 2005; Ord. 1820 § 5, 2004; Ord. 1802 § 7, 2003; Ord. 1695 § 1, 1996; Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1663 § 1 (part), 1994; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, §§ 90—93, 6-21-2010; Ord. No. 1923, § 2(Exh. A), 6-16-2014; Ord. No. 1996, div. 2(Exh. A, 10.3), 8-16-2021)

14.25.060 Public notice and hearing.

- A. Major Environmental and Design Review Permit.
- 1. The planning commission shall hold a public hearing on an application for a major environmental and design review permit.
 - 2. Notice of ~~design review board meetings and the~~ planning commission hearings shall be given consistent with Chapter 14.29, Public Notice.
- B. Minor Environmental and Design Review Permit.
- 1. The zoning administrator shall hold a public hearing on an application for minor environmental and design review permit.
 - 2. Notice of ~~design review board meetings and~~ zoning administrator hearings shall be given consistent with Chapter 14.29, Public Notice.
- C. Administrative Environmental and Design Review Permit. Public notice and hearing are not required for issuance of an administrative environmental and design review permit, except for development subject to Sections 14.14.030 and 14.25.040(C)(19), modifications to properties in the EA overlay district, which shall comply with the notice provisions in Chapter 14.29 of this title.

(Ord. 1838 § 52, 2005; Ord. 1824 § 1 (Exh. A) (part), 2004; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1964, § 2(Exh. B) § 34, 11-19-2018)

~~14.25.070 Streamlined review of certain residential projects.~~

~~The following residential projects shall be eligible for a streamlined review process, as established by city council resolution under a pilot program known as the "streamlined review for certain residential projects."~~

~~A. Residential structures of three (3) to ten (10) units.~~

~~B. Additions to multifamily residential structures of between three (3) to ten (10) units, where the addition constitutes no more than forty (40) percent of the total square footage of the building and would not increase the unit count by more than three (3) units.~~

This streamlined review process allows for a joint meeting of the planning commission and two (2) representatives of the design review board. The framework, roles and membership of the design review board representatives for a streamlined review process shall be as established by city council resolution. (Ord. No. 2018 , div. 1, 10-3-2022)

Ord. No. 2018 , div. 1, adopted Oct. 3, 2022, repealed the former § 14.25.070, which pertained to design review board, and enacted a new § 14.25.070 as set out herein. The former § 14.25.070 derived from Ord. 1838, adopted 2005; Ord. 1794, adopted 2003; Ord. 1625, adopted 1992; Ord. No. 1882, adopted June 21, 2010; Ord. No. 2006 , § 1, adopted May 2, 2022.

14.25.080 Conditions of approval.

In approving an environmental and design review permit, the community development director, zoning administrator or planning commission may impose reasonable conditions to assure furtherance of objectives stated herein. Dedication, relocation, installation and/or improvement of rights-of-way may be required where essential to prevent congestion and/or hazards which may result from the use of land proposed. Environmental and design review permits shall be subject to the following standard conditions, unless modified by the approving body:

- A. All landscaping shall be maintained in good condition and any dead or dying plants, bushes, or trees shall be replaced with new healthy stock of a size compatible with the remainder of the growth at the time of replacement.
- B. Landscaping and irrigation must meet the Marin Municipal Water District's (MMWD) water conservation rules and regulations. For projects that are required to provide a water-efficient landscape pursuant to Section 14.16.370 of this title, the landscape plan and supportive materials shall comply with the Marin Municipal Water District (MMWD) Ordinance No. 414, and future amendments as adopted. Prior to the issuance of a building permit, a grading permit or other authorization or city approval to proceed with construction and landscape installation, the applicant must provide written verification of plan approval from MMWD.
- C. The building materials and colors as presented for approval shall be the same as required for the issuance of a building permit. Any future changes in materials or color shall be subject to review by the design review board planning director and approval of an administrative environmental and design review permit.

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 95, 6-21-2010)

14.25.090 Findings.

The community development director, zoning administrator or planning commission may approve an application for an environmental and design review permit. The following findings must be made by the hearing body:

- A. That the project design is in accord with the general plan, the objectives of the zoning ordinance and the purposes of this chapter;
- B. That the project design is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the district in which the site is located;
- C. That the project design minimizes adverse environmental impacts; and

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- D. That the project design will not be detrimental to the public health, safety or welfare, nor materially injurious to properties or improvements in the vicinity.

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 96, 6-21-2010)

14.25.100 Notice of decision.

The planning director shall prepare a written decision which shall contain the findings of fact upon which such decision is based and conditions of approval, if any. The decision shall be mailed to the applicant.

(Ord. 1625 § 1 (part), 1992).

14.25.110 Effect of failure to give notice.

No action, inaction or recommendation regarding any development by the planning director, zoning administrator or planning commission shall be held void or invalid or be set aside by any court by reason of error or omission pertaining to the notices, including the failure to give any notice required by the section, unless the court after an examination of the entire case shall be of the opinion that the error or omission complained of was prejudicial, and that by reason of such error or omission the party complaining or appealing sustained and suffered substantial injury, and that a different result would have been probable if such error or omission had not occurred or existed. There shall be no presumption that the error or omission is prejudicial or that injury was done if error or omission is shown.

(Ord. 1625 § 1 (part), 1992).

14.25.120 Appeals.

Appeals of environmental and design review determinations shall be filed and processed in accordance with Chapter 14.28, Appeals.

(Ord. 1625 § 1 (part), 1992).

14.25.130 Effective date of permit.

An environmental and design review permit shall become effective at the end of the appeal period as specified in Chapter 14.28, Appeals, unless an appeal is filed.

(Ord. 1625 § 1 (part), 1992).

14.25.140 Approval to run with the land.

Any environmental and design review permit approval shall run with the land and shall continue to be valid for the time period specified whether or not there is a change of ownership of the site or structure to which it applies. Notwithstanding the foregoing, the issuance of administrative design review permits for outdoor eating areas located on city sidewalks or city rights-of-way shall not confer any property rights therein or otherwise encumber the city's property rights.

(Ord. 1751 § 8, 2000; Ord. 1625 § 1 (part), 1992).

14.25.150 Extensions.

An environmental and design review permit may be extended by the zoning administrator, if the findings required by Section 14.25.090, Findings, remain valid, there have been no substantial changes in the factual circumstances surrounding the originally approved design, and application is made prior to expiration. Administrative environmental and design review permits may be extended by the community development director.

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 97, 6-21-2010)

14.25.160 Amendments—New application.

The planning director may approve changes in conditions of approval upon determining that the changes in conditions are minor and are consistent with the intent of the original approval, and the zoning administrator may approve minor changes to approved plans. Revisions involving substantial changes in project design or conditions of approval shall be treated as new applications and referred to the original hearing body.

(Ord. 1625 § 1 (part), 1992).

14.25.170 Revocation.

An environmental and design review permit that is exercised in violation of a condition of approval or a provision of this title may be revoked, as provided in Chapter 14.29, Enforcement.

(Ord. 1625 § 1 (part), 1992).

14.25.180 New application following denial or revocation.

If an application for an environmental and design review permit is denied or revoked, no new application for the same, or substantially the same, environmental and design permit shall be filed within one year of the date of denial or revocation of the initial application, unless the denial is made without prejudice.

(Ord. 1625 § 1 (part), 1992).

14.25.190 Construction review and enforcement.

- A. **Building Plan Review.** An approved application, and all other related and approved maps, drawings and other supporting materials constituting a part of the approved application, shall be so endorsed by the community development director or designated staff. The community development director or designated staff shall review construction drawings, final plans and other similar documents prior to issuance of a building permit for compliance with the environmental and design review permit.
- B. **Construction Time Frame.** The applicant shall continue with construction through to completion as one continuous process. The period of construction shall be of a duration reasonable to the size and complexity of the development. All plans have to be constructed and maintained as approved. Any design revisions are subject to Section 14.25.160, Amendments—New application.

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- C. Building Construction Inspections. The building official shall, when performing building inspections on the site, also inspect for compliance with the environmental and design review permit and shall report to the community development director any deviations therefrom, either in the plans or on the site.
 - D. Construction Impacts. Temporary visual and air pollution resulting from construction shall be minimized through retention of natural vegetation, rock formations and topography until applicant is prepared, once grading commences, to continue immediately with the construction applied for through to completion as one continuous process. The period of construction shall be of a duration reasonable to the size and complexity of the development. During grading, dust prevention must be emphasized to avoid unnecessary annoyance to persons living or working in the area.
 - E. Noncompliance. In addition to the fines and penalties set forth in Chapter 14.29, Enforcement, failure to comply in any respect with an environmental and design review permit shall constitute grounds for the immediate stoppage of the work involved in said noncompliance.
 - F. Certificate of Occupancy. An occupancy permit shall not be issued in part or whole for any improvement subject to environmental and design review unless and until the work specified in the environmental and design review permit has been completed, including landscaping. If for any valid reason full compliance in accordance with the environmental and design review permit cannot be made, a cash bond or other approved form of surety, which shall be in such amount as the city may fix, shall be posted for the work to be completed within a reasonable period of time as determined by the community development director.

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 98, 6-21-2010)

14.25.200 Expiration.

Environmental and design review permits are valid for two (2) years unless a different expiration date is stipulated at the time of approval, a building permit has been issued and construction diligently pursued, a certificate of occupancy has been issued or the permit is renewed or extended. If more than one (1) phase of a development is approved in a single action and the later phases remain outstanding, their approval shall lapse at the end of the authorized time frame.

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1996 , div. 2(Exh. C, 8.1), 8-6-2021)

Chapter 14.26 REQUESTS FOR REASONABLE ACCOMMODATION

14.26.010 Purpose.

This chapter provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures.

(Ord. 1838 § 54 (part), 2005).

14.26.020 Applicability.

- A. Authorized Applicants. A request for reasonable accommodation may be made by any person with a disability, their representative or any entity, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or any who has a record of such impairment. This chapter is intended to apply to those persons who are defined as disabled under the Acts.
- B. Elimination of Regulatory Barriers. A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice. A request for reasonable accommodation shall comply with Section 14.26.030 (Application requirements) of this chapter.

(Ord. 1838 § 54 (part), 2005).

14.26.030 Application requirements.

- A. Application. A request for reasonable accommodation shall be initiated by submitting to the community development department a completed application form, signed by the property owner or authorized agent, accompanied by the required fee, and the following information submitted in the form of a letter to the community development director:
 - 1. The applicant's name, address and telephone number;
 - 2. Address of the property for which the request is being made;
 - 3. The current use of the property;
 - 4. The basis for the claim that the individual is considered disabled under the Acts;
 - 5. The zoning code provision or other city regulation or policy from which reasonable accommodation is being requested; and
 - 6. An explanation of why the reasonable accommodation is necessary to make the specific property accessible to the individual.
- B. Review with Other Planning Applications. If the project for which the request for reasonable accommodation is being made also requires some other discretionary planning approval (such as a use permit, environmental and design review permit, zone change, general plan amendment or subdivision), then the applicant shall file the information required by subsection A of this section together for concurrent review with the application(s) for discretionary approval.

(Ord. 1838 § 54 (part), 2005).

14.26.040 Review authority.

- A. Community Development Director. A request for reasonable accommodation shall be reviewed by the community development director if no planning approval is sought other than the request for reasonable accommodation.

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- B. Other Review Authority. A request for reasonable accommodation submitted for concurrent review with another discretionary planning approval shall be reviewed by the authority reviewing the discretionary planning application.

(Ord. 1838 § 54 (part), 2005).

14.26.050 Public notice.

Written notice that a request for reasonable accommodation has been filed shall be given as follows:

- A. Community Development Director Authority. For a request subject to review by the community development director, a notice shall be mailed to the owners of record of all properties which are immediately adjacent to the project which is the subject of the request at least fifteen (15) days prior to the decision by the director.
- B. Other Review Authority. For a request made in conjunction with another discretionary planning approval, notice shall be given in the manner prescribed for the other discretionary planning application.

(Ord. 1838 § 54 (part), 2005).

14.26.060 Findings and decision.

- A. Findings. The written decision to grant or deny a request for reasonable accommodation shall be consistent with the Acts and shall be based on consideration of the following factors:
1. Whether the housing, which is the subject of the request, will be used by an individual with a disability under the Acts;
 2. Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
 3. Whether there is an alternative accommodation which may provide an equivalent level of benefit;
 4. Whether the requested accommodation would negatively impact surrounding uses or properties;
 5. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the city; and
 6. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a city program or law, including, but not limited to, land use and zoning.
- B. Conditions of Approval. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required in subsection A of this section.

(Ord. 1838 § 54 (part), 2005).

14.26.070 Appeal of determination.

A determination by the review authority to grant or deny a request for reasonable accommodation may be appealed in accordance with Chapter 14.28, Appeals, of this title.

(Ord. 1838 § 54 (part), 2005).

Chapter 14.27 AMENDMENTS

14.27.010 Specific purposes.

The purpose of this chapter is to establish procedures for amending the zoning map or zoning regulations whenever the public necessity, convenience or general welfare require such amendments. The amendment process is necessary to maintain consistency with the general plan and state law over time, to supplement zoning regulations, and to improve the effectiveness and clarity of the zoning ordinance. The provisions and procedures of this chapter are applicable to amendments to the Downtown San Rafael Precise Plan, form-based code and downtown zoning map, which are adopted by separate ordinance.

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1996 , div. 2(Exh. C, 9.1), 8-6-2021)

14.27.020 Authority.

- A. The planning commission shall recommend to the city council approval, approval with modifications, or denial of the requested amendment to the zoning map or zoning regulations. After the hearing, the planning commission shall render its decision to the city council in the form of written recommendation in a report which shall include the reasons for the recommendation, and the relationship of the proposed ordinance or amendment to applicable general and specific plans.
- B. If the matter under consideration is to rezone property, and the planning commission has recommended against the adoption of such amendment, the city council shall not be required to take any further action thereon unless appealed. Upon receipt of a recommendation from the planning commission to approve an amendment, the city clerk shall set the matter for public hearing. The city council shall hear and decide requests for amendments to the zoning map or zoning regulations based on recommendation for approval by the planning commission, or on appeal.

(Ord. 1625 § 1 (part), 1992).

14.27.030 Initiation of amendments.

- A. Zoning Map. Amendments to the zoning map may be initiated by:
 - 1. Application of one or more property owners affected by the proposed amendment;
 - 2. Action of the planning director;
 - 3. Action of the planning commission; or, by
 - 4. Action of the city council.
- B. Zoning Regulations. Amendments to zoning regulations may be initiated by:
 - 1. Application of any property owner, resident or business owner in the city;
 - 2. Action of the planning director;
 - 3. Action of the planning commission; or, by

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4. Action of the city council.

(Ord. 1625 § 1 (part), 1992).

14.27.040 Application for amendments initiated by the public.

Applications for amendments to the zoning map or zoning regulations by the public shall be initiated by submitting the following information to the planning department: a completed application form, signed by the property owner(s) or authorized agent, accompanied by the required fee, and any other information, plans or maps prescribed by the planning director.

(Ord. 1625 § 1 (part), 1992).

14.27.050 Public notice and hearing.

The planning commission shall hold a public hearing on any proposed rezoning or amendment to the zoning ordinance. Notice of public hearing shall be given consistent with Chapter 14.29, Public Notice.

(Ord. 1824 § 1 (Exh. A) (part), 2004; Ord. 1625 § 1 (part), 1992).

14.27.060 Findings.

The city council may approve an amendment to the zoning map or zoning regulations if the following findings can be made:

- A. The proposed amendment is consistent in principle with the general plan.
- B. The public health, safety and general welfare are served by the adoption of the proposed amendment.

(Ord. 1625 § 1 (part), 1992).

14.27.070 Notice of decision.

The city council shall prepare a written decision which shall contain the findings of fact upon which such decision is based. The decision shall be mailed to the applicant.

(Ord. 1625 § 1 (part), 1992).

14.27.080 Effect of failure to give notice.

No action, inaction or recommendation regarding a proposed amendment to the zoning map or zoning regulations by the planning commission or city council shall be held void or invalid or be set aside by any court by reason of error or omission pertaining to the notices, including the failure to give any notice required by this chapter, unless the court after an examination of the entire case shall be of the opinion that the error or omission complained of was prejudicial, and that by reason of such error or omission the party complaining or appealing sustained and suffered substantial injury, and that a different result would have been probable if such error or omission had not occurred or existed. There shall be no presumption that error or omission is prejudicial or that injury was done if error or omission is shown.

(Ord. 1625 § 1 (part), 1992).

14.27.090 Revisions of proposed amendments.

At or after a public hearing, the planning commission or city council may determine that the public interest would be served by:

- A. Revising the boundaries of the area proposed for a zoning map amendment;
- B. Considering zoning map designations not originally presented in an application, motion or commission recommendation; or
- C. Considering a zoning regulation amendment not originally presented in a motion, application or commission recommendation.

Notice shall be given prior to a hearing on a revised amendment, unless the commission or council finds that the revised amendment will not have impacts greater than those that would result from the amendment in its original form. Any proposed amendment not previously considered by the planning commission during its hearing shall first be referred to the planning commission for report and recommendation, but the planning commission shall not be required to hold a public hearing thereon. Failure of the planning commission to report within forty (40) days after the reference, shall be deemed to be approval of the proposed modification.

(Ord. 1625 § 1 (part), 1992).

14.27.100 New application following denial.

If an application for an amendment to the zoning map or zoning regulations is denied, no new application or petition for the same, or substantially the same, amendment shall be filed within one year of the date of denial of the initial application, unless the denial is made without prejudice.

(Ord. 1625 § 1 (part), 1992).

14.27.110 Prezoning.

Unincorporated territory adjoining the city, within the sphere of influence, may be prezoned for the purpose of determining the zoning that will apply to such property in the event of subsequent annexation to the city.

- A. **Initiation.** Prezoning may be initiated by action of the planning commission or city council, or by an application filed by a property owner(s), or the owner's authorized agent, within the proposed prezoning area.
- B. **Application.** Application for prezoning may be initiated by a member of the public through the same procedures specified in Section 14.27.040, Application for amendments initiated by the public, for filing an application to amend the zoning map or zoning regulations.
- C. **Effective Date.** Prezoning approved by the city council shall become effective at the same time the annexation becomes effective.

(Ord. 1625 § 1 (part), 1992).

Chapter 14.28 APPEALS

14.28.010 Purpose and authorization for appeals.

In the event that an applicant or others affected wish to contest an action made by the planning director, zoning administrator or planning commission relevant to the administration of this title, they may file an appeal as described below.

- A. Administrative Decision. Appeals based on decisions made by the planning director (or the planning director's designated appointee) may be filed by any aggrieved party with the planning commission.
- B. Zoning Administrator Decision. Appeals based on decisions made by the zoning administrator may be filed by any aggrieved party with the planning commission.
- C. Planning Commission. Appeals based on decisions made by the planning commission may be filed by any aggrieved party with the city council.

While an appeal is pending, the establishment of the proposed structure or use is to be held in abeyance.

(Ord. 1625 § 1 (part), 1992).

14.28.020 Right of appeal.

Right of appeal is prescribed in the individual chapters of this title authorizing each decision that is subject to appeal.

(Ord. 1625 § 1 (part), 1992).

14.28.030 Filing and time limit of appeals.

An appeal under this title shall be filed in the planning division within five (5) working days of the decision being contested, except that where such an appeal is combined with an appeal of the same decision under Title 15 of this code, the appeal shall be filed within ten (10) calendar days, as provided under Section 15.01.040 of this code. Appeals shall be made in writing and shall set forth the grounds for the appeal. Appeals shall be accompanied by the required filing fee.

(Ord. 1838 § 55, 2005; Ord. 1625 § 1 (part), 1992).

14.28.040 Scheduling and notice for public hearing

- A. Public Hearing Required. The planning commission or city council, as the case may be, shall hold a public hearing on an appeal. At the public hearing, the appellate body shall review the record of the decision and hear testimony of the appellant, the applicant and any other interested party.
- B. Public hearing scheduled. Following the timely filing of an appeal, the appeal shall be scheduled for the next available planning commission or city council meeting, as the case may be, and allowing sufficient time for giving notice pursuant to subsection (C) of this section and state law.
- C. Public hearing notice. Notice of public hearings shall be given in the manner required for the decision being appealed as set forth in Section 14.29.020 of this Code.

(Ord. 1625 § 1 (part), 1992).

(Ord. No. 1990 , div. 6, 3-1-2021)

14.28.050 Notice of decision.

After the hearing, the appellate body shall affirm, modify or reverse the original decision. Written notice of the decision shall be mailed to the applicant and to the appellant.

(Ord. 1625 § 1 (part), 1992).

14.28.060 Effect of failure to give notice.

No action, inaction or recommendation regarding any proposed development by the planning commission or city council shall be held void or invalid or be set aside by any court by reason of error or omission pertaining to the notices, including the failure to give any notice required by this section, unless the court after an examination of the entire case shall be of the opinion that the error or omission complained of was prejudicial, and that by reason of such error or omission the party complaining or appealing sustained and suffered substantial injury, and that a different result would have been probable if such error or omission had not occurred or existed. There shall be no presumption that error or omission is prejudicial or that injury was done if error or omission is shown.

(Ord. 1625 § 1 (part), 1992).

14.28.070 Effective date of appealed actions.

- A. A decision by the city council regarding an appeal shall become final on the date action was taken by the city council.
- B. A decision by the planning commission regarding an appeal shall become final five (5) working days after the date of the decision, unless appealed to the city council.

(Ord. 1625 § 1 (part), 1992).

14.28.080 New appeal.

Following denial of an appeal, any matter that is substantially the same shall not be considered by the same body within one year, unless the denial is made without prejudice.

(Ord. 1625 § 1 (part), 1992).

Chapter 14.29 PUBLIC NOTICE

14.29.010 Specific purpose.

This chapter establishes procedures for noticing public meetings and hearings before the **design review board**, zoning administrator, planning commission and city council. When a public meeting or hearing is required by this zoning ordinance, public notice shall be given as provided by this chapter.

(Ord. 1824 § 1 (Exh. A) (part), 2004).

14.29.020 Notice of public meeting or hearing.

When a land use permit or other matter requires a public meeting or hearing, the public shall be provided notice in compliance with state law (Government Code Sections 65090, 65091, 65094 and 66451.3, and Public Resources Code 21000 et seq.), and as required by this chapter.

- A. Contents of Notice. Notice of a public meeting or hearing shall include:
1. Hearing Information. The date, time and location of the meeting or hearing, the name of the meeting or hearing body or officer, and the phone number of the project planner and street address where an interested person could call or visit to obtain additional information;
 2. Project Information. A description of the proposed project or matter to be considered and the location of the property, if any, that is the subject of the hearing; and
 3. Statement of Environmental Review. The notice for a public hearing shall include a statement regarding compliance with the California Environmental Quality Act (CEQA) and level of environmental review. If a negative declaration or environmental impact report has been prepared for a project, the notice shall include a statement that the hearing body will also consider adoption of the negative declaration or certification of the final environmental impact report.
- B. Method of Notice Distribution. Notice of a public meeting or hearing required by this chapter for a land use permit, amendment, or appeal shall be given as follows, or as required by state law (Government Code Sections 65090 and 65091), whichever is greater:
1. Mailing. Notice shall be mailed at least fifteen (15) days prior to the meeting or hearing to the following:
 - a. Owners of the Project Site and Applicant. The owner(s) of the subject property, or the owner's agent and the applicant;
 - b. Neighborhood, Business and Homeowner's Association. The affected neighborhood, business and homeowner's association(s) where the project site is located;
 - c. Affected Property Owners. All property owners shown on the latest equalized assessment roll within a radius of three hundred feet (300') from the exterior boundaries of the property that is the subject of the meeting or hearing (in lieu of the assessment roll, records of the county assessor which may contain more recent information than the assessment roll may be used);
 - d. Nonowner Occupants and Tenants. All nonowner occupants and tenants within a radius of three hundred feet (300') from the exterior boundaries of the property that is the subject of the meeting or hearing;
 - e. Local Agencies. If any proposed rezoning or amendment to the zoning ordinance affects the permitted uses of real property, each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the development, whose ability to provide those facilities or services may be significantly affected.
 2. Posting. Notice shall be posted on the subject property at least fifteen (15) days prior to the meeting or hearing in accordance with the following:
 - a. Applications Requiring Posting. A public hearing notification sign shall be required for the following applications: planned developments, rezonings and general plan amendments involving a land use change, tentative maps, variances, use permits involving new construction and environmental and design review permits. Posting shall be required for

environmental and design review permits only when development is proposed on a vacant lot or when additional building area is proposed on an existing developed property.

- b. Sign Size, Height and Design. Each sign shall be twenty-four inches by thirty-six inches (24" × 36") and shall be mounted or attached to a frame that provides adequate visibility. The sign shall provide a notice with information about the proposed project, including: the name of the meeting or hearing body or officer, the date, time and location of the meeting or hearing, a description of the proposed project, and the phone number of the project planner and address where an interested person could call or visit to obtain additional information.
 - c. Timing. The city shall cause the required sign to be posted, at the owner's expense, on the subject property in accordance with subsection (B)(2)(d) of this section, at least fifteen (15) days prior to the meeting or hearing. The sign shall remain until action has been taken on the project and the appeal period has expired.
 - d. Location. The required sign shall be posted on the subject property parallel to the street or right-of-way within five feet (5') of the front property line. In all instances, the sign shall be located in an area most visible to the public. Signs shall not be located in a manner that would impede safe sight distance for automobiles. In cases where there is an existing structure on the subject property located closer than five feet (5') from the front property line, the notice may be posted inside a window or on a wall clearly visible from the public right-of-way or sidewalk.
3. Publication. Notice of any proposed rezoning or amendment to the zoning ordinance shall be published at least once in a newspaper of general circulation at least fifteen (15) days prior to the hearing.
 4. Alternative to Mailing. In the event that the number of property owners to whom a notice would be mailed is greater than one thousand (1,000), the city may, as one alternative to the notice required by subsections (B)(1)(a) through (B)(1)(d) of this section, place a display advertisement of at least one-eighth page in a newspaper of general circulation in the city at least fifteen (15) days prior to the hearing.
 5. Additional Notice. In addition to the types of notice and noticing radius required above, the community development director may provide any additional notice or notice a wider radius as the director determines is necessary or desirable.
- C. Neighborhood Meetings. When neighborhood meetings are required in accordance with City Council Resolution 8037, or subsequent amendments, noticing shall follow the procedures in this Chapter.

(Ord. 1824 § 1 (Exh. A) (part), 2004).

(Ord. No. 1882, Exh. A, § 99, 6-21-2010)

Chapter 14.30 ENFORCEMENT

14.30.010 Specific purposes.

This chapter establishes the authority of the code enforcement office, and identifies enforcement responsibilities, procedures and actions. Enforcement of the provisions of this title shall be diligently pursued in order to provide for their effective administration, to ensure compliance with the terms and conditions of permit

and license approvals, to promote the city's planning efforts, and to protect the public health, safety and general welfare.

(Ord. 1824 § 1 (Exh. A) (part), 2004: Ord. 1625 § 1 (part), 1992).

14.30.020 Authority of the code enforcement office established.

The code enforcement office is hereby established as a separate department or division under the directorship of the planning department, with primary responsibility being enforcement of the zoning ordinance. The code enforcement office supports the planning department, city manager, city attorney, public works department, building inspection department, finance department and police department.

(Ord. 1824 § 1 (Exh. A) (part), 2004: Ord. 1625 § 1 (part), 1992).

14.30.030 Permits, licenses, certificates and approvals.

- A. The planning director and/or planning commission may refuse to receive, file, process, review, make recommendations on, hold hearings on, issue permits for, or otherwise take action on any application under this title if the site, structure and/or use involved in the application is in violation of or will result in a violation of this title or municipal code. Any permit, zoning change, license or other action issued in conflict with the provisions of this title shall be null and void.
- B. All departments, official and public employees of the city of San Rafael vested with the duty or authority to issue permits or licenses shall conform to the provisions of this title; and any such permit or license issued in conflict with the provisions of this title shall be null and void.

(Ord. 1824 § 1 (Exh. A) (part), 2004: Ord. 1625 § 1 (part), 1992).

14.30.040 Violations.

No person shall fail to comply with the terms and conditions of any permit or approval issued pursuant to this title or with any other ordinance relating to land use development. This section shall apply to any person, whether or not the person was the original applicant for the permit or approval, and whether or not the person is the owner, lessee, licensee, agent or employee, if the person has notice of the terms and conditions of the permit or approval.

(Ord. 1824 § 1 (Exh. A) (part), 2004: Ord. 1774 § 2, 2001; Ord. 1625 § 1 (part), 1992).

14.30.050 Each day a separate violation.

Each day during any portion of which a person violates the provisions of this title or the terms and conditions of any permit or approval shall constitute a separate violation.

(Ord. 1824 § 1 (Exh. A) (part), 2004: Ord. 1625 § 1 (part), 1992).

14.30.060 Enforcement actions.

In addition to any other remedy provided for by law, the following types of enforcement action may be taken with respect to any violation of this title or the terms and conditions of any permit or approval:

-
- A. The code enforcement officer, planning director or the planning director's designated appointee(s) may institute proceedings, as provided for in Section 14.30.070, Revocation of discretionary permits, of this chapter, to revoke any permit or approval;
 - B. The code enforcement officer may issue a citation with fees, as provided for in Municipal Code Section 1.42.010;
 - C. The code enforcement officer, planning director, director of public works, city attorney or any other city official designated by the city manager may institute nuisance abatement proceedings, as provided for in Municipal Code Chapters 1.16 and 1.20;
 - D. The city attorney may prosecute as a misdemeanor municipal code violations, in accordance with Municipal Code Section 1.42.010.

(Ord. 1838 § 56, 2005: Ord. 1824 § 1 (Exh. A) (part), 2004: Ord. 1625 § 1 (part), 1992).

14.30.070 Revocation of discretionary permits.

- A. Duties of Planning Commission. Upon determination by the planning director, planning commission or city council that there are reasonable grounds for revocation or modification of a use permit, variance, design review or other discretionary approval authorized by this title, a revocation hearing shall be scheduled before the planning commission.
- B. Notice and Public Hearing. Notice shall be given in the same manner required for a public hearing to consider permit approval.
- C. Hearing. The planning commission shall hear and consider all relevant evidence, objections and protests, and shall receive written and/or oral testimony from owners, witnesses, city personnel and interested persons relative to such case and to proposed modifications, rehabilitation, repair, demolition or other abatement appropriate under the legal powers of the city.
- D. Decision and Notice. At the conclusion of the hearing, the planning commission shall render a decision, and ensure that the owner or the owner's authorized representative is notified of the decision and of the appeal process. If the owner or the owner's authorized representative is not present at the meeting, the planning commission shall send notice of the decision by certified mail to the owner of the use or structure for which the permit was reviewed. Said notice shall also include notice of the right to appeal the planning commission's decision to the city council.
- E. Effective Date—Appeals. If the owner or the owner's authorized representative is present at the revocation hearing, a decision to revoke a discretionary permit shall become final five (5) working days after the date of the decision, unless appealed to the city council. In the event that the owner or the owner's authorized representative is not present at the revocation hearing, a decision to revoke a discretionary permit shall become final five (5) working days after notice of the decision is received by the applicant through certified mail, unless appealed to the city council. Decisions made by the city council on revocation hearings shall be final.
- F. Right Cumulative. The city's right to revoke a discretionary permit, as provided in this section, shall be cumulative to any other remedy allowed by law.

(Ord. 1824 § 1 (Exh. A) (part), 2004: Ord. 1625 § 1 (part), 1992).

Exhibit C: Changes to Title 15

15.07.020 - Lot design standards.

(d) Environmental and Design Review Permit requirement. Any lot in a major or minor subdivision created for the purpose of development, where the percent of slope is over twenty-five percent (25%) shall require a major environmental and design review permit, processed consistent with the provisions of Title ~~14~~ 49 (Zoning) of the municipal code. This permit application shall be reviewed by ~~the design review board and approved by~~ the planning commission to assure that such lots and the subdivision design comply with the following general plan criteria as implemented through the hillside resource residential design guidelines manual:

- (1) Subdivision grading minimized;
- (2) Avoids highly visible hillsides and ridgeline development;
- (3) Preserves hillsides as visual backdrop;
- (4) Steep slopes avoided;
- (5) Clustering of development to be utilized to minimize visual impacts;
- (6) Tree preservation maximized;
- (7) Minimizes removal of natural vegetation;
- (8) More hazardous/unstable portions of site avoided;
- (9) Mitigates geotechnical site constraints or conditions when needed;
- (10) Buildings achieve hillside design quality; and
- (11) Preserves or protects unique or special natural features of the site, such as rock outcroppings, mature vegetation, landforms, creeks, drainage courses, hilltops or ridgelines.

(e) The following reports and maps shall be prepared prior to tentative map approval in order to insure that the subdivision design is consistent with the San Rafael general plan:

- (1) A geotechnical investigation prepared consistent with the geotechnical review matrix shall be conducted.
- (2) A drainage report prepared in accordance with the requirements outlined in the hillside resource residential design guidelines manual.
- (3) A biological survey, which classifies portions of the site by their degree of risk of plant communities from wildland fires and establishes guidelines for development in riparian and watershed areas.
- (4) An arborist/forester's report consistent with the requirements outlined in the hillside resource residential design guidelines manual shall be prepared which establishes guidelines for the preservation of significant trees.
- (5) A grading and erosion control plan consistent with the requirements outlined in the hillside resource residential design guidelines manual shall be prepared.

Exhibit C: Changes to Title 15

(6) A building envelope shall be established for each lot consistent with the hillside resource residential design guidelines manual.

15.07.030 - Street, driveway and parking standards.

(a) Narrower street widths (acceptable to the city engineer and other city departments) can be approved when it will reduce grading impacts and the number of lots, topography, and the level of future traffic development justifies the reduction. Twenty-five feet (25') is the minimum width requirement for a public street.

(b) Each lot shall have a private driveway, the grade of which shall not exceed eighteen percent (18%), with adequate provision for ingress and egress. With a supportive recommendation from ~~the design review board~~ and city departments, an exception may be granted to allow grooved driveways with a grade of eighteen to twenty-five percent (18-25%), when it will result in a project which has fewer impacts on grading, trees and views.

(c) Each lot created on substandard city streets and all private streets shall provide a minimum of two (2) off-street, independently accessible guest parking places for each dwelling unit intended to be developed on the lot. These parking spaces shall not be located on the driveway apron. These spaces shall be conveniently placed relative to the dwelling unit they serve. This requirement may be waived or reduced when the size or shape of the lot or the need for excessive grading make the requirement infeasible. Subsection (c) shall not apply to SB 9 Housing Developments (regulated by Section 14.15.282) or urban lot splits (regulated by Chapter 15.155—Urban Lot Splits).

(d) No private street leading to a private driveway on a lot shall exceed a grade of eighteen percent (18%).

15.06.110 - Grading and drainage.

(a) Grading. Grading required for a subdivision shall meet the following standards:

(1) Grading shall be designed to create a natural appearance to the extent possible. Graded slopes shall be designed to transition to adjacent properties so as to limit abrupt changes in topography.

(2) Graded slopes shall not exceed two to one (2:1), unless the city engineer determines that a steeper slope is justified to minimize the amount of grading or to reduce potential tree removal and, where it is determined that the soil and geologic conditions are suitable for and capable of accommodating a steeper slope.

(3) The finished lot grading shall provide a building site and usable yard area that is compatible with the surrounding pattern of development.

(4) Retaining walls and/or stepped foundations shall be encouraged in areas to reduce grading and tree removal. Retaining walls shall not exceed eight feet (8') in height, unless approved by ~~the city design review board~~. the Planning Commission.

SUMMARY OF ORDINANCE NO. 2039

AN ORDINANCE AMENDING TITLE 2 – ADMINISTRATION OF THE SAN RAFAEL MUNICIPAL CODE TO ADD DESIGN PROFESSIONALS TO THE PLANNING COMMISSION MEMBERSHIP COMPOSITION, AND AMEND TITLES 14 – ZONING, AND 15 - SUBDIVISIONS OF THE SAN RAFAEL MUNICIPAL CODE, TO DISSOLVE THE DESIGN REVIEW BOARD AND TRANSFER EXISTING DUTIES OF THE DESIGN REVIEW BOARD TO THE PLANNING COMMISSION, OR ZONING ADMINISTRATOR, OR DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT

This Summary concerns a proposed Ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 2039 which will amend Titles 2, 14, and 15 of the City of San Rafael Municipal Code to dissolve the Design Review Board and transfer existing duties of the Design Review Board to the Planning Commission, or Zoning Administrator, or Director of Community and Economic Development. Ordinance No. 2039 is scheduled for adoption by the San Rafael City Council at its regular meeting of July 15, 2024. 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 would amend the San Rafael Municipal Code by amending Titles 2, 14, and 15 to dissolve the Design Review Board and transfer existing duties of the Design Review Board to the Planning Commission, or Zoning Administrator, or Director of Community and Economic Development.

This Ordinance would modify Title 2 to dissolve the Design Review Board and modify the composition of the Planning Commission by adding two (2) alternate members (who both must reside within City limits and be licensed architects) eligible to vote when serving in the absence of the Planning Commission's regular members. Additionally, the Ordinance would require that at least one (1) at-large Planning Commission member must be a licensed architect and at least one (1) at-large member must be a design professional, as defined.

The Ordinance would modify Title 14 to address 37 references to the Design Review Board and reassign the Design Review Board's authorities to the Director of Economic and Community Development (the "Director"), the Zoning Administrator, or the Planning Commission. Lower-level minor review authorities would be reassigned to the Director or Zoning Administrator, while major, higher-level review authority would be reassigned to the Planning Commission. The Environmental Design Review procedures in Chapter 14.25 would be modified in that the Conceptual Review portion of the Major Environmental Design Review permit and the Streamlined Review of Certain Residential Projects, currently handled by the Design Review Board, would both be removed in their entirety, as these matters would instead be considered by the Planning Commission.

The Ordinance would modify Title 15 to remove three references to the Design Review Board.

For a complete copy of the text of the Ordinance amending the Municipal Code, please contact the City Clerk's Office at city.clerk@cityofsanrafael.org or by phone at (415) 485-3066. Copies of the Ordinance containing this Municipal Code amendment

are also available for public review at the San Rafael City Clerk's office, 1400 Fifth Avenue, 2nd Floor, Room 209, Monday through Thursday from 9:00 a.m. to 4:00 p.m., and on Fridays by appointment only.

/s/ _____
LINDSAY LARA, City Clerk
San Rafael City Clerk
Dated: 07/05/24



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Clerk

Prepared by: Lindsay Lara, City Clerk

City Manager Approval: 

TOPIC: PLANNING COMMISSION BYLAW AMENDMENT

SUBJECT: RESOLUTION AMENDING THE PLANNING COMMISSION'S BYLAWS

RECOMMENDATION:

Adopt a resolution amending the Planning Commission's Bylaws.

BACKGROUND:

On June 21, 2024, [the City Council introduced an Ordinance](#) Amending Titles 2 – Administration of the San Rafael Municipal Code to Add Design Professionals to the Planning Commission Membership Composition, and Amend Titles 14 – Zoning, and 15 - Subdivisions of the San Rafael Municipal Code, to Dissolve the Design Review Board and Transfer Existing Duties of the Design Review Board to the Planning Commission, or Zoning Administrator, or Director of Community and Economic Development. The second reading of this ordinance is also on the agenda for the July 15th City Council meeting. If approved, the bylaws need to be amended to incorporate the changes reflected in the ordinance.

ANALYSIS:

Staff recommends adoption of the attached resolution amending the Planning Commission Bylaws to incorporate the changes reflected throughout the ordinance that was introduced by the City Council at their meeting on June 21, 2024, and subsequently added to the agenda to be considered for adoption on July 15, 2024. The only proposed changes to the bylaws (highlighted in the Bylaws) are those that have been previously introduced to the City Council through the proposed ordinance amending Titles 2, 14 and 15, which effectively consolidate the Design Review Board functions into the Planning Commission; thereby adding two new Alternate Member seats to the Planning Commission.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

ATTACHMENTS:

1. Resolution with Amended Bylaws

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
AMENDING BYLAWS OF THE PLANNING COMMISSION**

WHEREAS, amendments to the Planning Commission bylaws shown in Exhibit A attached hereto are recommended by staff and incorporate the recent changes made to the Planning Commission's scope and responsibilities with regard to the consolidation of the design review board and the planning commission.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby amends the Planning Commission Bylaws as more particularly set forth in Exhibit A (additions in underline.)

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 the City of San Rafael, held on Monday, the 15th day of July 2024, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

EXHIBIT A: PLANNING COMMISSION BYLAWS

PLANNING COMMISSION BYLAWS

ARTICLE I. NAME AND PURPOSE

Section 1.1. Name. The name of this body shall be the City of San Rafael Planning Commission, hereinafter referred to as the “Commission.”

Section 1.2. Purpose. The purpose of the Commission to make decisions or advise the Council on land use and property development issues. The Commission assures that new development is consistent with our long-range General Plan, State laws and other public policies that advance the interests of our community.

Section 1.3. Committee Responsibility. The Commission’s authority is decision-making.

It shall be the function and duty of the planning commission to act as a decision-making body on matters including, but not limited to:

- Major subdivisions as delegated to the planning commission under Title 15 of this Code.
- Conditional use permits delegated to the planning commission.
- Environmental and design review permits delegated to the planning commission.
- Appeals made by a lower body and appealed to the planning commission.
- Other matters including physical improvements, or environmental and design permits referred by the community development direction to the planning commission pursuant to powers and duties set forth in the Municipal Code.

It shall be the function and duty of the planning commission to act as an advisory body to the city council on legislative matters related to but not limited to the following:

- General plan updates and amendments.
- Zoning text and zoning map amendments.
- Other land use matters requiring city council action.

It shall be the duty of the members of the planning commission to inform themselves on matters affecting the functions and duties of the commission and all planning matters, and, to that end, they may attend training and planning conferences and the reasonable traveling expenses incidental to the attendance shall be charged upon the funds allocated to the commission.

The planning commission shall provide professional design analysis, evaluation and judgment as to the appropriateness of development proposals for the use and setting and to recommend approval, approval with conditions, redesign or denial based on design standards and findings of approval adopted by the city council.

The planning commission shall endeavor to promote public interest and understanding of plans developed, and the regulations relating thereto. The commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which records shall be a public record.

ARTICLE II. MEMBERSHIP

Section 2.1. Number of Members. The Commission shall consist of a total of nine (9) members. Seven (7) regular voting members and two (2) alternate members as follows:

- District 1 Representative
- District 2 Representative
- District 3 Representative
- District 4 Representative
- At-large Member
- At-large Member (Design Professional)
- At-large Member (Licensed Architect)
- At-large Alternate Member (Licensed Architect)
- At-large Alternate Member (Licensed Architect)

Section 2.2. Eligibility. The commission shall be composed of seven (7) regular voting members, comprised of one (1) commissioner from each of the city's four (4) city council electoral districts, and three (3) at-large commissioners.

Requirements for eligibility:

1. District representatives: Each district representative must reside in the district they represent.
2. At-large members: Must reside in city limits. At least one (1) at-large member shall be a licensed architect and at least one (1) at-large member shall be a design professional.

"Design professional" means an architect, engineer, landscape architect, building designer, urban designer, urban planner, or other similar design specialist. They may, but are not required to, be licensed or registered in their related field.

In addition, the commission shall include two (2) alternate members who shall be eligible to vote when serving in the absence of any of the commission's regular voting members. Both alternate members shall reside in city limits and be licensed architects.

Section 2.3. Term Limits. Members of the Committee shall be limited to three (3) consecutive four-year terms. Additional terms may be served if there is a break between terms.

Section 2.4. Absence and Removal. An unexcused absence from two (2) consecutive Commission meetings without notification to the Staff Liaison shall be considered a voluntary resignation from the Commission. Previously dismissed Commission members may be eligible for reappointment to the Commission.

Section 2.5. Compensation. Commissioners may apply for stipends through the Stipend Program at \$50 per month, not to exceed \$600 per year per member.

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. Regularly scheduled Commission meetings shall be the second and fourth Tuesday of each month, but these dates may be impacted by holidays. A schedule shall be approved annually by the Commission. The Commission shall meet once per month and shall be scheduled annually. The schedule for the upcoming year will be set by December of the previous year.



SAN RAFAEL
THE CITY WITH A MISSION

Agenda Item No: 4.f

Meeting Date: July 15, 2024

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Manager, Sustainability Division

Prepared by: Cory Bytof
Sustainability Program Manager

City Manager Approval: _____

TOPIC: ACCEPTANCE OF GRANT FROM MARIN COMMUNITY FOUNDATION

SUBJECT: RESOLUTION ACCEPTING THE GRANT OF FUNDS FROM THE MARIN COMMUNITY FOUNDATION FOR A TWO-YEAR CLIMATE JUSTICE AND ENGAGEMENT MANAGER AND APPROPRIATING FUNDS IN THE AMOUNT OF \$297,960

RECOMMENDATION: Adopt a resolution accepting the grant of funds from the Marin Community Foundation for a two-year Climate Justice and Engagement Manager and appropriating funds in the amount of \$297,960.

BACKGROUND:

The City of San Rafael is committed to fostering a vibrant, equitable, and sustainable community for all residents. This is reflected in [City Goals and Objectives](#), specifically in the Policy Focus Areas, which include: 1. Economic Growth, 2. Sustainability, Climate Change, and Disasters, 3. Diversity, Equity, Inclusion, and Belonging, and 4. Housing and Homelessness. Funding for these initiatives comes from a variety of sources, including the General Fund, State and Federal sources, and grants. City staff are continually researching and applying for funding to achieve these bold initiatives.

ANALYSIS:

Earlier this year the Marin Community Foundation launched a Climate Justice Initiative grant program. The purpose of these grant funds is to advance equitable and just climate resilience in Marin County. This is a primary focus of the work being conducted in the City's Sustainability division, particularly as it applies to sea level rise adaptation planning efforts in the Canal neighborhood. Numerous other projects are being conducted in the Canal neighborhood simultaneously by several City departments and other agencies as well. These include work related to housing, broadband access, lighting and public safety, and the Priority Development Area planning, among many others. Local community-based organizations have been requesting that the City approach the work and requisite community engagement in a strategic and efficient manner so as not to create confusion, engagement fatigue, or inadvertently create an extractive process that does not center the needs and desires of local residents.

After conferring with the City Manager's Office and other departments to confirm needs and scope,

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

the City applied for the spring cycle of Marin Community Foundation's Climate Justice Initiative and was recently awarded the grant. The grant would be used to hire or contract with an individual for a two-year term to coordinate the various departments and ensure that engagements are coordinated and conducted in the most equitable and efficient way possible. In addition, this position would be able to identify core climate justice principles and ensure they were "baked in" to all major projects in the Canal neighborhood as they are implemented, as opposed to "sprinkled on" after the fact. These include commitments to social and economic equity, sustainability, climate resilience, and local workforce development.

If accepted, the work should be completed by October 2026. See Attachment 2 for the grant application, narrative, timeline and budget, and Attachment 3 for the draft grant agreement. The Climate Justice and Engagement Manager would work closely with the City's Civic Engagement Manager and would coordinate with community partners and outside agencies.

FISCAL IMPACT: If the grant is accepted, funds would be appropriated in the City's Grant Fund (283) Project #21173 in the amount of \$297,960.

OPTIONS:

The City Council has the following options to consider relating to this item:

1. Adopt the resolution as presented.
2. Adopt the resolution as amended.
3. Direct staff to return with additional information.

RECOMMENDED ACTION:

Adopt a resolution accepting the grant of funds from the Marin Community Foundation for a two-year Climate Justice and Engagement Manager and appropriating funds in the amount of \$297,960.

ATTACHMENTS:

1. Resolution
2. Grant Application for MCF Climate Justice
3. Grant Agreement

RESOLUTION NO.

RESOLUTION ACCEPTING THE GRANT OF FUNDS FROM THE MARIN COMMUNITY FOUNDATION FOR A TWO-YEAR CLIMATE JUSTICE AND ENGAGEMENT MANAGER AND APPROPRIATING FUNDS IN THE AMOUNT OF \$297,960

WHEREAS, the Marin Community Foundation is providing grant funding to local jurisdictions and nonprofit entities through their Climate Justice Initiative Spring 2024 Cycle for Advancing Equitable and Just Climate Resilience in Marin County; and

WHEREAS, the City of San Rafael applied for and was notified on May 29, 2024 that it had been selected to receive grant funds in the amount of \$297,960; and

WHEREAS, the City of San Rafael has numerous projects in and around the Canal neighborhood that require extensive community engagement and planning; and

WHEREAS, this grant funding will allow the City to hire a two-year Climate Justice and Engagement Manager to coordinate the various projects and ensure cross-departmental collaboration and prioritization of climate justice needs related to sustainability, social equity, community resilience, workforce development, and adaptive infrastructure.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Rafael hereby:

1. Accepts the award of grant funding from the Marin Community Foundation to hire a two-year Climate Justice and Engagement Manager to coordinate across departments.
2. Agrees to be bound by all terms and conditions of the grant agreement as may be required by the Marin Community Foundation and as may be necessary to fulfill the terms of the grant agreement and to complete the project.
3. Authorizes the City Manager or their designee to act as a representative of the City, to negotiate and execute on behalf of the City all agreements and instruments necessary to complete the project and to comply with the Marin Community Foundation grant requirements, including, without limitation, the grant agreement.
4. Appropriates funds in the amount of \$297,960 from Project # 21173 to be spent on the grant work plan agreed upon with the funder.

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 San Rafael City Council held on the 15th day of July 2024, by the following vote to wit:

AYES:

NOES:

ABSENT:

LINDSAY LARA, City Clerk

Marin Community Foundation Climate Justice Initiative Spring 2024 Cycle

City of San Rafael Grant Application, March 20, 2024

The Canal

Located south of the San Rafael Canal, the Canal neighborhood is a vibrant community boasting a population of 12,000 residents, with a density surpassing that of San Francisco's Mission District. Primarily inhabited by Latinx immigrants from Guatemala, El Salvador, Mexico, and Honduras, also including a Vietnamese-American community, this community is rich in cultural traditions, fostering strong networks and a drive for economic self-sufficiency. Over 82 percent of employed Canal workers commute to jobs within Marin County, playing a significant role in the local economy.

However, alongside its vibrancy, the neighborhood grapples with significant social and economic challenges. Despite relatively high employment rates, nearly one-third of residents live below the federal poverty line. Over two-thirds of occupied housing units are deemed "overcrowded" by Census standards. Housing affordability has become a pressing issue, heightening the risk of displacement with limited relocation options. Compounding these challenges is the vulnerability to sea-level rise due to the area's low elevation, further exacerbating existing concerns.

Narrative for Grant Proposal: Climate Justice and Engagement Manager

The City of San Rafael is committed to fostering a vibrant, equitable, and sustainable community for all residents. This is reflected in [City Goals and Objectives](#), specifically in the Policy Focus Areas, which include: 1. Economic Growth, 2. Sustainability, Climate Change, and Disasters, 3. Diversity, Equity, Inclusion, and Belonging, and 4. Housing and Homelessness.

Currently, numerous projects in and around the Canal Neighborhood require community engagement and effective planning across departments, but the City lacks the resources to conduct this coordination. These projects include a Priority Development Area, utility and infrastructure upgrades, parking policies, various projects related to waste management, Pickleweed Park Improvement Project, various transportation projects, a community-led sea level rise study, a broadband project, and community initiatives such as the Marin Climate Justice Collaborative and neighborhood plan development. To effectively address the complex challenges faced by our diverse population, including the Canal Neighborhood, we seek funding to establish a new, two-year fixed-term position, a Climate Justice and Engagement Manager. This position will be pivotal in coordinating department efforts to ensure that the many current and ongoing projects focused in and around the Canal Neighborhood prioritize community engagement, equity, resilience, and sustainability as they are planned and implemented.

1. Community Engagement and Equity:

One of the core responsibilities of the Climate Justice and Engagement Manager is to facilitate coordinated, robust, and meaningful engagement with community members. This will ensure community opinions and concerns are heard and actively incorporated into projects and deliverables for the many projects focused on the Canal neighborhood and

priority equity community members citywide. The Manager will help ensure accessibility for language, content, ADA compliance and will conduct meetings at times and locations that are accessible to most residents as possible. They will also work to reduce community fatigue by combining meeting topics where appropriate and utilizing various means of engagement informed by community preferences.

The Manager will be a primary liaison between community members, groups, and the City. They will work to foster relationships, find new ways of sharing power, and include community voices in decision-making processes using the Spectrum of Community Engagement to Ownership while ensuring City project managers understand and utilize the process. By fostering these and other equity-based frameworks and metrics in City project management, the Manager will work to ensure that projects are inclusive and responsive to the needs of all residents, particularly those from historically marginalized communities.

Although this position is short-term, the Manager will work to identify opportunities for long-term systemic change within City operations. This includes exploring ways to make processes more democratic and inclusive. The Manager's responsibilities will involve engaging with the community, advocates, non-profits, and policymakers to democratize existing systems and structures.

2. Coordination, Collaboration and Community Planning:

Effective project coordination is essential to maximize resources and capitalize on collaborative opportunities. The Climate Justice and Engagement Manager will serve as the linchpin, bringing together departmental teams, local non-profits, and other interested parties to identify synergies, share resources, and avoid duplication of efforts. This proactive approach ensures that projects are integrated and contribute to broader City and community priorities.

The Climate Justice and Engagement Manager will be housed within the Sustainability Division of the City Manager's office, ensuring cross-departmental coordination and cooperation. This centralized approach will streamline communication and decision-making processes, enhancing efficiency and effectiveness. Furthermore, the Manager will ensure that community input is codified into plans and procedures, such as the Priority Development Area (PDA), to ensure transparency and accountability in the planning process.

By serving as a central coordinator, the Manager will support local CBOs with capacity building and serve as a liaison between CBO staff, community members, City staff, and project managers. The Manager will ensure that all project managers understand and implement the concept and application of targeted universalism. This approach will maximize resources and ensure that projects are aligned with community priorities, echoing the emphasis on collaboration and partnerships in MCF's Climate Justice initiative.

3. Resilience and Sustainability:

Considering increasing climate challenges such as rising sea levels and extreme weather events, projects must prioritize resilience and sustainability. The Manager will spearhead efforts to integrate climate mitigation, adaptation, and future-proofing strategies into project planning and implementation. By incorporating these principles from the outset, we can support the development of a more resilient and sustainable community that can withstand

future shocks and stresses. Importantly, the Manager will ensure that community priorities are at the forefront of planning and other efforts to increase resiliency citywide.

The Manager will actively seek opportunities and partners to realize sustainability goals and ensure broader participation in the green economy and climate-friendly innovations. For example, utility providers should be included in conversations to identify opportunities for electrifying buildings, appliances, and vehicles when planning for underground utility lines. This directly addresses the goal of distributing resources for equitable climate resilience and aligns with the broader aim of building community-led resilience processes.

4. Housing Impact Mitigation and Workforce Development:

As San Rafael experiences growth and development, it is essential to mitigate the potential for housing impacts and displacement while identifying opportunities for affordable housing. The Climate Justice and Engagement Manager will work closely with stakeholders to identify housing opportunities and implement strategies to ensure projects benefit all residents. Additionally, the Manager will identify local workforce development opportunities across projects, ensuring residents can access meaningful employment opportunities within their community. This aligns with the City's [Equitable Low Carbon Economy project](#) and other economic development goals. Applying an equity lens to housing development and job creation aligns with the City's mission to foster community retention and enhance residents' quality of life.

Establishing a Climate Justice and Engagement Manager position is vital to advancing the City of San Rafael's commitment to community engagement, equity, resilience, and sustainability. Having this position in the City Manager's office will ensure that these goals and opportunities are not seen as optional but are considered essential aspects of project development and outcomes. By coordinating efforts across departments and prioritizing the needs of our diverse communities, we can create a more inclusive, resilient, and sustainable future for all residents.

Tasks and Deliverables:

Task 1: Hire and Train Manager

Deliverables: job description, name, and contact information

Task 2: Convene internal City stakeholders and develop a project coordination roadmap

Deliverables: List of projects with project timelines, strategies, and task lists for accomplishing coordination and climate justice goals

Task 3: Convene external stakeholders and collect input to guide the projects and engagements

Deliverables: record of digital and in-person engagements, list of common community suggestions and ways they will be integrated into projects.

Task 4: Review outcomes and compile recommendations for ongoing coordination

Deliverables: Final report of outcomes, successes and failures, and recommendations for ongoing success and coordination

Timeline:

December 2024	Complete the hiring and training process and begin stakeholder engagements.
June 2025	Complete initial internal and external stakeholder engagements, develop and distribute the roadmap.
June 2026	Complete report and recommendations

Budget:

DESCRIPTION	COST Per Unit	COST TOTAL – 2 Years
Two-year fixed-term management position	\$9,550* / month	\$229,200
Benefits at 30%	\$2,865 / month	\$68,760
Total Staffing Costs / Grant Request	\$297,960	



June 26, 2024

Cristine Alilovich
City Manager
City of San Rafael
1400 Fifth Avenue
San Rafael, CA 94901

Re: Grant # 2024-06085 (Buck Family Fund of MCF)

Dear Cristine:

I am pleased to inform you that a grant in the amount of \$297,960 to City of San Rafael has been approved to create a fixed term Climate Justice and Engagement Manager position to manage community projects involving the Canal neighborhood and other priority areas. The period of this grant is 24 months, from June 1, 2024 through October 31, 2026.

Initiation of payment(s) is contingent on applicable terms and conditions as stated in this agreement.

To confirm your formal acceptance, please accept the terms and requirements listed below by checking the box at the base of this page and clicking the Submit button.

If you have any questions about the implementation of this grant or about MCF procedures, please feel free to contact Patricia Juachon, the Director for the Environment Community Engagement responsible for overseeing this grant, or Renee Lazzareschi, Assistant for the Environment Community Engagement.

We greatly value your partnership in helping to create equity of opportunity for every resident of Marin.

Sincerely,

A handwritten signature in black ink, appearing to read "Rhea Suh", written in a cursive style.

Rhea Suh,
President & CEO



Terms

1. As a condition of the grant, you are committing to report on the specified dates regarding your organization's progress relative to the metrics listed in this agreement. (Please note that any payments scheduled for release after the due date of a progress report will be held by the Foundation until the report has been submitted.)
2. It is important to note that funding from this grant and any accrued interest may be used only to carry out activities in and/or for the benefit of Marin County residents, and only for the charitable purposes and activities set forth in this document.
3. Funds not used for the charitable purposes of the grant, including any unspent balance of greater than \$5,000 at the conclusion of the grant period, must be returned to the Foundation.
4. If you would like assistance when referencing this grant from the Foundation in any of your publications or releases, please feel free to call upon our Director of Communications.
5. In accepting this grant, you are agreeing that your organization will maintain accurate financial and operational records regarding your use of grant funds and that you will make those records available to the Foundation promptly upon request for the Foundation's review, except to the extent prohibited by applicable law.
6. In accepting this grant, you are agreeing that your organization does not discriminate against employees, volunteers, vendors, or any members, clients or students it serves, on the basis of race, color, religion, gender, national origin, age, medical condition, veteran status, economic status, disability, ancestry, sexual orientation, gender identity/expression, and beyond these, any other characteristic protected by law.
7. Finally, you are agreeing to make any publications, media presentations, studies, or research funded by this grant available to the public in a manner acceptable to the Foundation. Any tangible or intangible property, including copyrights obtained or created by your organization with funding from this grant, shall remain the property of your organization, but your organization agrees to grant the Foundation a royalty-free license to use, reprint, or distribute any such copyrighted materials for informational or promotional purposes that do not conflict with your organization's charitable purposes.
8. The terms of this Agreement may be revised or modified only with the prior written consent of both the Foundation and your organization.

Reporting Requirements & Due Dates



Climate Justice - \$297,960

Condition(s)

Organization Payment Holds:

Due: 6/30/2025

Condition: By signing this grant agreement, I agree to any third party evaluation requested by MCF that may require my or other staff participation in focus groups, surveys, interviews or other data collection methods. I understand that stipends to offset staff time would be offered as part of any such request.

Report Due Date(s)

1st Report: 6/30/2025 covering 6/1/2024 - 5/31/2025

Question(s):

1. Please provide an update on your progress made to date toward your grant objectives.
2. A financial report showing budget to actuals for the reporting period has been uploaded to the Additional Documents section.
3. What else would you like us to know?

Final Report: 11/30/2026 covering 6/1/2025 - 10/31/2026

Question(s):

1. What was accomplished in connection with this project? Please address each stated objective, and use any available data and/or stories to help describe these accomplishments. If any project objectives changed, please explain the circumstances leading to their modification.

Payment Schedule

June 1, 2024: \$297,960



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Community & Economic Development

Prepared by: Stacey Laumann, Senior
Management Analyst II
Alex Holm, Police Lieutenant

City Manager Approval: _____

TOPIC: WEST END BLOCK PARTY 2024 TEMPORARY STREET CLOSURE

SUBJECT: RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF STREETS IN SAN RAFAEL FOR THE WEST END BLOCK PARTY 2024

RECOMMENDATION:

Adopt resolution authorizing the temporary closure of streets in San Rafael for the West End Block Party 2024.

BACKGROUND:

The West End Block Party, a special event series located on Fourth Street between F and G Streets, was held on periodic evenings in 2022 and 2023. The Pint Size Lounge served as the event host and provided live event programming and management. The Downtown Business Improvement District (BID) facilitated the event application, provided insurance, marketing, and day-of event support. The City of San Rafael sponsored the event with street closures and other support.

In response to community concerns regarding the event in 2022, City staff worked closely with the event organizers and neighbors in 2023 to develop event operating standards for events that summer. A 2023 survey, receiving over 800 responses, resulted in event modifications related to noise, event frequency and hours, sufficient restroom facilities and litter. The West End Block Party 2023 was permitted by the City Council and authorized the temporary closure of 4th Street from F to G Street, and provided live entertainment on eight Friday nights, from 6:00 pm – 9:00 pm.

ANALYSIS:

The BID, in collaboration with Pint Size Lounge, the event producer, has submitted a special event permit application to hold the West End Block Party event on eight Fridays between August and October 2024. Proposed event dates are August 16 & 23, September 6, 13, 20, & 27 and October 4 & 11, 2024. The event hours are 6:00 pm – 9:00 pm. The event requires the closure of 4th Street between F and G Streets on each event date from 5:00 pm to 10:00 pm to allow for set up and break down.

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

Event operations are proposed to replicate the event format employed in 2023 and anticipate approximately 150 attendees per event. Live music with amplification will be featured at each event. Beer and wine will be served. Efforts to keep sound levels in check will include the taking and recording of decibel readings periodically from proximate locations downtown. For 2024, The Pint Size Lounge is considering adding family-friendly activities, a merchant marketplace, and food trucks.

Special Event Permits

The potential event impacts will be addressed in special event permit conditions of approval, which include an assigned Police Officer to the event to increase responsiveness to concerns as they arise. This is a standard City requirement for special events that serve alcohol and/or have noise impacts. Other permit conditions include limits on noise, litter management, and restroom requirements. These conditions were implemented in last year's event.

In addition, the City Community and Economic Development Director anticipates approving a request for an exception to the City's Noise Ordinance (SRMC Chapter 8.13) to permit amplified music associated with the West End Block Party, also consistent with last year's event.

Staff anticipates approving the special event permit and noise ordinance exception following the approval of this item.

Temporary Road Closure

California Vehicle Code section 21101(e) authorizes the City Council to adopt a resolution temporarily closing a portion of any street for celebrations, parades, local special events, and other purposes when, in the opinion of local authorities having jurisdiction or a public officer or employee that the local authority designates by resolution, the closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.

Based on review of the special event permit application and conditions of approval that would be incorporated into the permit, the Police Chief and the City's Traffic Engineer are recommending approval of the road closure of Fourth Street from F Street to G Street to facilitate the West End Block Party event dates.

FISCAL IMPACT:

There are costs associated with the special event permit which will be determined by relevant City departments and negotiated with the applicant. Staffing and internal City costs needed to support the event, up to \$15,000, would be absorbed by the Fiscal Year 2024-25 Community & Economic Development budget. There is no fiscal impact associated with the street closure.

COMMUNITY OUTREACH:

On May 21, 2024, the City emailed a notice of the West End Block Party permit application to interested parties as identified through correspondence on the matter from prior years. On June 28, 2024, a public notice was also mailed to property owners within 300 feet of the proposed event location pursuant to San Rafael Municipal Code Section 8.13.060 to permit amplified music associated with the West End Block Party. Attachment 2 includes the correspondence received by the City by July 10, 2024.

OPTIONS:

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

1. Adopt resolution as presented.
2. Adopt resolution with modifications.
3. Direct staff to return with more information.
4. Take no action.

RECOMMENDED ACTION:

Adopt resolution authorizing the temporary closure of streets in San Rafael for the West End Block Party 2024.

ATTACHMENTS:

1. Resolution
2. Correspondence

RESOLUTION NO.

RESOLUTION OF THE SAN RAFAEL CITY COUNCIL AUTHORIZING THE TEMPORARY CLOSURE OF STREETS IN SAN RAFAEL FOR THE WEST END BLOCK PARTY 2024

WHEREAS, it is in the best interests of public health and safety to implement modified traffic plans and road closures for certain special events in San Rafael and nearby neighborhoods; and

WHEREAS, after reviewing plans for the proposed West End Block Party 2024, City staff recommend that certain streets be closed to accommodate this special event for the safety and protection of persons who are to use that portion of the street during the temporary closing.

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

1. Pursuant to the authority of Vehicle Code section 21101(e), the City Council hereby authorizes the temporary closure of streets in downtown San Rafael to accommodate the West End Block Party 2024 special event. These authorized road closures are necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.
2. City staff in consultation with the Police Department shall determine the specific time periods for the temporary closures and give timely notice to the public of those time periods by signage and/or other appropriate means.

I, Lindsay Lara, City 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 held on the 15th day of July 2024 by the following vote, to wit:

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

Lindsay Lara, City Clerk

WEST END BLOCK PARTY 2024 TEMPORARY STREET CLOSURE

Correspondence prior to 7/10/2024

From: michael jobe [REDACTED]
Sent on: Wednesday, May 22, 2024 12:01:26 AM
To: Stacey Laumann <Stacey.Laumann@cityofsanrafael.org>
Subject: Re: West End Block Party 2024 - event overview & courtesy notice

Can't wait for it to begin!!

Cheers, Michael Jobe

From: Bruce Forrester [REDACTED]
Sent on: Wednesday, May 22, 2024 1:07:23 AM
To: Stacey Laumann <Stacey.Laumann@cityofsanrafael.org>; Micah Hinkle <micah.hinkle@cityofsanrafael.org>; [REDACTED]
Subject: Re: West End Block Party 2024 - event overview & courtesy notice

Hello Friends at City of San Rafael,

WE LOVE THE WEST END BLOCK PARTY!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

Sincerely,

Bruce Forrester
owner [REDACTED] located in beautiful West End San Rafael

From: Susan [REDACTED]
Sent on: Wednesday, May 22, 2024 1:08:09 AM
To: Stacey Laumann <Stacey.Laumann@cityofsanrafael.org>
Subject: Re: West End Block Party 2024 - event overview & courtesy notice

We are thrilled to hear there will be music again, plus family activities!!!
Thank you for this fun, community nurturing event!

Susan Zelinsky and Michael Jobe
[REDACTED]
The house with the rainbow stairs

From: J.D. Swartz [REDACTED]
Sent on: Wednesday, May 22, 2024 1:39:23 AM
To: Stacey Laumann <Stacey.Laumann@cityofsanrafael.org>
Subject: Re: West End Block Party 2024 - event overview & courtesy notice

Thank you! I'm a big supporter of this!

J.D. Swartz

From: Jenny Kerr [REDACTED]
Sent on: Wednesday, May 22, 2024 2:06:02 AM
To: Stacey Laumann <Stacey.Laumann@cityofsanrafael.org>
Subject: Re: West End Block Party 2024 - event overview & courtesy notice

Wonderful news!

From: Philbillie [REDACTED]
Sent on: Thursday, May 23, 2024 9:29:40 PM
To: Stacey Laumann <Stacey.Laumann@cityofsanrafael.org>
Subject: Re: West End Block Party 2024 - event overview & courtesy notice

We are so happy to hear this event will happen once again.
The last few seasons on the block have been a joy and it's been a real blessing for the West End neighborhood.

Cheers,
Phillip Milner

From: Joe Adams [REDACTED]
Sent on: Thursday, May 23, 2024 10:19:02 PM
To: Stacey Laumann <Stacey.Laumann@cityofsanrafael.org>; Micah Hinkle <Micahh@cityofSanRafael.Org>

Subject: Re: West End Block Party 2024 - event overview & courtesy notice
Attachments: WEBP Traffic plan 2024.pdf (70.33 KB)

Hello Stacey and Micah,
I'd like to express my deep appreciation for the oversight, planning and assessment that was assuredly involved in this happening.

I do, however, have some comments I'd like to share:

I believe that the presently proposed number of concerts, is in part guided by the out of control, lacking proper permits, music series that was foisted on nearby residents at the direction of the BID and Adam Violente in the first two years of it's happening.

So yes relative to 40+ concerts in each of the first two years, 8 seems like a "win".

However, I believe if the goal posts had not been skewed by the previous scenario, we'd be looking at pre-covid times where historically one day of music was allowed at the annual West End Party.

My personal preference would be for 4 concerts. 6 would be pushing it and 8 is too many for me.

I'd like to add, that we loved the original charm of the victorian era windows we had on our house, but felt impelled to purchase double pained windows to help protect us from the noise. Somehow even with the new windows, the music seemed just as loud.

The sound engineer who promised the city council that he would keep the sound levels down—to the best of my knowledge, was absent.

I can only imagine you guys have been under pressure to appease Adam and his supporters, while also considering local people who have been distressed by the music, so again thanks for all your efforts.

In Health,
Joe

Joseph Adams
[REDACTED]

From: Ryan Koontz [REDACTED]
Sent on: Sunday, May 26, 2024 5:06:57 AM
To: Stacey Laumann <Stacey.Laumann@cityofsanrafael.org>
Subject: Re: West End Block Party 2024 - event overview & courtesy notice

Hi Stacey.

I am a 27 year homeowning resident of the city of San Rafael and 15 in Sun Valley. I am immensely supportive of these community music events. There is nothing close to it in our city the rest of the year. I'm sure you knew other nearby towns have far more frequent events.

I do feel for the people that live within West End and want a quiet evening, but that business district zoning is there for a purpose and community is one of those purposes! I support the 9 PM close but the music decibel restrictions I find overreaching. #turnitup.

Ryan

[REDACTED]

From: Angela Tucker [REDACTED]
Sent on: Monday, July 1, 2024 9:49:13 PM
To: Stacey Laumann <Stacey.Laumann@cityofsanrafael.org>
Subject: West End Block Party Noise Permit

Stacey,

I live mere feet from the speakers where this ridiculous "block party" takes place so I'd like to know the decibel levels they are proposing. I will, of course, call the police immediately when the volume surpasses acceptable standards.

Regards,

Angela Tucker

From: Susan Z [REDACTED]
Sent on: Tuesday, July 2, 2024 4:38:00 PM
To: Stacey Laumann <Stacey.Laumann@cityofsanrafael.org>
CC: Michael Jobe [REDACTED]
Subject: WEST END BLOCK PARTY - Please approve!

Hello Stacey.

I live at [REDACTED] [REDACTED] from 4th St.
My family and I, Michael Jobe, Ruby & Rai, have enjoyed the concerts that began in our neighborhood, ever since the pandemic forced everyone outside to enjoy live music and encouraged us all to get to know our neighbors.

We were disappointed when a few loud voices were able to squash all the efforts of Adam Violante, (Pint Size Lounge). His vision not only helped save his, and his neighbor's business (Whipper Snapper), but it brought such joy to the people in the West End Village, and beyond. Please approve these 8 dates that the applicant has requested. And I'd like to go on record, asking that these evenings of music and fun, begin earlier in the summer next year.

Thank you for all you do for our lovely city.

Warmly,
Susan Zelinsky and Michael Jobe

From: Kristen Haviland [REDACTED]
Sent on: Saturday, July 6, 2024 5:46:08 AM
To: Stacey Laumann <stacey.Laumann@cityofsanrafael.org>
Subject: West End block party noise permit

Hi -
I am a resident of San Rafael's West End. I recently received your mailing regarding the upcoming noise permit for the West End block party. I wanted to send an email to let you know that our family is in favor of allowing the West End block party. We love the music and thoroughly enjoy having our community gather in our neighborhood. We're grateful for the wonderful San Rafael community and believe the West End block party is wonderful.
Many thanks,
Kristen Haviland
[REDACTED]

From: [REDACTED]
Sent on: Sunday, July 7, 2024 5:45:54 PM
To: Stacey Laumann <Stacey.Laumann@cityofsanrafael.org>
Subject: West End Block Party

To City Of San Rafael,

My wife Toni and I have owned and operated the Rebound Bookstore at 1611 4th street for almost 20 years.

There is more at stake here than just a few businesses making some extra money.

Adam Violante has always conformed to the shifting requirements presented to him in order to make many interests happy.

The West End Village block parties have quickly evolved into a beloved neighborhood cultural and social tradition that everyone looks forward to in order to unwind and interact in a safe public cultural environment. The Friday evening events always end promptly at 9:00 pm.

There are few classical outdoor events anyplace in the Bay Area. This is a BIG untapped market. We have a classical music venue right in our 'hood who would organize one of these tryouts **Adam has agreed to discuss the option of trying at least one classical music "set" on one of the events to give it a try.** (I would work to develop this idea).

Toni Labori and Joel Eis, Owners, Rebound Bookstore




Agenda Item No: 4.h
Meeting Date: July 15, 2024

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Library & Recreation

Prepared by: Catherine Quffa,
Library & Recreation Director

City Manager Approval:  _____

TOPIC: SAN RAFAEL PUBLIC LIBRARY FOUNDATION DONATION FOR CONSTRUCTING A NEW LIBRARY

SUBJECT: ADOPT A RESOLUTION ESTABLISHING A SAN RAFAEL PUBLIC LIBRARY FOUNDATION DONATION ACCOUNT

RECOMMENDATION:
Adopt a resolution establishing a San Rafael Public Library Foundation Donation account.

BACKGROUND:
Founded in 2003, the San Rafael Public Library Foundation (the Library Foundation) is a 501(c)(3) charitable organization. The Library Foundation’s mission is to build a San Rafael Public Library for the 21st century, to furnish and maintain it, and to secure its future for generations to come. Since 2003, the Library Foundation has worked to raise funds and engage supporters in pursuit of its mission. The Foundation has also supported the City in its efforts to evaluate different options for improving and expanding library facilities.

ANALYSIS:
On June 25th, 2024, the City of San Rafael received a donation from the Library Foundation of \$370,000. The donation was made to the City upon three conditions: (1) it may only be used for the purpose of constructing a new library in the City and for no other purpose; (2) it must be placed into an account restricted solely to use for those purposes; and (3) all of the funds donated must be placed in an interest-bearing account. Those conditions can be found in Attachment 2, which provides the letter from the Library Foundation accompanying the donation.

The San Rafael Public Library’s downtown library was built in 1906, and the last major renovation that expanded library space at the facility was in 1976. The City has identified that the current library facilities do not meet the needs of the community and is generally supportive of the goal of building modern, larger library facilities. The City is grateful for this donation, which can support any future City efforts to build a new San Rafael Public Library.

COMMUNITY OUTREACH:

_____ **FOR CITY CLERK ONLY** _____

Council Meeting: _____

Disposition: _____

The Library Foundation has conducted various community outreach campaigns in the course of their business to generate support and funding for their efforts. Additionally, community engagement will be a critical component of any future construction of new library facilities.

FISCAL IMPACT:

By adopting this resolution, the City is accepting \$370,000 from the San Rafael Public Library Foundation to be used for the construction of a new library. This resolution will create an account within the City's Library Fiduciary Fund, to be managed per the conditions set forth by the Library Foundation.

OPTIONS:

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

1. Adopt a resolution establishing a San Rafael Public Library Foundation Donation account.
2. Adopt resolution with modifications.
3. Direct staff to return with more information.
4. Take no action.

RECOMMENDED ACTION:

Adopt a resolution establishing a San Rafael Public Library Foundation Donation account.

ATTACHMENTS:

1. Resolution
2. Donation Letter from the San Rafael Public Library

RESOLUTION NO.

**RESOLUTION OF THE CITY OF SAN RAFAEL CITY COUNCIL ESTABLISHING A
SAN RAFAEL PUBLIC LIBRARY FOUNDATION DONATION ACCOUNT**

WHEREAS, in June, 2024 the City of San Rafael received a generous donation of \$370,000 from the San Rafael Public Library Foundation; and

WHEREAS, the San Rafael Public Library Foundation was established in 2003, with a mission of building a San Rafael Public library for the 21st century, furnishing and maintaining it, and securing its future for generations to come; and

WHEREAS, the San Rafael Public Library Foundation made it's donation upon the conditions that (1) it may only be used for the purpose of constructing a new library in the City and for no other purpose; (2) it must be placed into an account restricted solely to use for the purposes stated herein; and (3) all of the funds donated must be placed in an interest-bearing account.

NOW, THEREFORE BE IT RESOLVED, that the City Council hereby gratefully acknowledges receipt of the San Rafael Public Library Foundation's donation and resolves that the \$370,000 San Rafael Public Library Foundation donation be recorded in the Library Fiduciary Fund, where it shall reside until which time the funds are expended per the conditions established by the Foundation.

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 the City of San Rafael, held on Monday, the 15th day of July 2024, by the following vote, to wit:

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

Lindsay Lara, City Clerk



SAN RAFAEL PUBLIC LIBRARY
FOUNDATION

Board of Directors

Al Boro
Pam Dixon
Barbara Heller
Cheryl A. Lentini
Charlie Litchfield
Joe O'Hehir
Suzie Pollak
Gary T. Ragghianti
Chuck Stuckey

June 25, 2024
Via Hand Delivery

Catherine Quffa
Library & Recreation Director
City of San Rafael
618 B Street
San Rafael, CA 94901

Dear Catherine:

The San Rafael Library Foundation is a non-profit California Public Benefit Corporation, founded in 2003.

The primary objectives and purposes of this non-profit corporation are to raise money to build and furnish a modern new public library for the City of San Rafael and to create an endowment to ensure the library's continued excellence.

The Foundation has worked in liaison with the City in connection with its mission since its establishment and has raised funds since it was founded for use in carrying out its stated purpose.

I am writing to advise you that the Board of the San Rafael Library Foundation has determined to make a charitable donation to the city in the amount of \$370,000. A check made payable to the City in this amount is included with this letter.

The sum transmitted to the City represents a charitable donation to further the Foundation's charitable purpose. This donation is made with three express conditions, (1) it may only be used for the purpose of constructing a new library in the City and for no other purpose; (2) it must be placed into an account restricted solely to use for the purposes stated herein, i.e., for use only toward construction of a new library in the City, and (3) all of the funds donated must be placed in an interest bearing account, with all interest accruing thereon added to the account into which the restricted funds are deposited.

**San Rafael Public
Library Foundation**

Established 2004

P.O. Box 151541
San Rafael, CA 94915

www.srplf.org

A 501(c)3 non-profit

tax ID 75-3118171

*Building a Better
Library for San Rafael*




SAN RAFAEL PUBLIC LIBRARY
FOUNDATION

Board of Directors

Al Boro
Pam Dixon
Barbara Heller
Cheryl A. Lentini
Charlie Litchfield
Joe O'Hehir
Suzie Pollak
Gary T. Raghianti
Chuck Stuckey

I would appreciate your written acknowledgement of this donation and your agreement to comply with the three conditions attached to it.

Thank You,


GTR

CC:

Asst City Manager John Stepanski via email
Joe O'hehir-via email
Charles Litchfield-via email
Sean Welch -via email

**San Rafael Public
Library Foundation**

Established 2004

P.O. Box 151541
San Rafael, CA 94915

www.srplf.org

A 501(c)3 non-profit
tax ID 75-3118171

*Building a Better
Library for San Rafael*



Agenda Item No: 4.i

Meeting Date: July 15, 2024

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

Prepared by: Theo Sanchez, Associate Civil Engineer
April Miller, Public Works Director

City Manager Approval: 

TOPIC: THIRD STREET REHABILITATION PROJECT

SUBJECT: ACCEPT COMPLETION OF THE THIRD STREET REHABILITATION PROJECT, CITY PROJECT NO. 11315, AND AUTHORIZE THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

RECOMMENDATION:

Accept completion of the Third Street Rehabilitation Project and authorize the City Clerk to file the Notice of Completion.

BACKGROUND:

The project consisted of making roadway rehabilitation improvements to Third Street from Union Street to Miracle Mile at West Street and Second Street. This project was a collaborative effort between the City of San Rafael, San Rafael Sanitation District, and Marin Municipal Water District. The project included pavement rehabilitation, pedestrian and bicycle safety improvements, utility undergrounding, curb ramp and intersection upgrades, addition of trees, and reconfiguring the roadway between West Street and Shaver Street to allow room for an eight-foot-wide Class IV cycle track on the south side of Second Street with a dedicated sidewalk for pedestrians.

On [February 7th, 2022](#), the City Council awarded the construction contract to Ghilotti Bros., Inc. in the amount of \$18,248,707.54 and approved a construction contingency of \$2,551,292,46 for a total appropriation of \$20,800,000. Construction began on March 7, 2022, and was completed on June 6, 2024.

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 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.

RECOMMENDED ACTION:

Accept completion of the Third Street Rehabilitation Project and authorize the City Clerk to file the Notice of Completion.

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

ATTACHMENTS:

1. Notice of Completion

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 §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 the 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 X Other Public Right of Way Easement
5. Construction work on the Project performed on City's behalf is generally described as follows: Pavement rehabilitation, pedestrian and bicycle safety improvements, curb ramps and intersection improvements, utility infrastructure updates, intersection lighting and traffic signal upgrades, addition of trees, and reconfiguring the roadway between West Street and Shaver Street.
6. The name of the original Contractor for the Project is: Ghilotti Bros., Inc. located at 525 Jacoby St, San Rafael CA 94901
7. The Project was accepted as complete on: June 6, 2024
8. The Project is located at: Third St., San Rafael CA 94901

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

April Miller, Director of Public Works
Name and Title

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



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

Prepared by: Theo Sanchez, Associate Civil Engineer
April Miller, Public Works Director

City Manager Approval: _____

TOPIC: THIRD STREET SAFETY IMPROVEMENTS PROJECT

SUBJECT: ACCEPT COMPLETION OF THE THIRD STREET SAFETY IMPROVEMENTS PROJECT, CITY PROJECT NO. 11362, AND AUTHORIZE THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

RECOMMENDATION:

Accept completion of the Third Street Safety Improvements Project and authorize the City Clerk to file the Notice of Completion.

BACKGROUND:

The Third Street Safety Improvements Project consists of multiple intersections along Third Street between Lindaro St. and Grand Avenue. It is one of the most heavily congested areas in Marin County due to the proximity to major traffic generators, such as the northbound and southbound on/off ramps for US 101, San Rafael Transit Center, SMART station, Caltrans Park-and-Ride lots, Downtown San Rafael, Montecito Shopping Center, and San Rafael High School. This project identified key safety intersections based on the high collision rates thus the project included safety improvements including accessible pedestrian signal (APS) buttons, curb ramps, high visibility crosswalks, sidewalk, safety lighting, storm drain, traffic signal upgrades, and additional safety implementations along three intersections on Third Street. These intersections included Grand Avenue, Lincoln Avenue, and Lindaro Street. While the Safety project focused on specific safety improvements on these intersections, the Rehabilitation project also included utility line replacements, pavement rehabilitation, and extended limits on Third Street from Union Street to the intersection of 2nd Street and West Street.

On [April 18th, 2022](#), the City Council awarded the construction contract to Ghilotti Bros., Inc. in the amount of \$2,236,926 and approved a construction contingency of \$263,074 for a total appropriation of \$2,250,000. Construction began on March 13, 2023, and was completed on May 10, 2024.

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 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.

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

RECOMMENDED ACTION:

Accept completion of the Third Street Safety Improvements 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 Avenue
San Rafael, CA 94901

EXEMPT FROM RECORDING FEES PER
GOVERNMENT CODE §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 the 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 X Other Public Right of Way Easement
5. Construction work on the Project performed on City's behalf is generally described as follows: Roadway and pedestrian improvements, including but not limited to, curb ramps, sidewalk, storm drain, and traffic signal upgrades.
6. The name of the original Contractor for the Project is: Ghilotti Bros., Inc. located at 525 Jacoby St, San Rafael CA 94901
7. The Project was accepted as complete on: May 10, 2024
8. The Project is located at: Third St., San Rafael CA 94901

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

April Miller, Director of Public Works
Name and Title

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



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

Prepared by: Theo Sanchez, Associate Civil
Engineer
April Miller, Public Works Director

City Manager Approval: 

TOPIC: PICKLEWEED PARK ENHANCEMENT PROJECT

SUBJECT: AUTHORIZE AND AWARD AGREEMENTS FOR THE PICKLEWEED PARK ENHANCEMENT PROJECT, INCLUDING:

1. CONSTRUCTION AGREEMENT TO BAUMAN LANDSCAPE AND CONSTRUCTION, INC. AND AUTHORIZE \$7,120,000 FOR PROJECT CONSTRUCTION
2. PROFESSIONAL SERVICES AGREEMENT WITH COASTLAND CIVIL ENGINEERING, INC. FOR CONSTRUCTION MANAGEMENT, INSPECTION, AND TESTING SERVICES IN THE AMOUNT NOT TO EXCEED \$644,575
3. SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH GATES + ASSOCIATES FOR CONSTRUCTION ADMINISTRATION SERVICES, IN AN ADDITIONAL AMOUNT OF \$19,450, INCREASING THE TOTAL NOT-TO-EXCEED AMOUNT OF THE AGREEMENT TO \$565,784, AND
4. APPROVE THE PLANS AND SPECIFICATIONS FOR THE PICKLEWEED PARK ENHANCEMENT PROJECT, DEEMED REASONABLE BY THE CITY ENGINEER, FOR CITY PROJECT NO. 11376, ON FILE IN THE DEPARTMENT OF PUBLIC WORKS.

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

RECOMMENDATION:

Staff recommendations the following:

1. Award the construction agreement to Bauman Landscape and Construction, Inc. in the amount of \$6,031,641.50; and authorize the City Manager to execute the construction agreement not to exceed the amount of \$7,120,000, including contingency funds of \$1,088,358.50.
2. Authorize the City Manager to enter into a Professional Services Agreement with Coastland Civil Engineering, Inc. for construction management, inspection, and testing services in the amount not to exceed \$644,575.
3. Authorize the City Manager to enter into a second amendment to the Professional Services Agreement with Gates + Associates for construction administration services in an additional amount of \$19,450, increasing the total not-to-exceed amount of the agreement to \$565,784.
4. Approve the plans and specifications for the Pickleweed Park Enhancement Project, deemed reasonable by the City Engineer, for City project no. 11376, on file in the Department of Public Works.

BACKGROUND:

The Pickleweed Park Enhancement Project (Project) has been a community priority for more than a decade, and the City has been developing funding strategies for this project since 2010. Throughout that time, the City has conducted numerous rounds of community outreach that has helped planners refine the proposed enhancements based on community need and interests. The Project proposes to add several park amenities, including an all-weather turf field, basketball/sport court, playground structure for children under five, fitness equipment for adults, shaded seating, and a gazebo.

On [February 22, 2022](#), City Council approved the Land and Water Conservation Fund (LWCF) grant application for this project, which detailed a total funding request of \$4,240,000 from LWCF with a required City match of \$4,240,000. On March 27th, 2024, the City and State of California signed an agreement approving the City's use of \$4,240,000 LWCF grant funds for this project.

On [November 7th, 2022](#), City Council awarded the professional services agreement with Gates + Associates for landscape architectural and engineering design services in the amount not to exceed \$498,734. On [February 20, 2024](#), City Council awarded a first amendment to the professional services agreement to Gates + Associates for additional landscape architectural and engineering design services in the amount not to exceed \$47,600, increasing the total not to exceed contract amount to \$546,334.

ANALYSIS:

1. Construction Agreement

On May 21, 2024, the Project was advertised in accordance with San Rafael's Municipal Code Chapter 11.50. Due to the budget limitation, the Project was advertised with some elements listed as Additional Alternates to allow the city to choose whether to award them depending on the bids received. The plans and specifications, deemed reasonable by the City Engineer, are available at

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 3

the Department of Public Works and on the City’s website:
<https://www.cityofsanrafael.org/pickleweed/>

<u>ADVERTISED BID LIST</u>	<u>PROJECT ELEMENTS</u>
Base Bid	All-weather turf, basketball court, gazebo, prefab restroom, fitness equipment, pedestrian pathways, etc.
Additional Alternate #1	Playground Area for children under 5 yrs.
Additional Alternate #2	Security Cameras
Additional Alternate #3	Phase 2: grading, pathways, planting between the Project limits and future Tiscornia Marsh Restoration

At the bid opening on June 28, 2024, the following bids were received and read aloud. The low bidder was selected based on the Base Bid total.

<u>NAME OF BIDDER</u>	<u>BASE BID</u>	<u>ADD ALT #1</u>	<u>ADD ALT #2</u>	<u>ADD ALT #3</u>
Bauman Landscape and Construction	5,649,691.50	381,950.00	93,483.50	822,938.50
Ghilotti Bros	6,499,848.00	289,470.00	197,700.00	506,600.00
Robert A Bothman Construction	6,899,500.00	450,000.00	195,000.00	773,000.00
Azul Works	7,137,828.80	170,537.70	89,600.00	253,450.92

The construction bids were reviewed by Public Works staff and the low base bid of \$5,649,691.50 from Bauman Landscape and Construction was found to be both responsive and responsible.

The base bid includes the main project elements and construction details for connecting the northern and eastern perimeter of the project to the existing levees, which are contiguous to the project.

Alternative #1 – Playground Area for Children Under 5 Years

Staff recommends awarding Alternate #1, which consists of a playground area for children under the age of 5. This amenity is included in the LWCF grant scope of work and is eligible for reimbursement. Additionally, this amenity was strongly supported by the community during outreach and engagement events, and further enhances quality of life at the park.

Alternative #2 – Security Cameras

Throughout the community engagement and outreach process, community members voiced concerns about safety and security at the park. Security cameras were included in the design to help address those concerns. However, installation of security cameras is not eligible for LWCF grant reimbursement, therefore staff recommends not awarding Alternative #2 at this time. Additionally, staff recommend conducting additional community outreach to assess community interest in having additional security cameras. In previous outreach conducted in 2022 and 2023, the community expressed interest in having the City install more security cameras in the

neighborhood, however it is important to re-engage with them to determine whether security cameras remain a community priority.

Alternative #3: Phase 2 Work

Alternate #3 is a design alternative that assumes the Tiscornia Marsh Restoration (TMR) project, led separately by the Marin Audubon Society (MAS), has completed reconstruction of the levees to a higher elevation and provides alternative construction details for connecting the Pickleweed project elements to the raised levees. Alternative #3 was provided because the construction of the Pickleweed and TMR projects were anticipated to begin the same year with an earlier start for the TMR project. However, the TMR project schedule has recently changed with a new anticipated construction start date of late-2025. As such, the Pickleweed project is anticipated to be completed prior to the start of the TMR project and staff does not recommend proceeding with Alternative #3 as part of this contract award.

City and MAS will continue coordinating to ensure that the TMR project, subject to City's review and approval, includes the necessary improvements that were described in Alternate #3 (i.e., grading, driveway access, pedestrian pathway, minor planting and associated irrigation) to match the conditions of the newly constructed Pickleweed field and facilities. These improvements are planned to be incorporated into the Pickleweed project through future change order(s), and include minor concrete walkway expansion, grading for drainage conveyance, and installation of one pedestrian-level light bollard near the proposed basketball court. The cost of these potential change order items is estimated to be approximately \$150,000 and is accounted for in the proposed construction contingency.

City staff recommends awarding the Base Bid plus Alternate #1 in the construction agreement with Bauman Landscape and Construction in the amount of \$6,031,641.50 and recommends the City Council authorize a construction contingency of \$1,088,358.50, approximately 18 percent, for a total amount of \$7,120,000.

2. Professional Services Agreement for Construction Management, Inspection, and Material Testing

On June 7, 2024, the City advertised a Request for Proposals (RFP) for construction management, inspection, and material testing services on the Project. On June 21, 2024, three proposals were received and evaluated based on the criteria specified in the RFP including, but not limited to, completeness of the proposal, relevant experience and success in similar projects, experience and quality of project team, understanding of the project scope of work, ability to meet deadlines and operate within budget, and references by former clients on similar projects.

After reviewing the proposals and interviewing the consultants, City staff found Coastland Civil Engineering, Inc. to be the most qualified for this project and requested that they provide a fee proposal. Coastland Civil Engineering's fee proposal for this project totals \$644,575, which staff found to be reasonable and within industry standards.

3. Professional Services Agreement (Second Amendment) for Construction Support Services

As the Pickleweed Park Enhancement Project progresses towards construction, staff recommends the City Council approve the proposed second amendment with Gates + Associates for construction administration services. The original design agreement with Gates + Associates already included construction administrative services for Gates + Associates specifically. This second amendment, totaling \$19,450, expands the construction administrative services to include

their subconsultants Miller Pacific and BKF who will be providing as needed geotechnical and civil design services, respectively. These efforts will be performed on an as-needed basis at the request of the City and are separate from the professional services agreement for construction management, inspection, and testing services. This second amendment would increase the Gates + Associates not to exceed contract total to \$565,784.

FISCAL IMPACT:

The three proposed agreements total \$7,784,025 in project commitments including \$7,120,000 for construction/contingency, \$644,575 for construction management, inspection, and testing services, and \$19,450 for additional construction administration services. The following table summarizes these expenses. Appropriations supporting this project were included in the FY 2024-25 Budget (Capital Improvement Fund - #410) approved by City Council on [June 17, 2024](#). Underlying funding sources for the project include \$4.25 million in grant funding combined with City matching funds allocated for this purpose.

Expenses: Agreements for Construction

Agreement Type	Contractor / Consultant	Totals		
		Base Bid + Add Alt 1	Contingency	Contract Total
Construction + 18% Contingency	Bauman Landscape and Construction	\$6,031,641.50	\$1,088,358.50	\$7,120,000
Construction Management, Inspection, and Testing	Coastland Civil Engineering			\$644,575
Construction Administration Support	Gates + Associates			\$19,450
	Total			\$7,784,025

OPTIONS:

1. Award all agreements as presented and approve the plans and specifications for the Project.
2. Do not award the agreements and provide further direction to staff.

RECOMMENDED ACTION:

1. Award the construction agreement to Bauman Landscape and Construction, Inc. in the amount of \$6,031,641.50; and authorize the City Manager to execute the construction agreement not to exceed the amount of \$7,120,000, including contingency funds of \$1,088,358.50.
2. Authorize the City Manager to enter into a Professional Services Agreement with Coastland Civil Engineering, Inc. for construction management, inspection, and testing services in the amount not to exceed \$644,575.

3. Authorize the City Manager to enter into a second amendment to the Professional Services Agreement with Gates + Associates for construction administration services in an additional amount of \$19,450, increasing the total not-to-exceed amount of the agreement to \$565,784.
4. Approve the plans and specifications for the Pickleweed Park Enhancement Project, deemed reasonable by the City Engineer, for City project no. 11376, on file in the Department of Public Works.

ATTACHMENTS:

1. Professional Services Agreement with Coastland Civil Engineering, Inc.
2. Second Amendment to Professional Services Agreement with Gates + Associates

**AGREEMENT FOR PROFESSIONAL SERVICES
BY AND BETWEEN
THE CITY OF SAN RAFAEL
AND
COASTLAND CIVIL ENGINEERING, LLP
FOR PICKLEWEED PARK ENHANCEMENTS SERVICES**

This Agreement is made and entered into as of _____ (the “Effective Date”), by and between the CITY OF SAN RAFAEL, a chartered California municipal corporation (hereinafter "**CITY**"), and COASTLAND CIVIL ENGINEERING, LLP, a California limited liability partnership (hereinafter "**CONSULTANT**"). **CITY** and **CONSULTANT** may be referred to individually as a “Party” or collectively as the “Parties” or the “Parties to this Agreement.”

RECITALS

A. **CITY** desires to secure professional services more fully described in this Agreement, at **Exhibit A**, entitled “SCOPE OF SERVICES”; and

B. **CONSULTANT** represents that it, and its subcontractors, if any, have the professional qualifications, expertise, and necessary licenses and desire to provide certain goods and/or required services of the quality and type which meet objectives and requirements of **CITY**; and

C. The Parties have specified herein the terms and conditions under which such services will be provided and paid for.

NOW, THEREFORE, the parties hereby agree as follows:

AGREEMENT

1. **SERVICES TO BE PROVIDED.**

Except as otherwise may be expressly specified in this Agreement, **CONSULTANT** shall furnish all technical and professional services, including labor, material, equipment, transportation, supervision and expertise (collectively referred to as “Services”) to satisfactorily complete the work required by **CITY** at its sole risk and expense. Services to be provided to **CITY** are more fully described in **Exhibit A** entitled “SCOPE OF SERVICES.” **CONSULTANT** acknowledges that the execution of this Agreement by **CITY** is predicated upon representations made by **CONSULTANT** in that certain proposal, dated June 28, 2024 (“Proposal”) set forth in **Exhibit A**, which constitutes the basis for this Agreement.

2. **COMPENSATION.**

In consideration for **CONSULTANT**’s complete performance of Services, **CITY** shall pay **CONSULTANT** for all materials provided and services rendered by **CONSULTANT** at the unit rates and rates per hour for labor, as set forth in **Exhibit A**, for a total amount not to exceed

\$644,575.

CONSULTANT will bill City on a monthly basis for Services provided by **CONSULTANT** during the preceding month, subject to verification by **CITY**. **CITY** will pay **CONSULTANT** within thirty (30) days of City's receipt of invoice.

3. TERM OF AGREEMENT.

Unless otherwise set forth in this Agreement or unless this paragraph is subsequently modified by a written amendment to this Agreement, the term of this Agreement shall begin on the Effective Date of this Agreement and terminate two (2) years from the effective date.

4. PROJECT COORDINATION.

A. **CITY'S Project Manager.** Theo Sanchez is hereby designated the PROJECT MANAGER for the **CITY** and said PROJECT MANAGER shall supervise all aspects of the progress and execution of this Agreement.

B. **CONSULTANT'S Project Director.** **CONSULTANT** shall assign a single PROJECT DIRECTOR to have overall responsibility for the progress and execution of this Agreement for **CONSULTANT**. Mike Janet is hereby designated as the PROJECT DIRECTOR for **CONSULTANT**. Should circumstances or conditions subsequent to the execution of this Agreement require a substitute PROJECT DIRECTOR, for any reason, the **CONSULTANT** shall notify the **CITY** within ten (10) business days of the substitution.

5. TERMINATION.

A. **Discretionary.** Either party may terminate this Agreement without cause upon thirty (30) days written notice mailed or personally delivered to the other party.

B. **Cause.** Either party may terminate this Agreement for cause upon fifteen (15) days written notice mailed or personally delivered to the other party, and the notified party's failure to cure or correct the cause of the termination, to the reasonable satisfaction of the party giving such notice, within such fifteen (15) day time period.

C. **Effect of Termination.** Upon receipt of notice of termination, neither party shall incur additional obligations under any provision of this Agreement without the prior written consent of the other.

D. **Return of Documents.** Upon termination, any and all **CITY** documents or materials provided to **CONSULTANT** and any and all of **CONSULTANT's** documents and materials prepared for or relating to the performance of its duties under this Agreement, shall be delivered to **CITY** as soon as possible, but not later than thirty (30) days after termination.

6. OWNERSHIP OF DOCUMENTS.

The written documents and materials prepared by the **CONSULTANT** in connection with the performance of its duties under this Agreement, shall be the sole property of **CITY**. **CITY** may use said property for any purpose, including projects not contemplated by this Agreement.

7. INSPECTION AND AUDIT.

Upon reasonable notice, **CONSULTANT** shall make available to **CITY**, or its agent, for inspection and audit, all documents and materials maintained by **CONSULTANT** in connection with its performance of its duties under this Agreement. **CONSULTANT** shall fully cooperate with **CITY** or its agent in any such audit or inspection.

8. ASSIGNABILITY.

The parties agree that they shall not assign or transfer any interest in this Agreement nor the performance of any of their respective obligations hereunder, without the prior written consent of the other party, and any attempt to so assign this Agreement or any rights, duties or obligations arising hereunder shall be void and of no effect.

9. INSURANCE REQUIREMENTS.

During the term of this Agreement, and for any time period set forth in **Exhibit B**, **CONSULTANT** shall procure and maintain in full force and effect, at no cost to **CITY** insurance policies with respect to employees and vehicles assigned to the performance of Services under this Agreement with coverage amounts, required endorsements, certificates of insurance, and coverage verifications as defined in **Exhibit B**.

10. INDEMNIFICATION.

A. Except as otherwise provided in subparagraph B of this section, **CONSULTANT** shall, to the fullest extent permitted by law, indemnify, release, defend with counsel approved by **CITY**, and hold harmless **CITY**, its officers, agents, employees and volunteers (collectively, the “**City Indemnitees**”), from and against any claim, demand, suit, judgment, loss, liability or expense of any kind, including but not limited to attorney's fees, expert fees and all other costs and fees of litigation, (collectively “**CLAIMS**”), arising out of **CONSULTANT’S** performance of its obligations or conduct of its operations under this Agreement. The **CONSULTANT'S** obligations apply regardless of whether or not a liability is caused or contributed to by the active or passive negligence of the **City Indemnitees**. However, to the extent that liability is caused by the active negligence or willful misconduct of the **City Indemnitees**, the **CONSULTANT'S** indemnification obligation shall be reduced in proportion to the **City Indemnitees’** share of liability for the active negligence or willful misconduct. In addition, the acceptance or approval of the **CONSULTANT’S** work or work product by the **CITY** or any of its directors, officers or employees shall not relieve or reduce the **CONSULTANT’S** indemnification obligations. In the event the **City Indemnitees** are made a party to any action, lawsuit, or other adversarial proceeding arising from **CONSULTANT’S** performance of or operations under this Agreement,

CONSULTANT shall provide a defense to the **City Indemnitees** or at **CITY'S** option reimburse the **City Indemnitees** their costs of defense, including reasonable attorneys' fees, incurred in defense of such claims.

B. Where the services to be provided by **CONSULTANT** under this Agreement are design professional services to be performed by a design professional as that term is defined under Civil Code Section 2782.8, then, to the extent permitted by law including without limitation, Civil Code sections 2782, 2782.6 and 2782.8, **CONSULTANT** shall indemnify and hold harmless the **CITY** and its officers, officials, and employees (collectively **City Indemnitees**) from and against damages, liabilities or costs (including incidental damages, Court costs, reasonable attorney's fees as may be determined by the Court, litigation expenses and fees of expert witnesses incurred in connection therewith and costs of investigation) to the extent they are caused by the negligence, recklessness, or willful misconduct of **CONSULTANT**, or any subconsultants, or subcontractor or anyone directly or indirectly employed by them, or anyone for whom they are legally liable (collectively Liabilities). Such obligation to hold harmless and indemnify any indemnity shall not apply to the extent that such Liabilities are caused in part by the negligence or willful misconduct of such City Indemnitee.

C. The defense and indemnification obligations of this Agreement are undertaken in addition to, and shall not in any way be limited by, the insurance obligations contained in this Agreement, and shall survive the termination or completion of this Agreement for the full period of time allowed by law.

11. **NONDISCRIMINATION.**

CONSULTANT shall not discriminate, in any way, against any person on the basis of age, sex, race, color, religion, ancestry, national origin or disability in connection with or related to the performance of its duties and obligations under this Agreement.

12. **COMPLIANCE WITH ALL LAWS.**

CONSULTANT shall observe and comply with all applicable federal, state and local laws, ordinances, codes and regulations, in the performance of its duties and obligations under this Agreement. **CONSULTANT** shall perform all services under this Agreement in accordance with these laws, ordinances, codes and regulations. **CONSULTANT** shall release, defend, indemnify and hold harmless **CITY**, its officers, agents and employees from any and all damages, liabilities, penalties, fines and all other consequences from any noncompliance or violation of any laws, ordinances, codes or regulations.

13. **NO THIRD PARTY BENEFICIARIES.**

CITY and **CONSULTANT** do not intend, by any provision of this Agreement, to create in any third party, any benefit or right owed by one party, under the terms and conditions of this Agreement, to the other party.

14. NOTICES.

All notices and other communications required or permitted to be given under this Agreement, including any notice of change of address, shall be in writing and given by personal delivery, or deposited with the United States Postal Service, postage prepaid, addressed to the parties intended to be notified. Notice shall be deemed given as of the date of personal delivery, or if mailed, upon the date of deposit with the United States Postal Service. Notice shall be given as follows:

To **CITY**'s Project Manager:

Theo Sanchez, Associate Civil Engineer
1400 Fifth Avenue
San Rafael, CA 94901

To **CONSULTANT**'s Project Director:

Mike Janet
1400 Neotomas Avenue
Santa Rosa, CA 95405

15. INDEPENDENT CONTRACTOR.

For the purposes, and for the duration, of this Agreement, **CONSULTANT**, its officers, agents and employees shall act in the capacity of an Independent Contractor, and not as employees of the **CITY**. **CONSULTANT** and **CITY** expressly intend and agree that the status of **CONSULTANT**, its officers, agents and employees be that of an Independent Contractor and not that of an employee of **CITY**.

16. ENTIRE AGREEMENT -- AMENDMENTS.

A. The terms and conditions of this Agreement, all exhibits attached, and all documents expressly incorporated by reference, represent the entire Agreement of the parties with respect to the subject matter of this Agreement.

B. This written Agreement shall supersede any and all prior agreements, oral or written, regarding the subject matter between the **CONSULTANT** and the **CITY**.

C. No other agreement, promise or statement, written or oral, relating to the subject matter of this Agreement, shall be valid or binding, except by way of a written amendment to this Agreement.

D. The terms and conditions of this Agreement shall not be altered or modified except by a written amendment to this Agreement signed by the **CONSULTANT** and the **CITY**.

E. If any conflicts arise between the terms and conditions of this Agreement, and the terms and conditions of the attached exhibits or the documents expressly incorporated by reference, the terms and conditions of this Agreement shall control.

17. SET-OFF AGAINST DEBTS.

CONSULTANT agrees that **CITY** may deduct from any payment due to **CONSULTANT** under this Agreement, any monies which **CONSULTANT** owes **CITY** under any ordinance,

agreement, contract or resolution for any unpaid taxes, fees, licenses, assessments, unpaid checks or other amounts.

18. WAIVERS.

The waiver by either party of any breach or violation of any term, covenant or condition of this Agreement, or of any ordinance, law or regulation, shall not be deemed to be a waiver of any other term, covenant, condition, ordinance, law or regulation, or of any subsequent breach or violation of the same or other term, covenant, condition, ordinance, law or regulation. The subsequent acceptance by either party of any fee, performance, or other consideration which may become due or owing under this Agreement, shall not be deemed to be a waiver of any preceding breach or violation by the other party of any term, condition, covenant of this Agreement or any applicable law, ordinance or regulation.

19. COSTS AND ATTORNEY'S FEES.

The prevailing party in any action brought to enforce the terms and conditions of this Agreement, or arising out of the performance of this Agreement, may recover its reasonable costs (including claims administration) and attorney's fees expended in connection with such action.

20. CITY BUSINESS LICENSE / OTHER TAXES.

CONSULTANT shall obtain and maintain during the duration of this Agreement, a **CITY** business license as required by the San Rafael Municipal Code, and **CONSULTANT** shall pay any and all state and federal taxes and any other applicable taxes. **CITY** shall not be required to pay for any work performed under this Agreement, until **CONSULTANT** has provided **CITY** with a completed Internal Revenue Service Form W-9 (Request for Taxpayer Identification Number and Certification).

21. SURVIVAL OF TERMS.

Any terms of this Agreement that by their nature extend beyond the term (or termination) of this Agreement shall remain in effect until fulfilled and shall apply to both Parties' respective successors and assigns.

22. APPLICABLE LAW.

The laws of the State of California shall govern this Agreement.

23. COUNTERPARTS AND ELECTRONIC SIGNATURE.

This Agreement may be executed by electronic signature and in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one document. Counterpart signature pages may be delivered by telecopier, email or other means of electronic transmission.

[Signatures are on the following page.]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day, month and year first above written.

CITY OF SAN RAFAEL:

CONSULTANT:

CRISTINE ALILOVICH, City Manager

By: _____

APPROVED AS TO FORM:
Office of the City Attorney

Name: _____

Title: _____

By: ROBERT F. EPSTEIN,
City Attorney

[If CONSULTANT is a corporation, add
signature of second corporate officer]

ATTEST:
City Clerk

By: _____

Name: _____

Title: _____

LINDSAY LARA, City Clerk

EXHIBIT A
SCOPE OF SERVICES

The Services to be performed for **CITY** by **CONSULTANT** under this Agreement are more fully described in **CONSULTANT's** proposal, which is attached to this Exhibit A.

EXHIBIT B INSURANCE REQUIREMENTS

During the term of this Agreement, and for any time period set forth below, **CONSULTANT** shall procure and maintain in full force and effect, at no cost to **CITY** insurance policies with respect to employees and vehicles assigned to the performance of Services under this Agreement with coverage amounts, required endorsements, certificates of insurance, and coverage verifications as defined in this Exhibit B.

A. **Scope of Coverage.** During the term of this Agreement, **CONSULTANT** shall maintain, at no expense to **CITY**, the following insurance policies:

1. **Commercial general liability.** A commercial general liability insurance policy in the minimum amount of one million dollars (\$1,000,000) per occurrence/two million dollars (\$2,000,000) aggregate, for death, bodily injury, personal injury, or property damage.

2. **Automobile liability.** An automobile liability (owned, non-owned, and hired vehicles) insurance policy in the minimum amount of one million dollars (\$1,000,000) per occurrence.

3. **Professional liability.** If any licensed professional performs any of the services required to be performed under this Agreement, a professional liability insurance policy in the minimum amount of one million dollars (\$1,000,000) per occurrence/two million dollars (\$2,000,000) aggregate, to cover any claims arising out of the **CONSULTANT's** performance of services under this Agreement. Where **CONSULTANT** is a professional not required to have a professional license, **CITY** reserves the right to require **CONSULTANT** to provide professional liability insurance pursuant to this section.

4. **Workers' compensation.** If it employs any person, **CONSULTANT** shall maintain workers' compensation insurance, as required by the State of California, with statutory limits, and employer's liability insurance with limits of no less than one million dollars (\$1,000,000) per accident for bodily injury or disease. **CONSULTANT's** workers' compensation insurance shall be specifically endorsed to waive any right of subrogation against **CITY**.

B. **Other Insurance Requirements.** The insurance coverage required of the **CONSULTANT** in subparagraph A of this section above shall also meet the following requirements:

1. Except for professional liability insurance or workers' compensation insurance, the insurance policies shall be specifically endorsed to include the **CITY**, its officers, agents, employees, and volunteers, as additional insureds (for both ongoing and completed operations) under the policies.

2. The additional insured coverage under **CONSULTANT's** insurance policies shall be "primary and noncontributory" with respect to any insurance or coverage maintained by **CITY** and shall not call upon **CITY's** insurance or self-insurance coverage for any contribution. The "primary and noncontributory" coverage in **CONSULTANT'S** policies shall be at least as broad as

ISO form CG20 01 04 13.

3. Except for professional liability insurance or workers' compensation insurance, the insurance policies shall include, in their text or by endorsement, coverage for contractual liability and personal injury.

4. By execution of this Agreement, **CONSULTANT** hereby grants to **CITY** a waiver of any right to subrogation which any insurer of **CONSULTANT** may acquire against **CITY** by virtue of the payment of any loss under such insurance. **CONSULTANT** agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation, but this provision applies regardless of whether or not **CITY** has received a waiver of subrogation endorsement from the insurer.

5. If the insurance is written on a Claims Made Form, then, following termination of this Agreement, said insurance coverage shall survive for a period of not less than five years.

6. The insurance policies shall provide for a retroactive date of placement coinciding with the Effective Date of this Agreement.

7. The limits of insurance required in this Agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and noncontributory basis for the benefit of **CITY** (if agreed to in a written contract or agreement) before **CITY'S** own insurance or self-insurance shall be called upon to protect it as a named insured.

8. It shall be a requirement under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum insurance coverage requirements and/or limits shall be available to **CITY** or any other additional insured party. Furthermore, the requirements for coverage and limits shall be: (1) the minimum coverage and limits specified in this Agreement; or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured; whichever is greater. No representation is made that the minimum insurance requirements of this Agreement are sufficient to cover the obligations of the **CONSULTANT** under this Agreement.

9. **CONSULTANT** agrees to ensure that subcontractors, and any other party involved with the Services, who is brought onto or involved in the performance of the Services by **CONSULTANT**, provide the same minimum insurance coverage required of **CONSULTANT**, except as with respect to limits. **CONSULTANT** agrees to monitor and review all such coverage and assumes all responsibility for ensuring that such coverage is provided in conformity with the requirements of this Agreement. **CONSULTANT** agrees that upon request by **CITY**, all agreements with, and insurance compliance documents provided by, such subcontractors and others engaged in the performance of Services will be submitted to **CITY** for review.

10. **CONSULTANT** agrees to be responsible for ensuring that no contract used by any party involved in any way with the Services reserves the right to charge **CITY** or **CONSULTANT** for the cost of additional insurance coverage required by this Agreement. Any

such provisions are to be deleted with reference to **CITY**. It is not the intent of **CITY** to reimburse any third party for the cost of complying with these requirements. There shall be no recourse against **CITY** for payment of premiums or other amounts with respect thereto.

C. Deductibles and SIR's. Any deductibles or self-insured retentions in **CONSULTANT's** insurance policies must be declared to and approved by the **CITY** and shall not reduce the limits of liability. Policies containing any self-insured retention (SIR) provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named insured or **CITY** or other additional insured party. At **CITY's** option, the deductibles or self-insured retentions with respect to **CITY** shall be reduced or eliminated to **CITY's** satisfaction, or **CONSULTANT** shall procure a bond guaranteeing payment of losses and related investigations, claims administration, attorney's fees and defense expenses.

D. Proof of Insurance. **CONSULTANT** shall provide to the **PROJECT MANAGER** all of the following: (1) Certificates of Insurance evidencing the insurance coverage required in this Agreement; (2) a copy of the policy declaration page and/or endorsement page listing all policy endorsements for the commercial general liability policy, and (3) excerpts of policy language or specific endorsements evidencing the other insurance requirements set forth in this Agreement. **CITY** reserves the right to obtain a full certified copy of any insurance policy and endorsements from **CONSULTANT**. Failure to exercise this right shall not constitute a waiver of the right to exercise it later. The insurance shall be approved as to form and sufficiency by the **CITY**.

**SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH
DAVID L. GATES & ASSOCIATES, INC. FOR LANDSCAPE ARCHITECTURAL
AND ENGINEERING DESIGN SERVICES**

THIS SECOND AMENDMENT to the Professional Services Agreement by and between the **CITY OF SAN RAFAEL** (hereinafter “**CITY**”), and **DAVID L. GATES & ASSOCIATES, INC.** (hereinafter “**CONSULTANT**”), is made and entered into as of

_____.

RECITALS

WHEREAS, the **CITY** and **CONSULTANT** entered into a Professional Services Agreement dated December 1, 2022 to perform professional services in connection with **CITY’S** Landscape Architectural and Engineering Design Services, for an amount not to exceed \$498,734 (the “**Agreement**”); and

WHEREAS, the **CITY** entered into a First Amendment to the Professional Services Agreement dated April 23, 2024, to perform additional professional services in connection with **CITY’S** Landscape Architectural and Engineering Design Services, for an amount not to exceed \$47,600 and increasing the total not to exceed amount under the **Agreement** to \$546,334; and

WHEREAS, **CITY** requires additional professional services from the **CONSULTANT**, and the **CONSULTANT** is willing to provide such services.

AMENDMENT TO AGREEMENT

NOW, THEREFORE, the parties hereby agree to amend the **Agreement** as follows:

1. Article II of the **Agreement**, entitled “**DUTIES OF CONSULTANT**” is hereby amended to include the additional services set forth in **CONSULTANT’S** proposal dated June 16, 2024, attached to this Second Amendment as Exhibit A and incorporated herein by reference.
2. Article IV of the **Agreement**, entitled “**COMPENSATION**” is hereby amended to include additional compensation payable to **CONSULTANT** for the services described in Exhibit A to this Second Amendment, on a fixed fee basis in accordance with the Exhibit A, in a not-to-exceed amount of \$19,450 and to change the total not-to-exceed amount under the **Agreement** to \$565,784.

3. Except as specifically amended herein, all of the other provisions, terms and obligations of the Agreement between the parties shall remain valid and shall be in full force.

IN WITNESS WHEREOF, the parties have executed this Second Amendment on the day, month, and year first above written.

CITY OF SAN RAFAEL

CONSULTANT

CRISTINE ALILOVICH, City Manager

By: _____

Name: _____

Title: _____

ATTEST:

[If Contractor is a corporation, add signature of second corporate officer]

LINDSAY LARA, City Clerk

By: _____

Name: _____

Title: _____

APPROVED AS TO FORM:

ROBERT F. EPSTEIN, City Attorney



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

Prepared by: April Miller, Director of Public Works
Jonathan Schellin, Deputy Director

City Manager Approval: 

TOPIC: SPECIAL TAX ON PROPERTIES AT LOCH LOMOND 10 - MELLO-ROOS DISTRICT NO. 1992-1

SUBJECT: RESOLUTION SETTING THE SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 1992-1 (LOCH LOMOND #10) FOR FISCAL YEAR 2024-25

RECOMMENDATION:

Adopt a resolution setting the special tax rates for Fiscal Year 2024-25 for Community Facilities District No. 1992-1 (Loch Lomond #10).

BACKGROUND: Loch Lomond #10 is a community facilities district (commonly referred to as a "Mello-Roos" district) located on the Pt. San Pedro Peninsula, north of Point San Pedro Road. The community facilities district comprises 28 home parcels, and one open space parcel which borders China Camp State Park open space.

The community facilities district was formed in the early 1990s when the area was developed and, in part, to provide funding to mitigate the drainage impacts and concerns of the development on the surrounding Loch Lomond community. This was extensively documented in the Environmental Impact Review (EIR) documents, comments, and subsequent approvals for the original subdivision. The District was created to have three funds with which to maintain and operate the storm drain system and insure against damage from potential landslides. These functions were defined in the formation of Community Facilities District No. 1992-1 and passed by resolution #8839 by the City Council on March 1, 1993. The three funds and purposes are as follows:

1. **Self-Insurance Fund:** The original developer contributed \$500,000, which established the fund to cover the deductible amount of the City's insurance should a landslide occur in the watershed above the District.
2. **Sinking Fund:** Provides for long term capital replacement of drainage infrastructure and facilities as the original may fall into disrepair.
3. **Maintenance Fund:** Provides for maintaining drainage facilities within the Loch Lomond 10 boundary including annual cleaning of drainage structures, administrative staff time, monitoring structures during storm events, and cleaning facilities as required during storm events.

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2

Annual special tax revenues are divided between the Sinking Fund and the Maintenance Fund. An overview of recent assessments for the district are as follows:

<i>Fiscal Year</i>		<i>Self-Insurance Fund</i>	<i>Sinking Fund</i>	<i>Maintenance Fund</i>	<i>Totals</i>
FY 2019-20	Assessment	\$0	\$171	\$622	\$793
	Total revenue	\$0	\$3,538	\$16,791	\$20,329
FY 2020-21	Assessment	\$0	\$174	\$661	\$835
	Total revenue	\$0	\$4,701	\$17,857	\$22,558
FY 2021-22	Assessment	\$0	\$178	\$709	\$887
	Total revenue	\$0	\$4,795	\$19,148	\$23,943
FY 2022-23	Assessment	\$0	\$181	\$867	\$1,048
	Total revenue	\$0	\$4,890	\$23,417	\$28,308
FY 2023-24	Assessment	\$0	\$185	\$899	\$1,084
	Total revenue	\$0	\$4,988	\$24,287	\$29,276
FY 2024-25 (proposed)	Assessment	\$0	\$188	\$968	\$1,156
	Total revenue	\$0	\$5,087	\$26,111	\$31,198

Applying the allowable 2% inflationary factor to the Sinking Fund Assessment brings the FY 2024-25 Assessment from \$184.76 to \$188.44. Applying the allowable personal income index inflationary factor for San Francisco area (7.5%) to the Maintenance Fund Assessment brings the FY 2023-24 assessment from \$899.54 to \$967.06. See Attachment 2 for Sinking Fund and Maintenance Fund calculations.

Since 2018, the City and homeowners have worked together on determining the annual maintenance plan for the District. The City sends the Homeowners Association regular reports and updates on maintenance activities in the district, and the HOA provides the City feedback and direction on where they would like maintenance activities directed.

FINANCIAL ANALYSIS:

Proposed Maintenance Activities	Amount
County Admin Fee	\$54
City Staff Time (<i>vegetation management, administrative time</i>)	\$18,000
Landscaping Service	7,000
Total	\$25,054

It is important to note the City may only seek reimbursement for staff time from the special district based on what is available in the Maintenance Fund. The City Staff time expense is an estimate, but in general, the City provides more expense eligible services than the District has funds.

FISCAL IMPACT:

All district financial activities are within Fund #236. The Department of Public Works intends to utilize the full amount of maintenance funds available each year for contracted maintenance activities and the remainder to reimburse City staff time within the allowable and intended use of District funds.

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 3

The Sinking Fund is designated for future capital replacement costs that are not included in routine annual maintenance. As of June 30, 2024, the fund balance stands at \$46,216. For the 2024-2025 fiscal year, a contribution of \$188.44 per parcel will add an additional \$5,088 to the current balance. The fund is projected to reach \$51,304 by the end of this fiscal year, excluding any expenditures for capital repairs that may arise during the 2024-2025 fiscal year.

The Loch Lomond #10 Self-Insurance Fund is reserved to cover deductibles and claims. The fund balance is projected to be \$723,484 at the end of fiscal year 2024-25, which is the accumulated interest in addition to the \$500,000 contribution from the original developer.

OPTIONS:

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

1. Adopt the resolution as presented, levying the full special tax for Loch Lomond 10 – Mello-Roos District No. 1992-1 for Fiscal Year 2024-25.
2. Do not adopt the resolution as presented. Provide direction to staff to make changes on recommended future actions.

RECOMMENDED ACTION: Adopt a resolution setting the special tax rates for Fiscal Year 2024-25 for Community Facilities District No. 1992-1 (Loch Lomond 10).

ATTACHMENTS:

1. Resolution setting the District Tax for Fiscal Year 2024-25 at \$1,155.50 per parcel
2. Annual Engineer's Report for Loch Lomond #10 CFD

RESOLUTION NO.

**A RESOLUTION OF THE SAN RAFAEL CITY COUNCIL
SETTING THE SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT
NO. 1992-1 (LOCH LOMOND #10) FOR FISCAL YEAR 2024-25**

WHEREAS, the City Council of the City of San Rafael by Resolution No. 8839 formed “Community Facilities District No. 1992-1, (Loch Lomond #10), City of San Rafael, County of Marin, State of California,” (hereafter “CFD 1992-1”); and

WHEREAS, the landowners of CFD 1992-1 voted in a mail ballot election called by the City Council by Resolution No. 8840, and unanimously approved the imposition of a special district tax, as declared in Resolution No. 8841; and

WHEREAS, on March 9, 1993, the City of San Rafael prepared and caused to be recorded a “Notice of Special Tax Lien” for all of the parcels within CFD 1992-1, which included the facilities and services to be funded by the tax, and method for establishing a rate and calculating the apportionment of the tax; and

WHEREAS, on July 17, 1995 the City Council adopted Ordinance No. 1683 levying special taxes within CFD 1992-1; and

WHEREAS, Ordinance No. 1683 provides that the special tax rate will be set annually by resolution subject to the maximum authorized by Resolution No. 8839; and

WHEREAS, the Department of Public Works is recommending the amount of the special taxes to be assessed in FY 2024-25 as \$188.44 for the Sinking Fund and \$967.06 in the Maintenance Fund – totaling \$1,155.50; and

WHEREAS, the City Council wishes to set the specific tax rate to be imposed on the parcels within CFD 1992-1 in fiscal year 2024-25;

NOW THEREFORE BE IT RESOLVED that the City Council of San Rafael hereby sets the special tax for Community Facilities District No. 1992-1 (Loch Lomond #10) at \$1,155.50 per parcel for FY 2024-25, excepting exempt Assessor Parcel Nos. 16-330-12,13,14, as provided in the Assessment Roll for fiscal year 2024-25 on file with the City Clerk and incorporated herein by reference.

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 Monday the 15th day of July 2024, by the following vote, to wit:

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

LINDSAY LARA, City Clerk

ENGINEER'S ANNUAL REPORT
FOR
LOCH LOMOND #10
MELLO-ROOS
COMMUNITY FACILITIES DISTRICT 1992-1

2024 – 2025

Prepared for
FOR THE CITY OF SAN RAFAEL
CALIFORNIA
COUNCIL MEETING
JULY 15, 2024

Prepared By:
City of San Rafael

**ENGINEER'S ANNUAL REPORT
2024-2025**

LOCH LOMOND DISTRICT #10
CITY OF SAN RAFAEL, MARIN COUNTY, CALIFORNIA
Mello-Roos Community Facilities District

The undersigned respectfully submits the enclosed annual report as directed by the City Council.

DATED: _____, 2024.

JOANNA KWOK, City of San Rafael, City Engineer

By _____

I HEREBY CERTIFY that the enclosed Engineer's Annual Report, together with Assessment and Assessment Diagram thereto attached, was filed with me on the _____ day of _____, 2024.

LINDSAY LARA, City Clerk, City of San Rafael, Marin County, California

By _____

I HEREBY CERTIFY that the enclosed Engineer's Annual Report, together with Assessment and Assessment Diagram thereto attached, was approved on _____, 2024 and confirmed by the City Council of the City of San Rafael, Marin County, California, on the _____ day of _____, 2024.

LINDSAY LARA, City Clerk, City of San Rafael, Marin County, California

By _____

I HEREBY CERTIFY that the enclosed Engineer's Annual Report, together with Assessment and Assessment Diagram thereto attached, was filed with the County Auditor of the County of Marin on the _____ day of _____, 2024.

LINDSAY LARA, City Clerk, City of San Rafael, Marin County, California

By _____

ENGINEER'S ANNUAL REPORT
2024-2024

LOCH LOMOND DISTRICT #10
CITY OF SAN RAFAEL, MARIN COUNTY, CALIFORNIA
Mello-Roos Community Facilities District

April Miller, Director of Public Works, Engineer of Work for Loch Lomond #10 District, City of San Rafael, Marin County, California, makes this annual report, as directed by the City Council, by its Resolution No. _____, adopted _____, 2024.

The improvements which are the subject of this report are briefly described as follows:

The District was created to have three funds of money with which to maintain and operate the storm drain system and insure against damage from potential landslides. The three funds are defined as a maintenance fund, a sinking fund and insurance reserve fund. These functions were defined in the formation of Community Facilities District No. 1992-1 and passed by resolution #8839 by the City Council Meeting on March 1, 1993. The resolution and formation of the District was meant to be a mitigation for potential impacts to the downstream drainage facilities from the development of the 28 lots which encompass Loch Lomond #10 District. Maintaining drainage facilities within the Loch Lomond #10 boundary to include annual cleaning of drainage structures, monitoring structures during storm events, cleaning facilities as required during storm events. Provide a sinking fund to provide monies to replace facilities as those facilities fall into disrepair. Lastly provide a fund to provide \$500,000 plus accumulated interest to provide the deductible amount of the City's insurance should a landslide occur in the watershed above the District.

This report consists of six parts, as follows:

PART A – Plans and Specifications: These plans include the Improvement As-Built Plans prepared by Oberkamper and Associates and dated March 4, 1996. These items are filed with the City Clerk. Although separately bound, the plans and specifications are a part of this report and are included in it by reference.

PART B - An Amended Estimated Cost of the Community Facilities District.

PART C - Assessment Roll - An assessment of the estimated cost of the improvement on each benefited parcel of land within the Community Facilities District.

PART D - Method of Apportionment of Assessment - A statement of the method by which the undersigned has determined the amount proposed to be assessed against each parcel.

PART E - List of Property Owners - A list of the names and addresses of the owners of real property within this Community Facilities District, as shown on the last equalized assessment roll for taxes, or as known to the Clerk. The list is keyed to Exhibit "C" by assessment number.

PART F - Assessment Diagram - A diagram showing all of the parcels of real property within this Community Facilities District. The diagram is keyed to Part "C" by assessment number.

Respectfully submitted,

By _____
Joanna Kwok, City of San Rafael, City Engineer

PART A

INTRODUCTION, HISTORY, AND PURPOSE:

In 2017 the residents of Loch Lomond District 10 requested that the City review the expenditures and provide an accounting of the finances of the Community Facilities District No. 1992-1, also known as the Loch Lomond #10 (“LL 10”) District. The residents also requested that the City review the maintenance schedules which the City had provided on behalf of the District. Through research and discussion with City staff, the HOA Board, residents and consulting staff, a clearer picture of the funding available in each of the three spending tranches identified in the formation documents (maintenance fund, sinking fund, and insurance reserve fund) has been identified. The funding to support the maintenance of the District is very limited and does not cover the annual cost to maintain and repair the system. Given the limited funding that the District generates, the finances of the District are insufficient to fund the level of service and repair of the infrastructure. Therefore, this report identifies the minimum work required to maintain the storm water system and fire/maintenance access roads within the district. The City intends to continue to use district funding to maintain the LL10 District and will use additional City storm water funding as it may be available to supplement the maintenance costs.

The City has actively and regularly maintained the system by performing pre-storm inspections and performing needed maintenance of the drainage facilities since the District was formed. Interviews with current maintenance staff verify that facilities within the LL10 District were maintained on an annual basis (pre-storm) and as needed before, during, and after storm events throughout each rainy season. In addition, since the District’s formation in 1993 there have been sporadic, as-needed repairs of the system (particularly the debris basins 2 and 3 above Las Casas) as a result of storm damage and/or silt and debris accumulation. In general, the overall storm drain system has performed well given the fact that it has been in place for over 30 years. The condition of the overall system is evidence that the City has performed regular maintenance on the system. The regular maintenance notwithstanding, there have been a number of major storm events which have required repairs of facilities within the watershed, particularly the debris basins. In recent years the City has often had to clean debris and silt after, and in some cases during storm events to maintain the function of the two major basins above Las Casas Drive.

The District was formed, in part, to mitigate the impacts of the development on the surrounding community. This was extensively documented in the EIR documents, comments on the Draft EIR, and the subsequent approvals. The final conditional approval of Loch Lomond #10 required the District to be formed. The work required of the District was laid out in the three categories shown below. Preliminary estimates of maintenance cost were stated, as well as the contribution to the sinking fund.

The District was formed to provide financing for 3 specific items:

1. Annual and periodic maintenance of the storm drain system and fire access/maintenance roads.
2. A Sinking Fund which provides long term capital replacement of the infrastructure.
3. A \$500,000 amount to reimburse the city in the event the City’s insurance was tapped and the City would be required to use the \$500,000 deductible to satisfy a claim.

COVERED FACILITIES:

The District was formed to provide a source of funding for ongoing maintenance and capital replacement of storm water improvements within the District and to provide funding for the

PART A

deductible portion of the City's insurance policy to cover potential damage from slides and rain events within the open space known as Parcel A. Parcel A is owned as open space by the 27 lots and three condominiums within the boundary of Loch Lomond #10 as well as to maintain the storm water systems integrated into the 28 parcels within the District. Note that one of the 28 lots (lot 9, specifically) has been further subdivided into three below market (BMR) units.

The Loch Lomond #10 area drains into two distinct drainage systems maintained by the City of San Rafael. The larger westerly watershed includes 10 lots and three BMR units mostly off the extension of Las Casas Drive. The second, eastern watershed is located above Manderly Road on the extension of Inverness Drive and includes the remaining 17 lots and drains to three culverts (two 18 inch and one 24 inch) which cross Manderly Road.

The westerly watershed is significantly larger and includes areas both inside the District as well as areas beyond the District boundary and owned by other private parties and the City of San Rafael as open space. The watershed is approximately 111.3 acres including private lots and City Open Space upstream and outside the District Boundary, and Loch Lomond #10 Open Space and the 11 lots within Loch Lomond #10. The easterly watershed includes approximately 21.2 acres all of which are within the District boundary.

Within the district there are approximately 2,855 feet of storm drain culverts, 762 feet of v-ditches, 27 catch basins, inlets and manholes, 2 outlet structures and 6 headwalls according to the Engineer's estimates provided with the subdivision improvements. The City typically maintains storm drain lines draining major watersheds, pipes, catch basins and manholes with the street or public rights-of-way, and catchment/debris basins. Within the Loch Lomond #10 District, the City also maintains the local v-ditches and swales and other smaller private drainage systems on private property as directed in the formation of the District.

MAINTENANCE COSTS

The maintenance costs of the District were estimated by Mr. Lloyd Strom in 1992 to be \$36,140 per year. City Council Resolution 8839 states that "except where other funds are otherwise available, a special tax sufficient to pay for such facilities and services, will be annually levied within CFD 1992-1", and City Council Resolution 8243 clearly states that "maintenance shall be funded by the Community Facilities District." However, the tax rate developed at the time the Community Facilities District was established does not cover the cost of the maintenance needs of the district. The anticipated maintenance included: cleaning silt basins, maintaining access/fire roads, cleaning the storm drain system (pipes, boxes and v-ditches) and replacing debris fences.

Based on a discussion between consultants and staff, the City used an updated maintenance plan to include annual pre-season inspection and cleaning, observation of the drainage system, observation and cleaning as necessary for large storms during the season (assumed two per year), a 15-year schedule to provide minor repairs to the main water course ditch and pipe systems, a 3-year schedule to remove brush and vegetation within the main open swales, a once-in-5-years access road maintenance schedule for 1,952 feet of roads, and three-year schedule for removal of accumulated silt in the catchment basins. It should be noted that small concrete v-ditches and minor swales elsewhere in the City are maintained by the individual property owner consistent with the City's policy. The original annual maintenance cost for the District was budgeted at \$37,512. The details of this budget are shown below.

PART A

Annual Pre-season inspeciton/clearing storm drainags, ditsched, catch basins, debris basins, etc.				
2 days per year	Rate	Hours per year	<i>Annual</i>	\$2,553
Lead Maintenance Worker	\$77.39	15	\$1,160.85	
Maintenance Worker I/II	\$72.79	15	\$1,091.85	
Truck + Misc Equipment	\$20.00	15	\$300.00	
Twice annual inspection during storm season				<i>Annual</i>
1 day per year	Rate	Hours per year		\$1,276
Lead Maintenance Worker	\$77.39	7.5	\$580.43	
Maintenance Worker I/II	\$72.79	7.5	\$545.93	
Truck + Misc Equipment	\$20.00	7.5	\$150.00	
Contracted storm-season drainage maintenance support				<i>Annual</i> \$7,000
Repairs to ditch and pipe system 3,620				
3,620 LF of pipe	\$20/LF for pipe	\$60,910	15 year schedule	\$4,061
	\$5/LF for V ditch			
Access road repair				
1,952 LF of road		\$23,073	5 year schedule	\$4,615
Brush and clean open swales				
1,400 LF of swales		\$21,596	3 year schedule	\$4,319
Remove silt (clamming operations)				<i>Annual</i> \$7,688
Annual Engineer's Report				<i>Annual</i> \$6,000
				Total <u><u>\$37,512</u></u>

STATUS AND ACTIVITIES

IMPROVEMENT PLANS LOCH LOMOND UNIT 10 PREPARED BY OBERKAMPER AND ASSOCIATES, AND "AS BUILTS," DATED MARCH 4, 1996

Over the number of years that the District has been in existence the City, on behalf of the District, has maintained the system within the District as it would normally maintain the drainage systems throughout the Loch Lomond area and the City in general. Since the mid- 1990's there has been little oversight of the District and for a number of years no annual engineers report was prepared. While the storm drain system continually required significant maintenance the City continued to take funds from the General Fund to perform normal and extraordinary maintenance and repairs. As City Administrations changed, the City realized that Community Facilities District did have funds available to contribute to the maintenance of the drainage facilities within the District. Around 2012 the City revisited the work done by the City on behalf of the District and transferred funds from the District into the general fund as a "catch-up" to compensate the City for providing over 10 years of maintenance and repairs without drawing on District funds.

Beginning in 2017, the Homeowners Association questioned the City on the disbursement of District funds and began to take a more active role in oversight of the District. The Homeowners

PART A

and City continue to communicate throughout the course of maintenance and reporting process. The discussion has pointed out how underfunded the District is and the necessity to increase the assessments to the maximum allowed under the defining resolution which established the District. The increases are covered in PART C of this annual report.

Prior Year's Activities

Consult prior years' Engineer Reports for corresponding status details.

Activities for 2023-2024

The City has continued to maintain the storm drain system as well as fire management. In addition to the regular fall maintenance that the City performed in the fall of 2023, the crews also checked for and cleaned debris from the drainage system multiple times during the winter storms of 2023-2024, and utilized Adlite Crane Service to remove excess sediment from Las Casas basin. The City conducts an annual mowing/removal/cutting of vegetation during the spring of each year as well.

An overview of the three components of the District funds follows:

Self-Insurance Fund: Provides a fund balance of \$500,000 plus accumulated interest to cover the deductible amount of the City's insurance should a landslide occur in the watershed above the District. The balance in this fund is \$723,484 and no contributions are necessary at this time.

Sinking Fund: Provides for long term capital replacement of drainage infrastructure and facilities as the original may fall into disrepair. The balance in this fund is \$46,216. The District is allowed to collect a small portion of the overall annual assessment for this use. As shown in part D, the 2024-2025 contribution will be \$188.44 per parcel for an additional \$5,088 to add to the current balance. The balance in the fund should be \$51,303.60 less any amount paid to repair capital improvements which might occur in the 2024-2025 fiscal year.

Maintenance Fund: Provides for maintaining drainage facilities within the Loch Lomond 10 boundary to include annual cleaning of drainage structures, monitoring structures during storm events, and cleaning facilities as required during storm events. The District is allowed to collect increasing assessments for this use. As shown in part D, the 2024-2025 contribution will be \$967.06 per parcel for an additional \$26,110.62 to be available for the coming fiscal year.

As noted above, the City continues to provide maintenance for Loch Lomond District #10, recognizing the funds provided by the District are inadequate. While the current residents and Board have not expressed interest in increasing the contribution to the maintenance or sinking funds, the documents forming the District allowed for annual increase to be based on the Consumer Price Index or Personal Income Growth for maintenance and 2% annual increases for the sinking fund. For the 2024-2025 season the District is increasing the assessments as shown in Part D.

**PART B
ESTIMATE OF COSTS**

District Status		
Total Estimated Fund Balance June 30, 2024 (per 2023-24 report)		<u>\$ 802,015</u>
Adjustment to match Estimated funds to Actual City Records	\$ 7,847	
Actual Available Funds on July 1, 2023		<u>\$ 809,862</u>
Assessment District Expenditures (Estimated) 2023-2024		
Engineer Report Preparation (for 2023-24)	\$ 2,313	
Landscaping Services (Crane for clearing brush)	\$ 6,760	
City Staff Time	\$ 13,000	
County Administrative Fees	<u>\$ 54</u>	
Total District Expenditures	\$ 22,127	
Assessment District Proceeds 2023-2024	\$ 27,812	
Interest	<u>\$ 9,975</u>	
Total District Revenue	\$ 37,787	
Estimated Available Funds on July 1, 2024		<u>\$ 825,522</u>
ESTIMATED ASSESSMENT DISTRICT EXPENSES 2024-2025		
City Maintenance and Vegetation Management Services	\$ 18,000	
Landscaping Service (Crane for clearing brush)	\$ 7,000	
County Administrative Fees	<u>\$ 54</u>	
Total Estimated Expenses 2024-2025	\$ 25,054	
Fund Balances Carried Forward		
Sinking Fund Carry Forward (from 2023-24 Report)	\$ 46,216	
Annual contribution to Sinking Fund	\$ 5,088	
Self-Insurance Fund Carry Forward (from 2023-24 Report)	<u>\$ 723,484</u>	
Fund Carry Forward Balance	\$ 774,842	
Contingencies (Unallocated Funds)	\$ 31,770	
Total Anticipated Expenses and Allocation June 30, 2025	\$ 826,578	
Total Anticipated Assessment Funding		\$ 31,198
Total estimated available funds FY 2024-2025		<u>\$ 831,666</u>

PART C
ASSESSMENT ROLL
(Please Refer to Part D – Method of Apportionment of Assessment
for a Summary of Changes to Part C – Assessment Roll)

SPECIAL ASSESSMENT NUMBER	AMOUNT OF ASSESSMENT (Fiscal Year 2024-2025)	PROPERTY DESCRIPTION Loch Lomond #10 Assessment District	ASSESSOR'S PARCEL NUMBER
1	\$1,155.50	1	016-330-01
2	\$1,155.50	2	016-330-02
3	\$1,155.50	3	016-330-03
4	\$1,155.50	4	016-330-04
5	\$1,155.50	5	016-330-05
6	\$1,155.50	6	016-330-06
7	\$1,155.50	7	016-330-07
8	\$1,155.50	8	016-330-08
9-1	\$0.00	Portion of 9	016-330-12
9-2	\$0.00	Portion of 9	016-330-13
9-3	\$0.00	Portion of 9	016-330-14
10	\$1,155.50	10	016-330-10
11	\$1,155.50	11	016-330-11
12	\$1,155.50	12	016-321-04
13	\$1,155.50	13	016-321-03
14	\$1,155.50	14	016-321-05
15	\$1,155.50	15	016-321-01
16	\$1,155.50	16	016-321-02
17	\$1,155.50	17	016-321-06
18	\$1,155.50	18	016-321-07
19	\$1,155.50	19	016-321-08
20	\$1,155.50	20	016-321-09
21	\$1,155.50	21	016-321-10
22	\$1,155.50	22	016-322-01
23	\$1,155.50	23	016-322-02
24	\$1,155.50	24	016-322-03

**PART C
ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment
for a Summary of Changes to Part C – Assessment Roll)

SPECIAL ASSESSMENT NUMBER	AMOUNT OF ASSESSMENT (Fiscal Year 2024-2025)	PROPERTY DESCRIPTION Loch Lomond #10 Assessment District	ASSESSOR'S PARCEL NUMBER
25	\$1,155.50	25	016-322-04
26	\$1,155.50	26	016-322-05
27	\$1,155.50	27	016-322-06
28	\$1,155.50	28	016-322-07
29	\$0.00	Parcel A	186-520-19
30	\$0.00	Parcel B	186-520-20

Each parcel is as shown on the maps of the County Assessor of the County of Marin at Book 16, Pages 32 and 33 and Book 186, Page 52.

Property descriptions are lot or parcel numbers as shown on the recorded final maps of Loch Lomond #10, recorded in Book 21 of Maps at Page 21, Marin County Records.

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT
AND ALLOWABLE INCREASES

ORIGINAL APPORTIONMENT

There are 27 single family dwelling units and 3 below market rate units that were a further tax division of lot 9 in the original subdivision existing within the Community Facilities District boundary.

Each of the single family dwelling unit lots are assessed for equal portions of the total assessment. And Lot 9 is assessed zero.

This assessment is exempt from the procedures and requirements of the (recently enacted Proposition 218) California Constitution, Article 13D, Section 4 pursuant to the exemption contained in Article 13D, Section 5(d) [*previously majority voter approval or*] Section 5(b) [*petition signed by persons owning all the property*]. The benefits are entirely special benefits and there are no general benefits. Additionally, the proposed assessment is within the limits of that allowed by the annual increases.

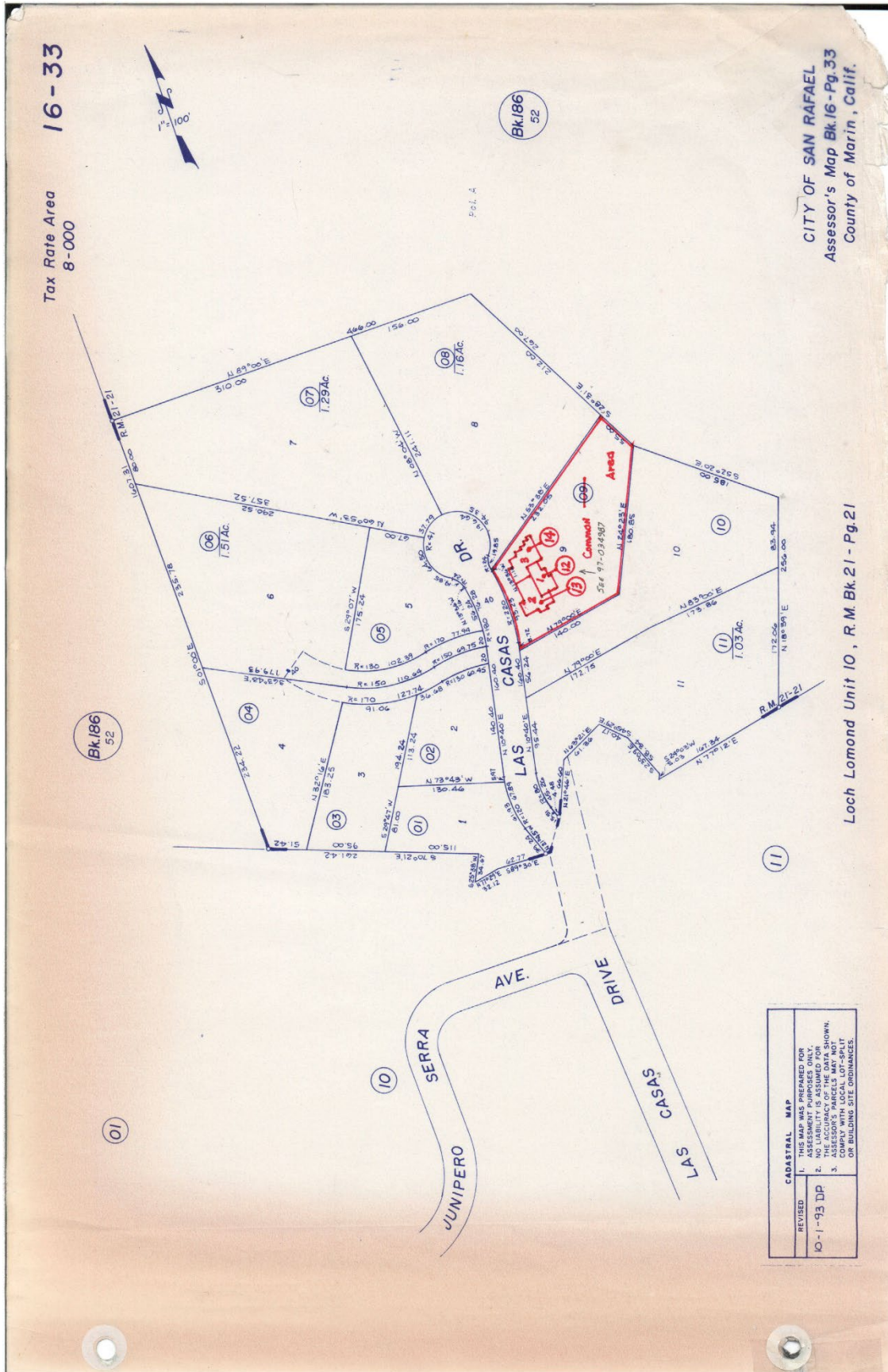
Assessment Parcels 1 through 8, 10 through 28, are each assessed 1/27 of the total assessment.

Assessment Parcel 9-1, 9-2, 9-3, 29, and 30 each have zero (\$0.00) assessment.

The following changes were made to the Assessment Rolls and Assessment Diagram in 1993, although do not appear to have been noted in the Annual Engineer's Reports. Mapping Changes at the Marin County Assessor's Office are noted as follows:

Our office contacted the Marin County Assessor's Office due to obvious changes to the Assessor's Parcel Maps for the Loch Lomond #10 development. According to information received from Mapping Department staff, in calendar year 1993 a change was made to Parcel 9 splitting it into 3 APNs to accommodate the special status of the ownership of that lot. (see map below)

**PART D
METHOD OF APPORTIONMENT OF ASSESSMENT
AND ALLOWABLE INCREASES**



PART D
METHOD OF APPORTIONMENT OF ASSESSMENT
AND ALLOWABLE INCREASES

2024-2025 ASSESSMENT CALCULATIONS

Applying the method outlined the following increases are allowed:

Maintenance:

Original Assessment	\$225/unit
Personal Income Index 1992	28,789
Personal Income Index 2022 (latest available)	123,736

Factor $123,736 / 28,789 = 4.298$

2023-2024 Maintenance Assessment $(4.298) \times \$225 =$ \$967.06

Sinking Fund:

Original Assessment	\$100/unit
32 years at 2%, current assessment	\$188.44

TOTAL PROPOSED ASSESSMENT 2023-2024 \$1,155.50 per unit

Total Available Funds (27 units) \$31,198.50

NOTE: Per Capita Personal Income in San Francisco-Oakland-Hayward, CA (MSA): U.S. Bureau of Economic Analysis, Per Capita Personal Income in San Francisco-Oakland-Hayward, CA (MSA) [SANF806PCPI], retrieved from FRED, Federal Reserve Bank of St. Louis; <https://fred.stlouisfed.org/series/SANF806PCPI>, May 5, 2024.

PART E
ASSESSMENT ROLL

(Please Refer to Part D – Method of Apportionment of Assessment
for a Summary of Changes to Part E – Assessment Roll)

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	
1	016-330-01	
2	016-330-02	
3	016-330-03	
4	016-330-04	
5	016-330-05	
6	016-330-06	
7	016-330-07	
8	016-330-08	
9-1	016-330-12	
9-2	016-330-13	
9-3	016-330-14	
10	016-330-10	

PART E
ASSESSMENT ROLL

(Please Refer to Part D – Method of Apportionment of Assessment
for a Summary of Changes to Part E – Assessment Roll)

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER
11	016-330-11
12	016-321-04
13	016-321-03
14	016-321-05
15	016-321-01
16	016-321-02
17	016-321-06
18	016-321-07
19	016-321-08
20	016-321-09
21	016-321-10



PART E
ASSESSMENT ROLL

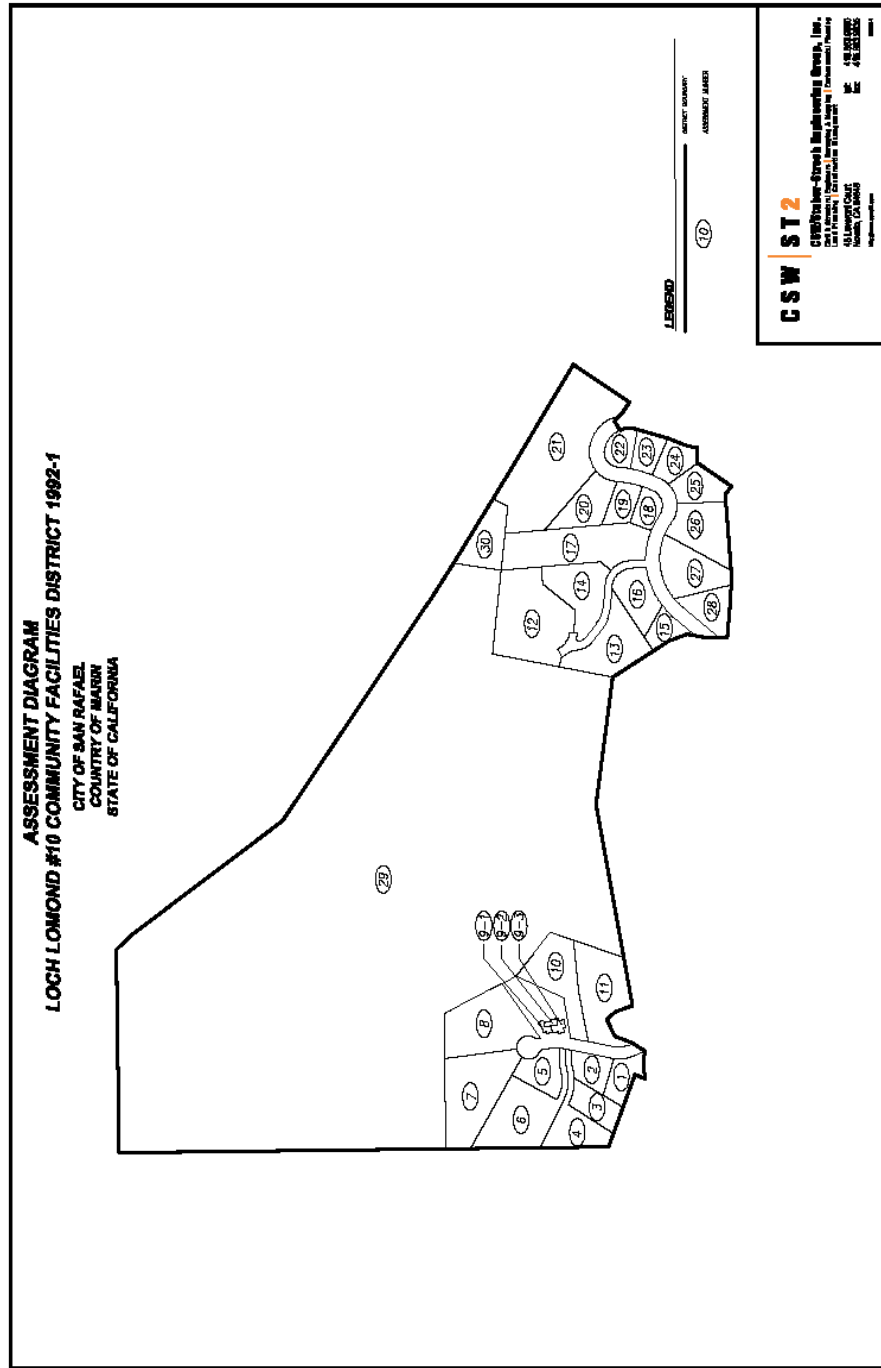
(Please Refer to Part D – Method of Apportionment of Assessment
for a Summary of Changes to Part E – Assessment Roll)

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER
22	016-322-01
23	016-322-02
24	016-322-03
25	016-322-04
26	016-322-05
27	016-322-06
28	016-322-07
29	186-520-19
30	186-520-20



PART F ASSESSMENT DIAGRAM

The original Assessment Diagram is no longer available in the City's files. The following represents the current District Engineer's best re-creation of the Assessment Diagram likely used to form the District. It is based on the Record Map of Loch Lomond #10 prepared by Oberkamper & Associates Map Recorded May 27, 1993, in Book 21 of Maps, at Page 21 and the Assessment Diagram used for the Pt. San Pedro Road Median Landscaping Assessment District.





SAN RAFAEL
THE CITY WITH A MISSION

Agenda Item No: 4.m

Meeting Date: July 15, 2024

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

Prepared by: April Miller, Public Works Director
Jonathan Schellin, Deputy Director

City Manager Approval: _____

A handwritten signature in blue ink, appearing to be 'CS'.

TOPIC: THE VILLAGE AT LOCH LOMOND MARINA – MELLO-ROOS DISTRICT NO. 2

SUBJECT: RESOLUTION SETTING THE SPECIAL TAX FOR CITY OF SAN RAFAEL COMMUNITY FACILITIES DISTRICT NO. 2 (THE VILLAGE AT LOCH LOMOND MARINA) FOR FISCAL YEAR 2024-25

RECOMMENDATION:

Adopt a resolution setting the special tax rates for Fiscal Year 2024-25 for Community Facilities District No. 2 (The Village at Loch Lomond Marina).

BACKGROUND: In August 2007, the City granted land use and subdivision approvals for the Village at Loch Lomond Marina development. The Loch Lomond development project is a mixed-use development which includes the construction of single-family homes, flats, townhomes, and commercial facilities and the existing marina. The project originally included the approval of 81 residential units, 17 of which were below-market units. In 2020, the developer and City reached an agreement on an in-lieu fee for six of the below-market units, leaving 11 below-market units in the district at present.

As one condition of approving the project, the City required the developer, Marina Village Associates (MVA), to provide certain park and recreation improvements and to impose a special tax on homes in the development in order to pay for the maintenance of the landscaping, streets, sidewalks and wetland monitoring.

By adoption of [Resolution No. 13014](#) on July 19, 2010, the City Council officially formed the community facilities district, which included all the parcels within the Village at Loch Lomond Marina Subdivision, as "City of San Rafael Community Facilities District No. 2", pursuant to the Mello-Roos Community Facilities Act of 1982 ([Government Code sections 53311 - 53368.3](#)). It should be noted that the residential Below Market Rate (BMR) units within the district are exempt from the annual special tax.

The facilities to be maintained by the Loch Lomond #2 CFD include:

- The marina green and boardwalk
- Kayak launch
- Park play equipment and area

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

- Pedestrian pathways along the west jetty/spit and east jetty/spit
- Viewing areas along the west jetty/spit, east jetty/spit
- Public restrooms (2), one on the east jetty/spit and one at the entrance to the breakwater
- Fishing cleaning station located near the entrance to the breakwater
- Park and informational signs within these areas
- Lawn/turf, shrubs and ground cover, irrigation systems, storm water drainage inlets within the boundaries of the area, lighting pole standards, and fixtures above the foundation, benches, trash receptacles, and bicycle racks
- Conservation/seasonal wetland area
- Roadways and sidewalks

While some of these facilities require regular maintenance (e.g., landscaping and restroom maintenance), others will need to build up reserves over a longer period of time in order to fund future repairs or reconstruction (e.g., playground structure, roads, pedestrian pathways).

The special tax has two components:

1. Capital Reserve

A portion of the annual assessment is set aside to fund larger, long-term capital improvements such as the eventual replacement of pavement, curb and gutter, roadway, and other improvements that were constructed as a part of the development. At the end of the useful life of these large-scale public improvements, enough funds need to have been accumulated to replace them – e.g., resurfacing the access road, etc.

As of June 30, 2024, the Capital Reserve Fund is projected to have a fund balance of \$587,124, and an additional \$131,030 will be added this year. As shown in Part B of the Engineer’s Report, at the end of FY 2024-25, the fund balance is anticipated to be \$718,154 before unforeseen distributions in FY 2024-25.

2. Annual Maintenance

The other portion of the annual special tax is to fund the regular and annual maintenance activities required to maintain the district’s public facilities, such as landscaping of medians and pathways, garbage service, restroom maintenance, and the semi-annual monitoring of wetland habitats.

This fiscal year, the District contracted with Forester and Kroeger to provide this service in a manner similar to the level of maintenance that is provided in other City parks. It has become apparent that the contracted level of maintenance for both the grounds and landscaping are less than what the residents desire. The owner of the marina, Safe Harbor Marinas, has continued to assist with the responsibility for the ground maintenance. During FY 2024-25, the City will have a new service provider for this maintenance and this should alleviate a majority of the current residents’ concerns. The budgets for FY 2024-25 indicated in Part B reflects an increased level of maintenance that has been requested by the residents.

The special tax was first levied during the FY 2017-18, based on upon the progress being made on construction of the subdivision improvements. It was imperative that funds were available for annual maintenance once the public improvements were turned over to the City and to start funding the Capital Reserves since the improvements, while not accepted by the City, were being used by the residents and the public.

However, various construction delays resulted in the developer, Marina Village Associates, LLC, not finishing the improvements that year as anticipated. Various punch-lists were provided to the developer and on February 15, 2022, the City accepted the landscaping and streets, drainage, and other facilities with the exception of the Central Jetty Park, adjacent parking and restroom and the Breakwater connector, adjacent parking, and restroom. Since then, the Breakwater Access Trail and East Jetty Park have been almost completed, and the restrooms have been opened.

ANALYSIS:

The fiscal year 2024-25 Engineer’s Report recommends the District assess properties in the District at an amount of \$2,660.34 per residential unit. Since City maintenance of some of the public facilities has not yet begun, there is available fund balance to use towards the annual maintenance costs for FY 2024-25 and therefore the maximum assessment does not need to be levied. However, an assessment that goes towards the capital reserve fund will be levied at the full amount since the facilities must be eventually replaced based on their anticipated useful life.

The last five years of assessment include:

		<i>Residential (per unit)</i>	<i>Non-Residential (per sq ft)</i>	<i>Marina (lump sum)</i>
FY 2020-21	Max. allowable	\$3,193	\$1.51	\$97,155
	Actual	\$1,597	\$0.75	\$48,576
FY 2021-22	Max. allowable	\$3,193	\$1.51	\$97,155
	Actual	\$1,597	\$0.75	\$48,576
FY 2022-23	Max. allowable	\$3,315	\$1.57	\$100,857
	Actual	\$2,203.18	\$1.04	\$67,034.60
FY 2023-24	Max. allowable	\$3,611.99	\$1.70	\$109,899.14
	Actual	\$2,533.66	\$1.19	\$77,089.80
FY 2024-25 (Proposed)	Max. allowable	\$3,697.45	\$1.74	\$112,499.52
	Actual (proposed)	\$2,660.34	\$1.24	\$80,943.46

Adjustments to Maximum Allowable Assessment reflect an increase in inflation from the base year of June 2010. The increases are based on the Consumer Price Index (CPI) for the San Francisco-Oakland-Hayward region. Based on prior year’s expenses and the estimated costs for the services currently out for bid, the Engineer recommends that the District increase the assessment for FY 2024-25 by 5% over the FY 2023-24 amount.

The fiscal year 2024-25 assessment will generate \$294,757.26 in revenues, of which \$131,030 will be applied toward the Capital Reserve Fund, as consistent with the capital reserve set-aside policies in the Engineer’s Report. The remaining \$163,727.26 will go towards the Annual Maintenance Fund and will be supplemented with contingency funds to cover the difference between expected revenue and the planned maintenance expenditures as follows:

FY 2024-25 Projected Expenses

Category	Description	Amount
Maintenance	Restroom Cleaning and Maintenance	\$25,000

	Restroom Supplies	\$2,400
	Pit Toilet Pumping Service	\$32,000
	Litter/Garbage Removal	(Combined with restroom cleaning services)
	Landscape Maintenance	\$55,000
	Tree Care	\$12,000
	Playground Equipment Inspection	\$1,600
	Street Sweeping	\$800
	City Staff Time (Maintenance, Oversight, etc.)	\$11,500
	Utility Costs (Water, Sewer and Electrical)	\$38,000
	County/City Administrative Fee	\$138
Total Estimated Fiscal Year 2024-2025 Expenses		\$178,438
Special Charges	Signs	\$4,926
	Bench Painting	\$2,000
	Misc. Paver Repairs	\$1,500
	Light Fixture Repairs	\$1,000
	Slurry Seal	\$15,000
Total Special Charges Expenses		\$23,926
Total Maintenance and Special Charges		\$202,864
Annual Capital Reserve Fund Contribution		\$131,030
Total Loch Lomond CFD #2 FY 2024-25 Expenditures		\$333,894

The special tax is not term-based, nor does it sunset. The special tax will continue to be levied in perpetuity as specified in the formation documents.

Staff prepared a resolution for the City Council to consider for adoption to impose the required special tax for fiscal year 2024-25. The special taxes will be included on the County property tax bills and will be collected by the County of Marin.

FISCAL IMPACT: The fiscal year 2024-25 assessment will generate \$294,757 in revenue required to support maintenance and capital reserves towards the new City facilities in Community Facilities District No. 2. All special tax revenues and expenditures related to the district will be maintained in the Loch Lomond Marina Assessment District Fund (fund no. 237).

OPTIONS:

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

1. Adopt the resolution as presented, setting the special tax rates for Fiscal Year 2024-25.
2. Adopt the resolution with modifications.
3. Direct staff to return with more information.
4. Take no action.

RECOMMENDED ACTION:

Adopt a resolution setting the Mello-Roos Special Tax for City of San Rafael Community Facilities District No. 2 for Fiscal Year 2024-25.

ATTACHMENTS:

1. Resolution Setting the Mello-Roos Special Tax for City of San Rafael Community Facilities District No. 2 for Fiscal Year 2024-25
2. Annual Engineers Report for Loch Lomond CFD No. 2

RESOLUTION NO.

A RESOLUTION OF THE SAN RAFAEL CITY COUNCIL SETTING THE SPECIAL TAX FOR CITY OF SAN RAFAEL COMMUNITY FACILITIES DISTRICT NO. 2 (THE VILLAGE AT LOCH LOMOND MARINA) FOR FISCAL YEAR 2024-25

WHEREAS, on July 19, 2010, the San Rafael City Council by Resolution No. 13014 formed the City of San Rafael Community Facilities District No. 2 (hereafter “CFD No. 2”); and

WHEREAS, the landowners of CFD No. 2 voted in a mail ballot election called by the City Council by Resolution No. 13015, and unanimously approved the imposition of a special district tax; and

WHEREAS, on August 16, 2010, the City Council adopted Ordinance No. 1886 levying special taxes within CFD No. 2; and

WHEREAS, on or about August 16, 2010, the City of San Rafael prepared and caused to be recorded a “Notice of Special Tax Lien” for all of the parcels within CFD No. 2, which specified the facilities and services to be funded by the tax and the approved method for establishing a rate and calculating the apportionment of the tax; and

WHEREAS, at the request of the Director of Public Works, Joanna Kwok, City Engineer of San Rafael has prepared an Engineer’s Annual Report for Community Facilities District No. 2 for Fiscal Year 2024-25 recommending the amount of the special taxes to be assessed; and

WHEREAS, the City Council wishes to set the specific tax rate to be imposed on the parcels within CFD No. 2 in Fiscal Year 2024-25;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Rafael hereby sets the amount of the special tax to be imposed on all nonexempt parcels within CFD No. 2 for Fiscal Year 2024-25, as set forth in the Engineer’s Annual Report for fiscal year 2024-25 on file with the City Clerk and incorporated herein by reference.

I, LINDSAY LARA, City 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 Monday, the 15th day of July 2024, by the following vote, to wit:

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

LINDSAY LARA, City Clerk

ENGINEER'S ANNUAL REPORT
FOR
COMMUNITY FACILITIES DISTRICT NO. 2
LOCH LOMOND MARINA AND THE STRAND

2024-2025

FOR THE CITY OF SAN RAFAEL

CALIFORNIA

COUNCIL MEETING

JULY 15, 2024

Prepared By:
City of San Rafael

ENGINEER'S ANNUAL REPORT
2024-2025

COMMUNITY FACILITIES DISTRICT NO. 2 LOCH LOMOND MARINA AND THE
STRAND
CITY OF SAN RAFAEL, MARIN COUNTY, CALIFORNIA
(Mello-Roos Community Facilities Act of 1982)

The undersigned respectfully submits the enclosed annual report as directed by the City Council.

DATED: _____, 2024.

Engineer of Work

By _____
Joanna Kwok, City of San Rafael, City Engineer

I HEREBY CERTIFY that the enclosed Engineer's Annual Report, together with Assessment and Assessment Diagram thereto attached, was filed with me on the _____ day of _____, 2024.

LINDSAY LARA, City Clerk, City of San Rafael, Marin County,
California

By _____

I HEREBY CERTIFY that the enclosed Engineer's Annual Report, together with Assessment and Assessment Diagram thereto attached, was approved on _____, 2023 and confirmed by the City Council of the City of San Rafael, Marin County, California, on the _____ day of _____, 2024.

LINDSAY LARA, City Clerk, City of San Rafael, Marin County,
California

By _____

I HEREBY CERTIFY that the enclosed Engineer's Annual Report, together with Assessment and Assessment Diagram thereto attached, was filed with the County Auditor of the County of Marin on the _____ day of _____, 2024.

LINDSAY LARA, City Clerk, City of San Rafael, Marin County,
California

By _____
ENGINEER'S ANNUAL REPORT
2024-2025

COMMUNITY FACILITIES DISTRICT NO 2 LOCH LOMOND MARINA AND THE
STRAND
CITY OF SAN RAFAEL, MARIN COUNTY, CALIFORNIA
(Mello-Roos Community Facilities Act of 1982)

Joanna Kwok, Assistant Director of Public Works, Engineer of Work for the Community Facilities District Loch Lomond #2, City of San Rafael, Marin County, California, makes this annual report, as directed by the City Council, by its Resolution No. _____, adopted _____, 2024.

The improvements which are the subject of this report are briefly described as follows:

Maintenance of Improvements including streets, curbs, gutter, sidewalks, storm drain, storm inlets, street surfaces, Landscaping, street furniture, lighting, pathways, restrooms, park play equipment, picnic tables, fish cleaning stations, signage, and parking. The maintenance includes providing irrigation, paying water and utility bills as well as oversight. The improvements are also anticipated to need major capital funding in future years and a capital improvement allowance is included as part of the Community Finance District.

This report consists of six parts, as follows:

PART A – Plans for the improvements are filed with the City Clerk. Although separately bound, the plans and specifications are a part of this report and are included in it by reference.

PART B - An Estimated Cost of the Assessment District.

PART C - Assessment Roll - An assessment of the estimated cost of the improvement on each benefited parcel of land within the assessment district.

PART D – Rate and Method of Apportionment of Special Taxes - A statement of the method by which the undersigned has determined the amount proposed to be assessed against each parcel.

PART E - List of Property Owners - A list of the names and addresses of the owners of real property within this assessment district, as shown on the last equalized assessment roll for taxes, or as known to the Clerk. The list is keyed to Part "C" by assessment number.

PART F - Assessment Diagram - A diagram showing all of the parcels of real property within this assessment district. The diagram is keyed to Part "C" by assessment number.

Respectfully submitted,

By _____

Joanna Kwok, City of San Rafael, City Engineer

PART A

INTRODUCTION AND BACKGROUND INFORMATION

The Loch Lomond Project

The Loch Lomond development project (the “Project”) is a mixed-use development which will include the construction of single-family homes, townhomes and commercial facilities and will include the existing marina, which is located in San Francisco Bay. The Project is located in the City of San Rafael (“City”), off of Point San Pedro Road. It was approved by the San Rafael City Council (“City Council”) of the City in 2007, by means of a series of approvals, including Resolution 12332 (“the Approval Resolution”). As one condition of approving the Project, the City required the developer to provide certain park and recreation improvements and to provide for their maintenance by means of a special tax to be imposed by means of a Mello-Roos Community Facilities District (“CFD”). Since the approval of the Project, the developer has determined that it would be more beneficial to the property owners, and more cost-efficient if the maintenance of certain additional facilities, consisting of landscaping and street and sidewalk improvements, as well as wetland monitoring, could also be financed by means of the CFD. Collectively, the park and recreation improvements, landscaping, streets, and sidewalks and these additional facilities are referred to herein as the “Facilities.”

On June 7, 2010, the City Council adopted a Resolution of Intention to form a CFD (the “Resolution of Intention”) in accordance with the Mello-Roos Community Facilities District Act of 1982 (the “Act”). The Resolution of Intention indicated that the maintenance of the Facilities would be financed by means of a special tax imposed pursuant to the Act. The Resolution of Intention requested the preparation of this Report, directing that the report describe the facilities to be maintained and an estimate of the cost of maintaining those facilities.

For purposes of imposing a special tax to fund the maintenance of the Facilities, the development will be split into four tax categories: Residential; Non-residential; Mixed-use and Marina. As approved, the Project features 81 residential units, of which 76 units will be located in the Residential tax category and 5 units will be in the Mixed-use category, as they will be located above commercial space. Of these residential units, 11 will be below-market units, located in the residential category area. There is expected to be 22,500 square feet in the Non-residential category, which will be devoted to neighborhood commercial/retail businesses and marina-support facilities. The Marina category contains areas serving the existing marina area, including the yacht club.

The Mello-Roos Community Facilities Act of 1982

In the Approval Resolution, the City Council determined that the Act would be an effective tool for funding the maintenance of the park and recreation improvements and conservation area. The Act provides substantial flexibility as to the range of facilities and services that can be funded and the method by which their cost can be allocated. As the financing mechanism is a special tax, and not an assessment, the costs can be allocated according to any method that is reasonable, without the need to make a specific finding of benefit to each property. The Act permits the City Council to form the CFD and allows for the owners of the property, if it is uninhabited, to vote to approve the special tax (which requires a two-thirds majority).

Purpose of the CFD Report

As directed in the Resolution of Intention, this CFD Report has been prepared and is being

PART A

submitted pursuant to Section 53321.5 of the Act. The Act requires that this report describe the facilities to be maintained (see “Description of Facilities to be Maintained” below)

Formation of the CFD

On June 7, 2010, the City Council adopted the Resolution of Intention. A map identifying the boundaries is attached as Exhibit A to this work.

On July 19, 2010 the City Council held a public hearing, as required by the Act, to hear any protests to the formation of the CFD and to consider this report. Following the public hearing, the Council adopted a Resolution of Formation and called an election to allow the qualified electors to consider the special tax to fund the services described herein. With at least two-thirds of the votes cast in favor of the special tax, the CFD was formed and the levy of the special tax was authorized.

Description of Facilities to be Maintained

The facilities to be maintained include those specifically described in Condition 45 of the Approval Resolution:

- The Marina Green and Boardwalk
- Kayak Launch
- Park Play Equipment and Area
- Pedestrian pathways along the west jetty/spit and east jetty/spit
- Viewing areas along the west jetty/spit, east jetty/spit
- Public restrooms (2), one on the east jetty/spit and one at the entrance to the breakwater
- Fishing cleaning station located near the entrance to the breakwater
- Park and informational signs within these areas
- Lawn/turf, shrubs and ground cover, irrigation systems, storm water drainage inlets within the boundaries of the area, lighting pole standards, and fixtures above the foundation, benches, trash receptacles and bicycle racks
- Conservation/seasonal wetland area
- Roads, streets, sidewalks, and stormwater infrastructure

In addition, the CFD will also maintain the common access road shown on the map attached as Exhibit D, its landscaping, lighting and sidewalk areas.

In July 2017, the San Rafael City Council approved levying the first assessment for Community Facilities District No. 2 (“CFD-2”) at the Village at Loch Lomond Marina. The CFD activity during Fiscal Year 2017-2018 was very minimal. After a number of assurances in 2017, the developer, TH Loch Lomond, LLC (“MVA”) did not finish the work to a point where the City could accept a portion of the improvements as anticipated in the beginning of Fiscal Year 2017-2018. On June 1, 2018, the City received a letter from MVA requesting an extension of the Subdivision Improvement Agreements through December 31, 2019 and, by implication, acceptance of a portion of the improvements. The City answered this letter on June 20, 2018, including a final punch list which the letter directed the developer to complete prior to August 1, 2018. The successful completion of the punch list would set the process in motion to accept the improvements, begin the warranty period, and provide a partial reduction in bond amount for the improvements.

PART A

Prior Status and Actions

For previous year's status reports consult 2023-2024 and earlier Engineer's Reports.

June 2024 Status and Actions

The Village Master Association and Strand Homeowners Association continue to request the City for a more active role advising the District. The Associations have concerns with the maintenance of the landscape and some of the infrastructure, as well as the master developer's inability to complete the project.

As noted in previous years, the residents and business owners face a particular challenge in that the District was formed to maintain property owned by the Village Association with public easements allowing all San Rafael residents and others to use the property.

The City and representatives of the Associations have continued to work to determine the level of maintenance that can be sustained by the District once the developer(s) complete their work on the public property and the remaining housing. New requests for proposals for landscaping and janitorial services are currently in progress and services are anticipated to be in effect by the beginning of the FY2024-25. This is expected to improve the general maintenance and upkeep of the District and alleviate a majority of the resident's current concerns.

The 2024-25 budget includes monies that have been allocated to maintain the district facilities at an improved level of service, including routine janitorial and landscaping services. Since the District has not been able to maintain the full facilities (due to the incomplete work by the developer), there is no past actual costs to guide the budget. It appears that the level of maintenance desired by the community is not sustainable at the current funding levels. Nonetheless, the 2024-2025 budget will carry these numbers and be re-evaluated in the 2025-2026 report.

The repairs to the Breakwater Access Trail and East Jetty Park have been completed. The City is currently waiting for the developer to request final acceptance from the City. In turn, the Developer is waiting on final acceptance from BCDC, since that is necessary before the City can consider final acceptance.

The activities of the past year include the continued landscape maintenance by Forester and Kroger. The City has received bids for future maintenance of the landscaping in FY2024-25, and will begin with a new service provider in FY 2024-25. The City has continued with its weekly pumping of the pit toilet and will continue to directly manage this service in FY2024-25.

As provided in the District formation documents, the Engineer recommends that the annual assessment be increased to cover continued cost escalation for maintenance and utilities as well as the additional costs to provide an improved level of landscape, restroom, and restroom maintenance than is currently performed. The District formation documents allow an annual increase of up to 3% or the Consumer Price Index for the San Francisco/Oakland/Hayward region, whichever is greater. The CPI as of February 2024 is 345.151. The base year index (2010) is 227.27. This allows a 52% increase since the District's formation. The maximum assessments would be as follows:

Residential	\$3,697.45	per residential unit
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PART A

Non-Residential	\$1.74	per square foot of non-residential floor area
Marina	\$112,499.52	Lump Sum

The Engineer has previously suggested increasing the assessments so the District participants experience a graduated “bump” in assessments to attain a rate that will better cover the expenses needed to maintain the district once the City accepts the improvements from the developer. Based on prior year’s expenses and the estimated costs for the services currently out for bid, the Engineer recommends that the District increase the assessment for 2024-2025 by 5% over the 2023-2024 FY as calculated in Part D and noted below. This will allow the District to assess if the newly contracted services will be covered by the current assessment level, or if additional increases will be needed in following years.

Proposed Assessments for the year 2024-2025:

Residential \$2,660.34 per residential unit
(70 residential units: 70 x \$2,660.34 = \$186,223.80)

Non-Residential \$1.24 per square foot of non-residential floor area
(22,250 ft² non-residential: 22,250 x \$1.24 = \$27,590)

Marina \$80,943.46 Lump Sum

\$294,757.26 **Total Anticipated Revenue for the year 2024-2025**

The District collects assessments to cover three areas of funding: Capital Reserve Fund, Annual Maintenance Fund and a Contingency. The 2024 status of these funds are discussed below.

Capital Reserve Fund: The Capital Reserve Fund needs to be collected annually in order for the District to have funds available to replace pavements, curb and gutter and other improvements in the future as the infrastructure approaches the end of its useful life. The amount of the Capital Reserve currently stands at \$587,124 and an additional \$131,030 (2.37% increase) will be added this year. As shown below the Capital Reserve Fund, June 30, 2025, is anticipated to be \$718,154 before unforeseen distributions in 2024-2025.

Annual Maintenance: Since the Maintenance portion has only been partially tapped, this fund had continued to build during the current fiscal year. Nevertheless, and based on the level of maintenance expected by the residents, the Engineer recommends the District continue to assess properties in the District.

Currently the District is carrying \$260,702.23 in un-allocated maintenance since the City has only recently accepted the improvements. As noted above this will be evaluated during FY 2024-2025 to determine what portion of Contingency might be allocated to the maintenance or Capital Reserve funds.

It should be noted that future increases may need to be made to bring the assessment funding in line with the max assessments allowed in the District formation documents. At that point, further increases would be only based on the index allowed for the District.

PART A

The District will be assuming all costs from the developer upon final acceptance. Since the District will be accepting infrastructure that is several years old, the Engineer recommends that any monies not used in District maintenance be allocated for future repairs of infrastructure under the Capital Reserve Fund.

Contingency: As noted in the financial summary in Part B, the District carries a contingency for unforeseen circumstances. The contingency remains relatively large in anticipation of the District assuming the maintenance responsibilities and determining the acceptable level of maintenance to meet the residents expectations as well as covering deferred maintenance of completed improvements such as resealing the asphalt pavement and repairing damaged fixtures and furniture.

Reconcile 2023-24 Assessment distributions for commercial properties: After the 2023-24 Engineers Report was approved and filed, a discrepancy was found in the levying of assessments to the commercial properties Lots 2, 3, and 4 (Assessment Nos. 2, 3, and 4, APNs 016-070-14, -16, and -17). While the total commercial assessment is correct, the allocation between the three commercial properties was off due to a misallocation of commercial space area between the three lots. The chart below explains the discrepancy:

<u>Parcel no</u>	<u>2023-2024 Area</u>	<u>Correct Area</u>
Lot 2	11,478.47	6,344.29
Lot 3	9,059.36	13,377.44
Lot 4	1,712.17	2,528.27

The discrepancy resulted in an overpayment by Lot 2 and under payment by Lots 3 and 4. The charged assessments and corrected assessments are shown in the following chart:

<u>Parcel no</u>	<u>2023-2024 Assessment</u>	<u>Corrected Assessment</u>	<u>delta</u>
Lot 2	\$26,236.68	\$20,281.00	(\$6,109.68)
Lot 3	\$10,780.64	\$15,919.16	\$5,138.52
Lot 4	\$ 2,037.50	\$ 3,008.64	\$ 971.14

To correct the over and under payments, the Assessments for Lots 2, 3, and 4 will be adjusted for the 2024-2025 year as follows:

<u>Parcel no</u>	<u>2024-2025 Assessment</u>	<u>Adjustment</u>	<u>2024-2025 Assessment</u>
			<u>To be paid</u>
Lot 2	\$21,168.62	(\$6,109.68)	\$15,058.94
Lot 3	\$16,588.04	\$5,138.52	\$21,726.56
Lot 4	\$3,135.06	\$ 971.14	\$4,106.20

These adjustments will bring all assessments for the commercial areas to parity over the past two years.

END OF PART A

**PART B
ESTIMATE OF COSTS**

Total estimated Available Funds June 30, 2023:	\$ 861,292
Adjustment to match City Funds to Actual City Records	\$ 35,663
Actual Available Funds on July 1, 2023	\$ 896,955

2023-2024 (PROJECTED) EXPENSES

County of Marin Fee	\$ 138
Landscaping Services (July, 2023 to April, 2024)	\$ 41,626
Water Expense through February, 2024	\$ 20,388
Landscaping Monthly fee May - June, 2024	\$ 8,000
Water Estimate March to June, 2024	\$ 18,000
Engineer's Report Estimate	\$ 4,000
City Staff Time	<u>\$ 13,700</u>
FY 2023-2024 Estimated Expense Total	\$ 105,852

Assessment Proceeds 2023-2024	\$ 266,877
Interest	\$ 11,505

Total Anticipated Funds, June 30, 2024 **\$ 1,069,485**

FY 2024-2025 Estimated Expenses

Restroom Cleaning and Maintenance	\$ 25,000
Restroom Supplies	\$ 2,400
Pit Toilet Pumping Service	\$ 32,000
Litter/Garbage Removal - <i>(Combined with restroom cleaning services)</i>	
Landscape Maintenance	\$ 55,000
Tree Care	\$ 12,000
Playground Equipment Inspection	\$ 1,600
Street Sweeping	\$ 800
City Staff Time (Maintenance, Oversight, etc.)	\$ 11,500
Utility Costs (Water, Sewer and Electrical)	\$ 38,000
County/City Administrative Fee	<u>\$ 138</u>
Total Estimated Fiscal Year 2024-2025 Expenses	\$ 178,438

Special Charges	
Signs	\$ 4,926
Bench Painting	\$ 2,000
Misc. Paver Repairs	\$ 1,500
Light Fixture Repairs	\$ 1,000
Slurry Seal	\$ 15,000

Total estimated 2024-2025 Expenses **\$ 202,864**

Capital Reserve Fund (Held 2023-2024)	\$ 587,124
Capital Reserve Contribution Fiscal Year 2024-2025	<u>\$ 131,030</u>
Anticipated Capital Reserve Fund June 30, 2024	\$ 718,154

Total Allocated Funds 2024-2025 **\$ 995,882**

**PART B
ESTIMATE OF COSTS**

Contingencies (Future Additional Capital Reserve and Maintenance Takeover Costs)	<u>\$ 165,496</u>	
 TOTAL ANTICIPATED FY 2024-2025 YEAR EXPENSES AND ALLOCATIONS:	 <u>\$ 1,161,378</u>	
 FY 2024-2025 ASSESSMENT FUNDING		<u>\$ 294,757</u>
Total available funds FY 2024-2025:		<u>\$ 1,161,378</u>

**PART C
ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment
for a Summary of Changes to Part C – Assessment Roll

SPECIAL ASSESSMENT NUMBER	AMOUNT OF ASSESSMENT Fiscal Year 2023-2024	PROPERTY DESCRIPTION Loch Lomond	ASSESSOR'S PARCEL NUMBER
2	\$15,058.94	Lot 2	016-070-14
3	\$21,726.56	Lot 3	016-070-16
4	\$4,106.20	Lot 4	016-070-17
5	\$80,943.46	Lot 5	016-070-09
A	\$0.00	Lot A	016-070-12
B	\$0.00	Lot B	016-070-10
C	\$0.00	Lot C	016-070-13
D	\$0.00	Lot D	016-070-19
E	\$0.00	Lot E	016-070-15
F	\$0.00	Lot F	016-070-18
G	\$0.00	Lot G	016-070-21
H	\$0.00	Lot H	016-070-22
I	\$0.00	Lot I	016-070-20
1-1	\$0.00	1	016-341-01
1-2	\$2,660.34	2	016-341-02
1-3	\$0.00	3	016-341-03
1-4	\$2,660.34	4	016-341-04
1-5	\$2,660.34	5	016-341-05
1-6	\$2,660.34	6	016-341-06
1-7	\$2,660.34	7	016-341-07
1-8	\$2,660.34	8	016-341-08
1-9	\$2,660.34	9	016-341-09
1-10	\$2,660.34	10	016-341-10
1-11	\$2,660.34	11	016-341-11
1-12	\$2,660.34	12	016-341-12
1-13	\$2,660.34	13	016-341-13

**PART C
ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment
for a Summary of Changes to Part C – Assessment Roll)

SPECIAL ASSESSMENT NUMBER	AMOUNT OF ASSESSMENT Fiscal Year 2023-2024	PROPERTY DESCRIPTION Loch Lomond	ASSESSOR'S PARCEL NUMBER
1-14	\$2,660.34	14	016-341-14
1-15	\$2,660.34	15	016-341-15
1-16	\$2,660.34	16	016-341-16
1-17	\$2,660.34	17	016-341-17
1-18	\$2,660.34	18	016-341-18
1-19	\$2,660.34	19	016-341-19
1-20	\$2,660.34	20	016-341-20
1-21	\$2,660.34	21	016-341-21
1-22	\$2,660.34	22	016-341-22
1-23	\$2,660.34	23	016-341-23
1-24	\$2,660.34	24	016-341-24
1-25	\$2,660.34	25	016-341-25
1-26	\$2,660.34	26	016-341-26
1-27	\$2,660.34	27	016-341-27
1-28	\$2,660.34	28	016-341-28
1-29	\$2,660.34	29	016-341-29
1-30	\$2,660.34	30	016-341-30
1-31	\$2,660.34	31	016-341-31
1-32	\$2,660.34	32	016-341-32
1-33	\$2,660.34	33	016-341-33
1-34	\$2,660.34	34	016-341-34
1-35	\$2,660.34	35	016-341-35
1-36	\$0.00	36	016-341-36
1-37	\$2,660.34	37	016-341-37
1-38	\$0.00	38	016-341-38
1-39	\$2,660.34	39	016-341-39

**PART C
ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment
for a Summary of Changes to Part C – Assessment Roll)

SPECIAL ASSESSMENT NUMBER	AMOUNT OF ASSESSMENT Fiscal Year 2023-2024	PROPERTY DESCRIPTION Loch Lomond	ASSESSOR'S PARCEL NUMBER
1-40	\$2,660.34	40	016-341-40
1-41	\$0.00	41	016-341-41
1-42	\$2,660.34	42	016-341-42
1-43	\$0.00	43	016-341-43
1-44	\$2,660.34	44	016-341-44
1-45	\$2,660.34	45	016-341-45
1-46	\$0.00	46	016-341-46
1-47	\$2,660.34	47	016-341-47
1-48	\$0.00	48	016-341-48
1-49	\$2,660.34	49	016-341-49
1-50	\$2,660.34	50	016-341-50
1-51	\$0.00	51	016-341-51
1-52	\$2,660.34	52	016-341-52
1-53	\$2,660.34	53	016-341-53
1-54	\$2,660.34	54	016-341-54
1-55	\$2,660.34	55	016-341-55
1-56	\$2,660.34	56	016-341-56
1-57	\$0.00	57	016-341-57
1-58	\$2,660.34	58	016-341-58
1-59	\$2,660.34	59	016-341-59
1-60	\$0.00	60	016-341-60
1-61	\$2,660.34	61	016-341-61
1-62	\$2,660.34	62	016-341-62
1-63	\$2,660.34	63	016-341-63
1-64	\$2,660.34	64	016-341-64
1-65	\$2,660.34	65	016-341-65

**PART C
ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment
for a Summary of Changes to Part C – Assessment Roll)

SPECIAL ASSESSMENT NUMBER	AMOUNT OF ASSESSMENT Fiscal Year 2023-2024	PROPERTY DESCRIPTION Loch Lomond	ASSESSOR'S PARCEL NUMBER
1-66	\$2,660.34	66	016-341-66
1-67	\$2,660.34	67	016-341-67
1-68	\$2,660.34	68	016-341-68
1-69	\$2,660.34	69	016-341-69
1-70	\$2,660.34	70	016-341-70
1-71	\$2,660.34	71	016-341-71
1-72	\$2,660.34	72	016-341-72
1-73	\$2,660.34	73	016-341-73
1-74	\$2,660.34	74	016-341-74
1-75	\$2,660.34	75	016-341-75
1-76	\$2,660.34	76	016-341-76
K	\$0.00	K	016-341-77
L	\$0.00	L	016-341-78
M	\$0.00	M	016-341-79
D	\$0.00	D	016-341-80
N	\$0.00	N	016-341-81
E	\$0.00	E	016-341-82
O	\$0.00	O	016-341-83
F	\$0.00	F	016-341-84
P	\$0.00	P	016-341-85
H	\$0.00	H	016-341-86
A	\$0.00	A	016-341-87
I	\$0.00	I	016-341-88
B	\$0.00	B	016-341-89
J	\$0.00	J	016-341-90
C	\$0.00	C	016-341-91

**PART C
ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment
for a Summary of Changes to Part C – Assessment Roll)

SPECIAL ASSESSMENT NUMBER	AMOUNT OF ASSESSMENT Fiscal Year 2023-2024	PROPERTY DESCRIPTION Loch Lomond	ASSESSOR'S PARCEL NUMBER
G	\$0.00	G	016-341-92
TOTAL ASSESSMENT	\$294,757.28	(For 2024-2025 Fiscal Year)	

The lines and dimensions of each parcel are as shown on the maps of the County Assessor of the County of Marin.

Property descriptions are lot or parcel numbers as shown on the recorded final maps of Loch Lomond, recorded:

PART D
RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES

I. INTRODUCTION

A special tax authorized under the Mello-Roos Community Facilities Act of 1982, as amended (“Act”) shall be levied on each Parcel of land within Community Facilities District No. 2 of the City of San Rafael (“CFD No. 2”), and collected according to the Special Tax Liability determined by the City, the City of San Rafael)”City”), through the application of the following procedures. The Special Tax is being levied for the purpose of providing and guaranteeing long-term funding and maintenance of park and recreation improvements that are approved for public use, and an adjacent conservation area (seasonal wetland) as more particularly described in the Approval Resolution, as well as appurtenant roadways, sidewalk and landscaping areas.

All of the property within CFD No. 2, unless otherwise exempted by law or the express provisions of the rate and method of apportionment expressed below, shall be taxed to the extent and in the manner provided below.

It is intended that all special taxes applicable to Parcels be collected in the same manner and at the same time as ordinary ad valorem property taxes, and that special taxes so levied will be subject to the same penalties and procedures, sale and lien priority in case of delinquency as is provided for ad valorem taxes.

II. DEFINITIONS

Act means the Mello-Roos Community Facilities Act of 1982, as amended, Sections 53311 *et seq.* of the California Government Code.

Approval Resolution means Resolution No. 12332, adopted on August 6, 2007 by the City Council of the City of San Rafael.

Area of Use means the area falling within a single tax category of a Parcel devoted to multiple uses.

Base Year means the Fiscal Year commencing July 1, 2011.

BMR Unit means a Dwelling Unit that is classified as “low or moderate income housing” pursuant to that certain agreement among San Rafael Marina, LLC, the City of San Rafael, and the Housing Authority of the County of Marin, dated July 1, 2008 and recorded as document 2008-0038363 in the Official Records of the County of Marin on August 14, 2008.

Building Floor Area means a measurement of the area contained within the perimeter of each non-residential structure on a given Parcel, which can be or has been developed on that Parcel based on a building permit. If a building permit is not available, the amount shall be based on the Master Use Permit, or other planning approval. This figure shall be determined in accordance with the standard practice of the City in calculating structural parameters. The figure includes the square footage of each floor of any multi-floor building.

CFD No. 2 means the Community Facilities District No. 2 of the City of San Rafael.

PART D
RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES

City means the City of San Rafael.

Dwelling Unit means each separate building, or housing unit within a common building, used to provide living accommodations which are intended, design, or legally required to be occupied by a single family unit. For Parcels which have not yet been subdivided into the number of lots shown on the Tentative Map, the number of Dwelling Units shall be the number of lots shown on the Tentative Map within the limits of that Parcel. BMR Units do not count as Dwelling Units. For Parcels with mixed uses, the number of Dwelling Units shall be the number of residential units allowed under the Master Use Permit, not counting any BMR Units.

Fiscal Year means the period starting on July 1, and ending the following June 30.

Master Use Permit means that certain Master Use Permit as approved by the City Council of the City of San Rafael by means of Resolution No. 12332, adopted on August 6, 2007.

Maximum Special Tax means the greatest amount of Special Tax that can be levied against a Parcel in any Fiscal Year. The Maximum Special Tax for each Category of Taxable Property is established in Section III.

Parcel means any County Assessor's Parcel or that portion thereof that is within the boundaries of CFD No. 2 based on the equalized tax rolls of the County as of March 1 of each Fiscal Year. Parcels referred to by a specific number indicate the parcels shown on the Tentative Map.

Service Annual Cost(s) means for each Fiscal Year, the total of 1) the estimated cost of providing and guaranteeing long-term funding and maintenance of park and recreation improvements that are approved for public use and an adjacent conservation area (seasonal wetland) as more particularly described in Vesting Tentative Map Condition No. 45 in the Approval Resolution (the "Improvements"); 2) the estimate costs of providing additional landscaping and maintenance costs; and 3) any amounts needed to cure actual or estimated delinquencies in Special Taxes for the current or previous Fiscal Year.

Special Tax Escalation Factor means the annual percentage increase in the Consumer Price Index for the San Francisco-Oakland-San Jose area as published in "Consumer Price Indexes – Pacific Cities and U.S. City Average" from the U.S. Department of Labor, Bureau of Labor Statistics or, in the event such index ceases to be published, by a comparable index designated by the City Council.

Tax Categories are those categories set forth in the body hereof.

Taxable Property means Parcels that are not in public ownership, but excludes privately-held Parcels used solely for vehicular and pedestrian access, utilities, or as common areas. Such areas include Parcels A through W, inclusive, as shown on the Tentative Map. However, Taxable Properties that are acquired by a public agency after the CFD is formed or subsequent Final Subdivision Maps are recorded will remain subject to the applicable Special Tax.

PART D
RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES

Tentative Map means that certain tentative map as approved by the City Council of the City of San Rafael by means of Resolution 12332, adopted on August 6, 2007.

III. CATEGORIES OF SPECIAL TAX AND DESIGNATION OF MAXIMUM SPECIAL TAX

A. **RESIDENTIAL CATEGORY:** The Residential Category includes each Parcel of developed Taxable Property within CFD No. 2 that is zoned or permitted to be used for residential purposes. This consists of Parcels 2 through 76, inclusive, as well as the second floor residential use permitted on Parcel 78, all as shown on the Tentative Map. The Maximum Special Tax that may be levied annually on Taxable Property within the Residential Category during the Base Year is \$2,439.22 per Dwelling Unit.

B. **MARINA CATEGORY:** The Marina includes that Parcel of Taxable Property within CFD No. 2 that is designated as Parcels 80 and 82 on the Tentative Map. The Maximum Special Tax that may be levied annually on Taxable Property within the Marina Category during the Base Year is \$74,216.22. In the event that Parcel 80 is subdivided, the Maximum Special Tax shall be allocated to the subdivided Parcels in proportion to the number of marina slips contained in each subdivided Parcel within the Marina Category. In the event that Parcel 82 is subdivided from the other property within the Marina Category, it shall be taxed on the same rate and basis (per square foot) as property within the Non-Residential Category and the Maximum Special Tax for the remainder of the Marina Category shall be the amount calculated above, less the tax for Parcel 82.

C. **NON-RESIDENTIAL CATEGORY:** The Non-Residential Category includes each Parcel of developed Taxable Property within CFD No. 2 which has been zoned or is permitted to be used for non-residential uses (including office, retail, industrial, and other commercial uses) but not property within the Marina Category. These Parcels consist of Parcels 79, and 81 shown on the Tentative Map, as well as portions of Lot 78 devoted to Non-Residential Uses. The Maximum Special Tax that may be levied annually on Taxable Property in the Non-Residential Category during the Base Year is \$1.15 per square foot of Building Floor Area.

D. **MIXED USE CATEGORY:** Parcels within CFD No. 2 which are zoned or permitted to be used for uses which fall in more than one of the above Categories shall be taxed for each category of use. The calculation of the Maximum Special Tax shall be performed separately for each Area of Use. For example, the Special Tax Liability for a Parcel featuring two Dwelling Units and 10,000 square feet of Non-Residential Use shall be the sum of the Special Tax for the two Dwelling Units at the rate applied to all Dwelling Units in the CFD and for the Non-Residential tax rate per square foot times 10,000. The Maximum Special Tax for Parcels in the Mixed Use Category shall be calculated accordingly.

PART D
RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES

E. **ADJUSTMENTS TO MAXIMUM SPECIAL TAX:** The Maximum Special Tax for all Categories shall increase each Fiscal Year as determined annually by the City Council by the Consumer Price Index for the San Francisco-Oakland-San Jose area, All Urban Consumers/All Items, as published by the U.S. Department of Labor, Bureau of Labor Statistics, or, in the event such index ceases to be published, by a comparable index designated by the City Council.

IV. **SETTING THE ANNUAL SPECIAL TAX LIABILITY FOR TAXABLE PROPERTIES**

On or about July 1 of each year, but in an event in sufficient time to include the levy of the special taxes on the County's secured tax roll, the City shall determine the Category or Categories representing each Parcel of land within CFD No. 2. Parcels subject to levy and their respective Tax Category shall be determined based upon the records of the County Assessor as of the March 1 preceding such July.

For each Fiscal Year, the City shall determine the Special Tax Liability for each Parcel for the Fiscal Year. The City shall make available for review by the general public information regarding the Category to which each Parcel is assigned and the information used to calculate the Special Tax Liability for each Parcel.

Attachment 1 shows the Base Year Maximum Special Tax rates. Each Fiscal Year following the Base Year, the Maximum Special Tax rate shall be increased in accordance with the Special Tax Escalation Factor.

To determine the Maximum Special Tax in each Fiscal Year, multiply the number of Dwelling Units for each residential Parcel times the applicable Maximum Special Tax rates shown in Attachment 1 as adjusted by the Special Tax Escalation Factor. For the Mixed Use Category, take the sum of those two products.

The City shall calculate the Special Tax Liability for each Taxable Property for each fiscal year as follows:

- A. **STEP ONE:** Determine if the Improvements have been inspect and accepted by the City. If not, the Special Tax Liability shall be zero for that fiscal year.
- B. **STEP TWO:** As noted above the District is allowed to increase assessments based on the CPI for the San Francisco-Oakland Hayward region. The CPI as of February, 2024 is 345.151. The base year index (2010) is 227.27. This allows a 52% increase since the District's formation. The maximum assessments would be as follows:

Residential	\$3,697.45	per residential unit
Non-Residential	\$1.74	per square foot of non-residential floor area
Marina	\$112,499.52	Lump Sum

PART D
RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES

- C. Since the District (and the City) have not accepted all the improvements for the CFD to maintain, not all of this funding is required at this time. Nevertheless, the Engineer recommends an increase in funding in anticipation of accepting the improvements and recognizing that due to the age of the improvements and the use to which they have been subject since opening to the public. A 5% increase is recommended, yielding the following assessments for 2024-2025:

Residential	\$2.660.34	per residential unit
Non-Residential	\$1.24	per square foot of non-residential area
Marina	\$80,943.46	Lump Sum

Setting the amount in 2024-2025 does not preclude future increases in future years to the maximum allowable assessment based on the CPI.

- D. **STEP THREE:** Calculate the Special Tax Liability for each Parcel of Taxable Property by the following steps:

Step 1: Compute the potential Maximum Special Tax revenue for all Parcels in the CFD by summing the Maximum Special Tax assigned to each Parcel for that Fiscal Year.

Step 2: Compare the Service Annual Costs with the potential maximum Special Tax revenue calculated in the previous step.

Step 3: If the Service Annual Costs are less than the Maximum Special Tax revenue from Step 1, decrease proportionately the Maximum Special Tax amount for each Parcel until the total Special Tax revenue equals the Service Annual Cost. These amounts will be that year's Special Tax Liability for each Parcel.

Step 4: If the Service Annual Costs are great than or equal to the potential Maximum, Special Tax revenue calculated in Step 1, the amount of the Special Tax Liability for each Taxable Property shall be the Maximum Special Tax assigned to each Parcel in II above.

- E. **STEP FOUR:** After the Special Tax Liability for each Parcel has been calculated, consult Section V of this Rate and Method in order to prepare the Tax Collection Schedule.

V. PREPARATION OF TAX COLLECTION SCHEDULE

Prepare the Tax Collection Schedule listing the Special Tax Liability for each Parcel of Taxable Property and send it to the County Auditor, requesting that it be placed on the general, secured property tax roll for the Fiscal Year. The Tax Collection Schedule shall not be sent later than the date required by the Auditor for such inclusion.

The City shall make every effort to correctly calculate the Special Tax Liability for each Parcel. It shall be the burden of the taxpayer to correct any errors in the determination of the Parcels subject to the tax and the Special Tax Liability assigned to them. The City will maintain a file

PART D
RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES

available for public inspection of each current County Assessor's Parcel Number within the CFD, its Maximum Special Tax, and the Maximum Special Tax for all Parcels within the CFD.

**PART E
ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment
for a Summary of Changes to Part E – Assessment Roll)

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	NAME AND ADDRESS
2	016-070-14	[REDACTED]
3	016-070-16	
4	016-070-17	
5	016-070-09	
A	016-070-12	
B	016-070-10	
C	016-070-13	
D	016-070-19	
E	016-070-15	

**PART E
ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment
for a Summary of Changes to Part E – Assessment Roll)

F	016-070-18
G	016-070-21
H	016-070-22
I	016-070-20
1-1	016-341-01
1-2	016-341-02
1-3	016-341-03
1-4	016-341-04
1-5	016-341-05
1-6	016-341-06
1-7	016-341-07
1-8	016-341-08



PART E
ASSESSMENT ROLL

(Please Refer to Part D – Method of Apportionment of Assessment
for a Summary of Changes to Part E – Assessment Roll)

1-9	016-341-09
1-10	016-341-10
1-11	016-341-11
1-12	016-341-12
1-13	016-341-13
1-14	016-341-14
1-15	016-341-15
1-16	016-341-16
1-17	016-341-17
1-18	016-341-18
1-19	016-341-19
1-20	016-341-20



**PART E
ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment
for a Summary of Changes to Part E – Assessment Roll)

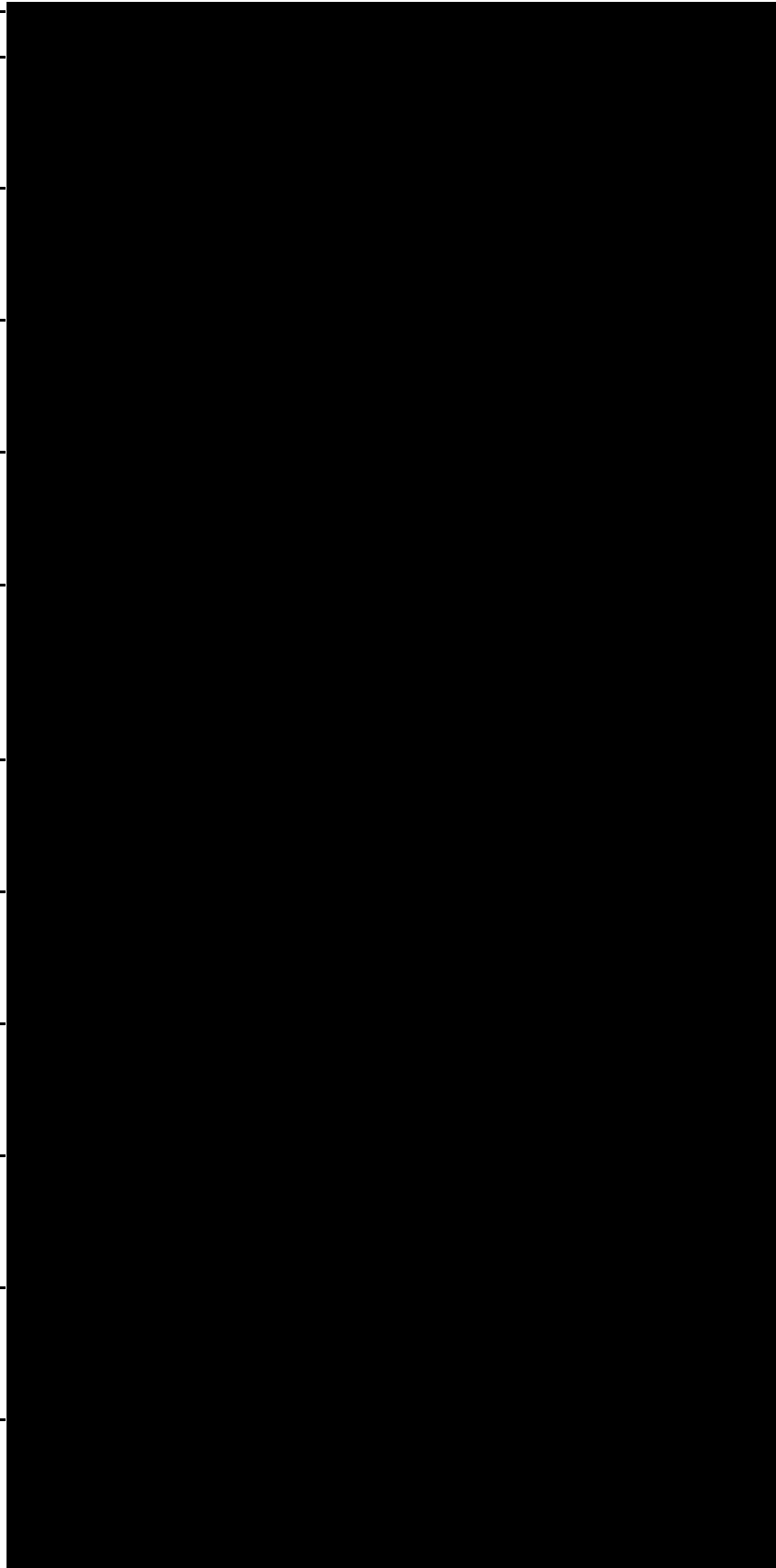
1-21	016-341-21
1-22	016-341-22
1-23	016-341-23
1-24	016-341-24
1-25	016-341-25
1-26	016-341-26
1-27	016-341-27
1-28	016-341-28
1-29	016-341-29
1-30	016-341-30
1-31	016-341-31



**PART E
ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment
for a Summary of Changes to Part E – Assessment Roll)

1-32	016-341-32
1-33	016-341-33
1-34	016-341-34
1-35	016-341-35
1-36	016-341-36
1-37	016-341-37
1-38	016-341-38
1-39	016-341-39
1-40	016-341-40
1-41	016-341-41
1-42	016-341-42



**PART E
ASSESSMENT ROLL**

(Please Refer to Part D – Method of Apportionment of Assessment
for a Summary of Changes to Part E – Assessment Roll)

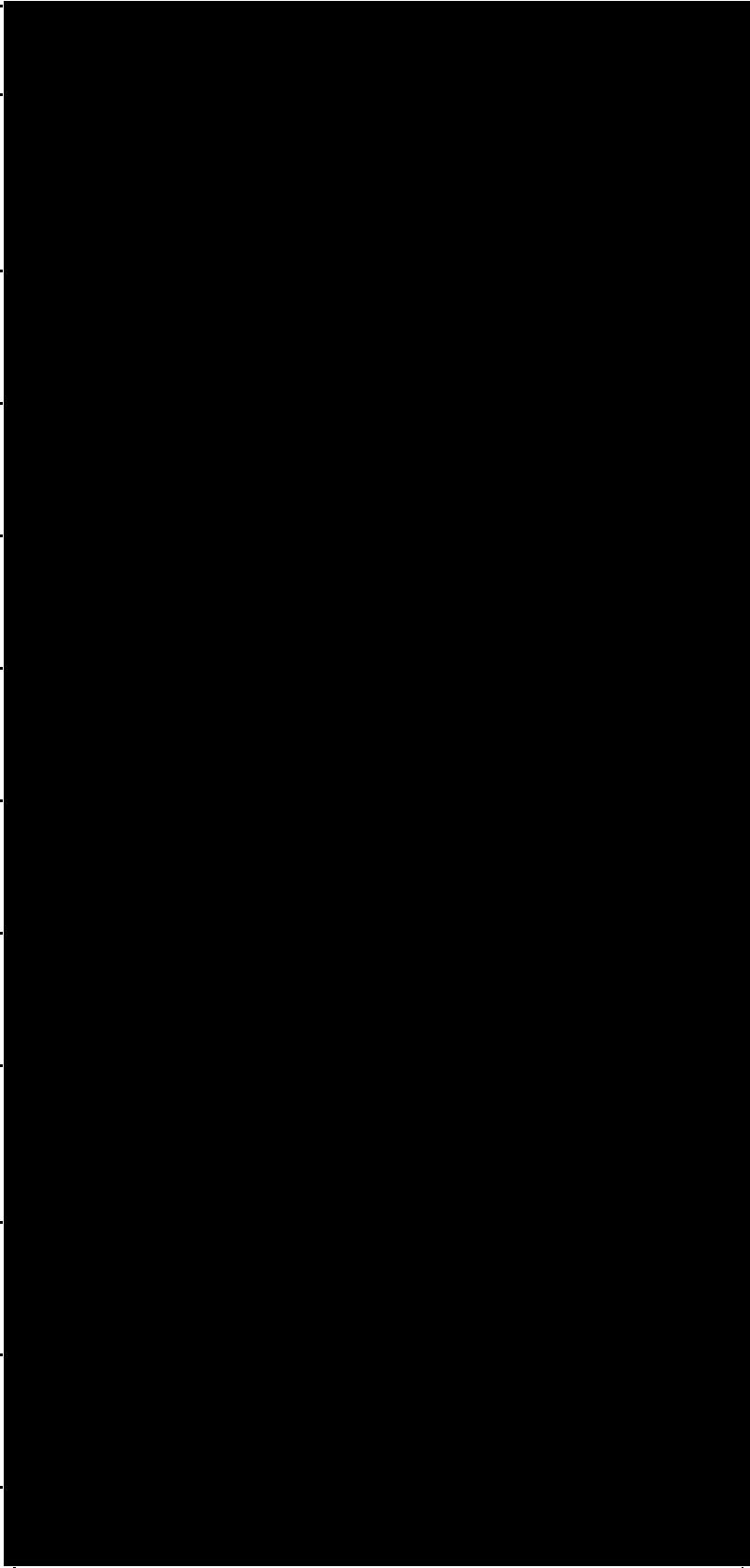
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1-44	016-341-44
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1-46	016-341-46
1-47	016-341-47
1-48	016-341-48
1-49	016-341-49
1-50	016-341-50
1-51	016-341-51
1-52	016-341-52
1-53	016-341-53



PART E
ASSESSMENT ROLL

(Please Refer to Part D – Method of Apportionment of Assessment
for a Summary of Changes to Part E – Assessment Roll)

1-54	016-341-54
1-55	016-341-55
1-56	016-341-56
1-57	016-341-57
1-58	016-341-58
1-59	016-341-59
1-60	016-341-60
1-61	016-341-61
1-62	016-341-62
1-63	016-341-63
1-64	016-341-64



PART E
ASSESSMENT ROLL

(Please Refer to Part D – Method of Apportionment of Assessment
for a Summary of Changes to Part E – Assessment Roll)

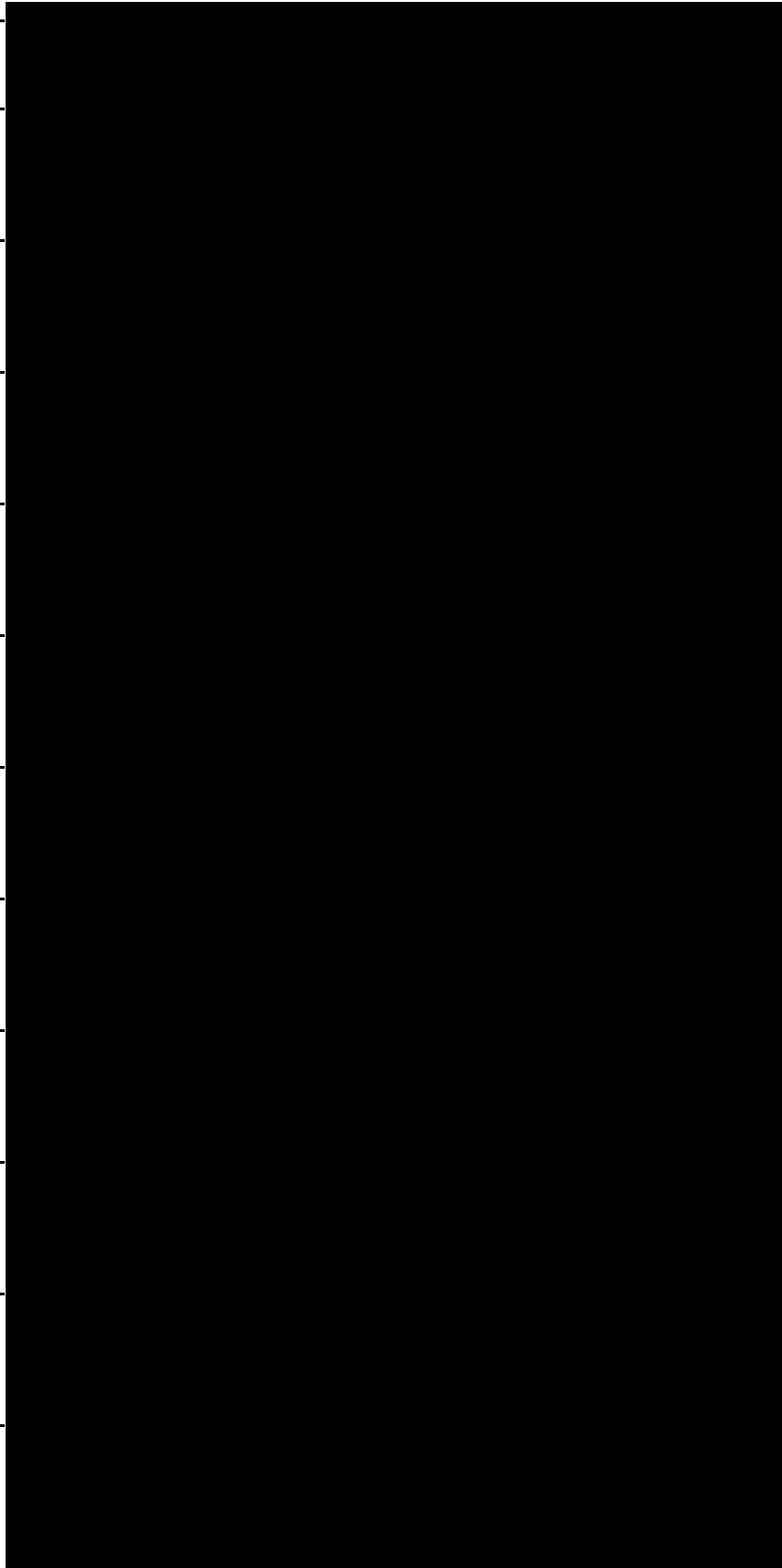
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1-67	016-341-67
1-68	016-341-68
1-69	016-341-69
1-70	016-341-70
1-71	016-341-71
1-72	016-341-72
1-73	016-341-73
1-74	016-341-74
1-75	016-341-75
1-76	016-341-76



PART E
ASSESSMENT ROLL

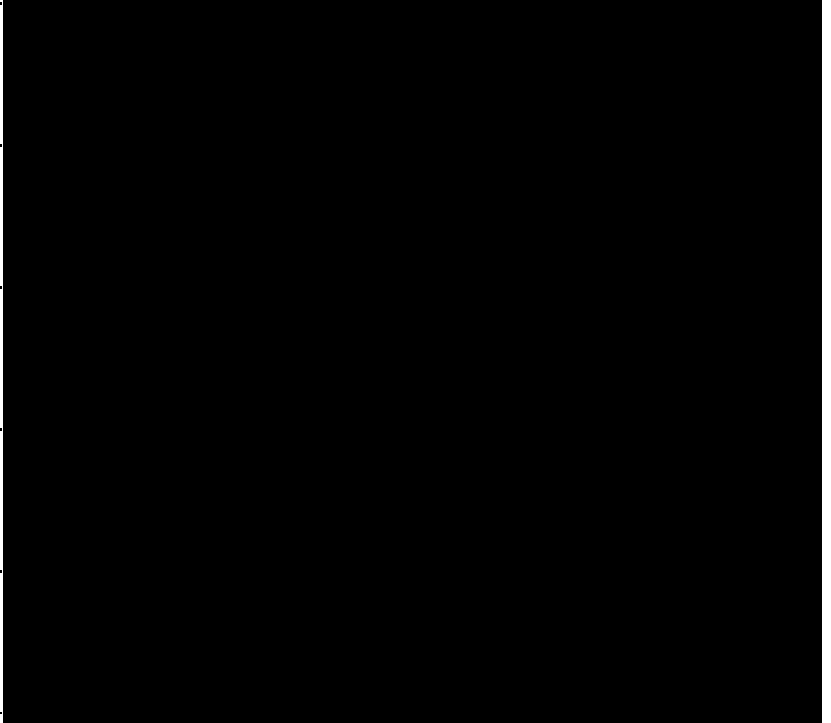
(Please Refer to Part D – Method of Apportionment of Assessment
for a Summary of Changes to Part E – Assessment Roll)

1-77	016-341-77
1-78	016-341-78
1-79	016-341-79
1-80	016-341-80
1-81	016-341-81
1-82	016-341-82
1-83	016-341-83
1-84	016-341-84
1-85	016-341-85
1-86	016-341-86
1-87	016-341-87



PART E
ASSESSMENT ROLL

(Please Refer to Part D – Method of Apportionment of Assessment
for a Summary of Changes to Part E – Assessment Roll)

1-88	016-341-88	
1-89	016-341-89	
1-90	016-341-90	
1-91	016-341-91	
1-92	016-341-92	

PART F
ASSESSMENT DIAGRAM

See sheets 1 through 2 in attached packet.



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

**Prepared by: April Miller, Director of Public Works
Jonathan Schellin, Deputy Director of Public Works**

City Manager Approval: 

TOPIC: BAYPOINT LAGOONS ASSESSMENT DISTRICT

SUBJECT: RESOLUTION CONFIRMING THE ENGINEER’S ANNUAL REPORT FOR THE BAYPOINT LAGOONS ASSESSMENT DISTRICT AND THE ASSESSMENT DIAGRAM CONNECTED THEREWITH AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2024-25

RECOMMENDATION:

Staff recommends the City Council hold a public hearing and adopt the resolution ordering the levy of assessments for fiscal year 2024-25.

BACKGROUND:

To comply with provisions of the Landscaping and Lighting Act of 1972, which governs this type of assessment district, the City Council must approve an Engineer’s report annually. On June 17, 2024, City Council approved three resolutions in accordance with this year’s Engineer’s Annual Report and assessment process:

1. Resolution directing filing of Engineer’s FY 2023-24 Annual Report.
2. Resolution approving Engineer’s FY 2023-24 Annual Report.
3. Resolution of intention to order improvements and setting a public hearing on the annual assessment for the City Council meeting of July 17, 2023.

The Baypoint Lagoons Landscaping and Lighting District (Assessment District) was formed in 1990 to protect and enhance wildlife habitat and water quality in the Baypoint (Spinnaker) Lagoons, the adjacent ponds, and the diked salt marsh. There are four total ponds/lagoons located within the Assessment District. Maintenance provided by this District has historically included mowing around the lagoon, replanting areas with native vegetation, and eradicating exotic plants such as cattails.

Since the mid-2000s, the Baypoint Lagoons Homeowners Association (HOA) has taken a more active role in the landscaping of the lagoon areas. In recent years, the HOA, as opposed to the Assessment District, has funded landscaping and biannual mowing of the grass around the lagoon.

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2

In 2015, the landscaping and eradication of non-native species moved to a manageable maintenance level, and the HOA approached the City with two major concerns: the odor nuisance seasonally emitted from the lagoons and the related need for improvements to the nearby Cayes Stormwater Pump Station. The homeowners agreed Assessment District funds could be used toward these priorities.

The Assessment District has three dedicated funds:

1. Eradication of Exotic Plants Fund

The Eradication of Exotic Plants Fund was established as the primary funding source to protect and enhance the wildlife habitat in the lagoons, ponds, and diked salt marsh located within the district parameters. As noted, the HOA took over the maintenance of the waterfront around the lagoon in the mid-2000s. Since then, the City has performed occasional vegetation maintenance within the lagoon and on the islands.

The Eradication of Exotic Plants Fund balance as of June 30, 2024, is anticipated to be \$44,986.

2. Environmental Monitoring Fund

This fund was set up to address the homeowners' concern over the odor emitted from the lagoons in the summer months. While the salt pond (the primary source of the odor) falls within the boundary of the Assessment District, the pond itself is private property and, therefore, is not within the Assessment District's responsibility to maintain it. However, due to their proximity to the pond and the odor emitted from the main lagoon, members of the Assessment District approached the City in 2014, requesting that funds from the District be allocated to further study odor control options for all lagoons. Since then, the City completed a comprehensive study of lagoon health and options for odor control with Siegel Environmental.

Over the past few years, the City has regulated the water levels in the lagoon by opening and closing a manual gate, which has minimized the odor complaints in the area and facilitated the recharge of the lagoon levels. This has resulted in a low-cost and effective way to mitigate this concern.

The Environmental Monitoring Fund balance as of June 30, 2024, is anticipated to be \$69,853.

3. Cayes Stormwater Pump Station Improvements Fund

Though the Cayes Pump Station is located just outside the Assessment District, the station serves as the key drainage facility, and its regular pumping action keeps it as the odor regulator for the District's lagoon. The Assessment District is concerned with improving the functionality and remote operability of the 50-year-old pump station and, since 2006, has set aside money every year to fund control system improvements. Bringing the control system up to date would allow for a more automated method of controlling the water level to reduce the potential odors caused by hot weather and algae growth.

The Cayes Stormwater Pump Station Improvements Fund is expected to have a balance of \$93,470 as of June 30, 2024.

The City Council is responsible for filing and approving an Annual Engineer's Report for the Assessment District, including a proposed levy and assessment for the upcoming fiscal year. Prior to the final approval of the report each year, the City Council must hold a public hearing to provide

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 3

members of the public with an opportunity to comment on the Annual Report and proposed assessment. Pursuant to the Landscaping and Lighting Act of 1972, the purpose of the public hearing is to comply with requirements of the California Streets and Highways Code (sections referenced):

1. (Section 22628) Any interested person, prior to the conclusion of the hearing, may file a written protest with the clerk, stating their objection to the assessment and Engineer's report as filed;
2. (Section 22630) During the hearing, the City Council may order changes in any of the matters provided in the Engineer's report;
3. (Section 22630.5) If there is a majority protest against the increase of the assessment from any previous year, the proposed increase in the assessment shall be abandoned.
4. (Section 22631) If a majority protest has not been filed, the City Council may adopt a resolution confirming the diagram and assessment, either as originally proposed or as changed.

ANALYSIS:

To advance the goals of homeowners and the District, the City has undergone three major efforts in the last few years. The first was the engineering and design of the reconstruction of Cayes Pump Station. In 2021, the District awarded a design [contract to Cammisa + Wipf](#), who completed 90% of the electrical plans and a construction estimate. In 2020, the cost was estimated at \$372,310, which exceeded the amount of money in the pump station fund. As part of the FY 2023-24 and FY 2024-25 Capital Improvement Programs (CIP), the City continues to evaluate the entire storm drain system, including pump stations, as part of the Storm Drain Master Plan to determine where the City's limited stormwater funds will be allocated. The larger pump station project will have to wait until this process is complete to see where it ranks citywide. However, in FY 2024-25, the City will explore replacing the automatic pump controls. Currently, the City receives many requests to recharge the lagoon for odor control and help remove the water before large storms instead of allowing the lagoons to rise and fall with the tides. Replacing the flap gate and controls with a gate that can be controlled from dry ground will allow the City to improve safety and response time.

In addition, some of the residents of the assessment district have approached the City with concerns over vegetation and invasive species. The City secured a contract with WRA for landscape design work in February 2024 and has held several meetings with some residents and WRA to provide updates on this work. The City expects the design work to be completed in early FY 2024-25. The City will continue to work with the residents on any potential implementation of this design. However, future determinations on funding for implementing this work have not been determined.

The activities for the Assessment District Fund during FY 2023-24 were as follows:

July 1, 2023, Fund Balance **\$224,737**

Revenues

Assessments \$24,100
Interest \$2,816

Total Revenues **\$26,916**

YTD Expenditures

County Admin Fee \$386
Previous Year's Engineer's report \$2,063
Staff Time \$5,475

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 4

Contractual Services (WRA Landscape Design)	\$19,296
Total Expenditures (proj.)	\$27,221

Projected June 30, 2024, Fund Balance **\$224,432**

The attached resolutions provide for filing and approval of the Engineer's 2024-25 Annual Report for the District and setting the public hearing on the assessments.

FISCAL IMPACT:

All revenues and expenses are generated by the Assessment District and are contained within the Baypoint Lagoons Assessment District Fund (Fund No. 235). The proposed FY 2024-25 assessment is \$131.44 per parcel, which has remained unchanged since 1996. In total, this assessment generates \$24,100 in annual revenues. The City incurs indirect General Fund costs related to staff time managing the District, monitoring and adjusting the lagoon water level, and managing the capital improvements at the Cayes Stormwater Pump Station. The Public Works Department has started to track these costs and charge them back to the District. This is a new process for tracking staff time, and the future implementation of the Asset Management software will enable a more comprehensive and detailed accounting of these costs. The District pays for all direct contracted costs.

ENVIRONMENTAL ANALYSIS:

Landscaping and lighting district assessments are exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15378(b)(4) because government fiscal activities that do not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment are not considered a project.

OPTIONS:

The City Council has the following options to consider relating to this item:

1. Conduct the public hearing and adopt the resolution, thus ordering the levy of assessments for fiscal year 2024-25.
2. Do not adopt the resolution, which will result in no levy of assessments for fiscal year 2024-25. This may result in an inability to perform the required improvements in the Assessment District as there will be no revenue collected in the coming year if the levy of assessments is not approved.

RECOMMENDED ACTION: Staff recommends the City Council hold a public hearing and adopt the resolution ordering the levy of assessments for fiscal year 2024-25.

ATTACHMENTS:

1. Resolution ordering the levy and collection of assessments for FY 2024-25
2. Public Hearing Notice
3. [Engineer's Annual Report FY 2024-25](#)
 - a. [Diagram](#)
4. Informal Assessment Diagram

RESOLUTION NO.

RESOLUTION OF THE SAN RAFAEL CITY COUNCIL CONFIRMING THE ENGINEER'S ANNUAL REPORT FOR THE BAYPOINT LAGOONS ASSESSMENT DISTRICT AND THE ASSESSMENT DIAGRAM CONNECTED THEREWITH AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FY 2023-24

WHEREAS, in accordance with Chapter 3 of the Landscaping and Lighting Act of 1972, the City Council directed Al Cornwell, Engineer of Work for the Baypoint Lagoons Landscaping and Lighting District, City of San Rafael, Marin County, California, to prepare and file an annual report for fiscal year 2023-24, a copy of which report is on file in the Department of Public Works and incorporated herein by reference; and

WHEREAS, on June 17, 2024 the City Council adopted its resolution of intention to levy and collect assessments within the assessment district for fiscal year 2024-25 and set a public hearing to be held on July 15, 2024; and

WHEREAS, the Engineer's Annual Report establishes the fiscal year 2024-25 assessment at \$131.44 per parcel, unchanged since 1996; and

WHEREAS, at the public hearing, the City Council provided an opportunity for interested parties to comment on the annual report, either in writing or orally, and the City Council has considered such comments;

NOW, THEREFORE IT IS HEREBY RESOLVED that the City Council does hereby confirm the diagram and assessments as set forth in the annual report of the Engineer of Work and does hereby levy the assessments set forth therein for fiscal year 2024-25.

I, LINDSAY LARA, Clerk of the City of San Rafael, do hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the Council of said City on the 15th day of July 2024, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

RESOLUTION NO. 15300

**SAN RAFAEL CITY COUNCIL RESOLUTION OF INTENTION TO ORDER
IMPROVEMENTS AND SETTING A PUBLIC HEARING ON THE ANNUAL
ASSESSMENT FOR THE CITY COUNCIL MEETING OF JULY 15, 2024**

**BAYPOINT LAGOONS LANDSCAPING AND LIGHTING DISTRICT
(Pursuant to the Landscaping and Lighting Act of 1972)**

THE CITY COUNCIL OF THE CITY OF SAN RAFAEL RESOLVES that:

1. The City Council intends to levy and collect assessments within the Baypoint Lagoons Landscaping and Lighting District, City of San Rafael, Marin County, California, during the fiscal year 2024-25. The area of land to be assessed is located in the City of San Rafael, Marin County.

2. In accordance with this Council's resolution directing the filing of an Engineer's Annual Report, Joanna Kwok, City Engineer, has filed with the City Clerk the report required by the Landscaping and Lighting Act of 1972. All interested persons are referred to that report for a full and detailed description of the improvements, the boundaries of the assessment district and the proposed assessments upon assessable lots and parcels of land within the assessment district.

3. The proposed assessment does not increase the assessment from the previous year.

4. On Monday, the 15th of July, 2024 at the hour of 6:00 o'clock P.M., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held live in person at the City Council Chambers, City Hall, 1400 Fifth Avenue, San Rafael, California 94901.

5. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972 by publishing a copy of this resolution once in the Marin Independent Journal, publication to be completed not less than ten (10) days before July 15, 2024.

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 Council of said City on the 17th day of June 2024, by the following vote, to wit:

AYES: **COUNCILMEMBERS: Bushey, Hill & Mayor Kate**

NOES: **COUNCILMEMBERS: None**

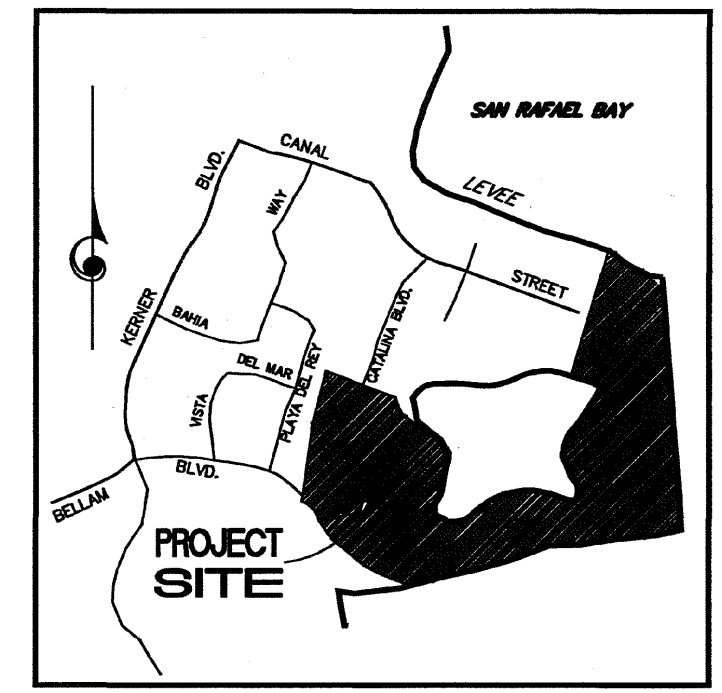
ABSENT: **COUNCILMEMBERS: Llorens Gulati & Kertz**



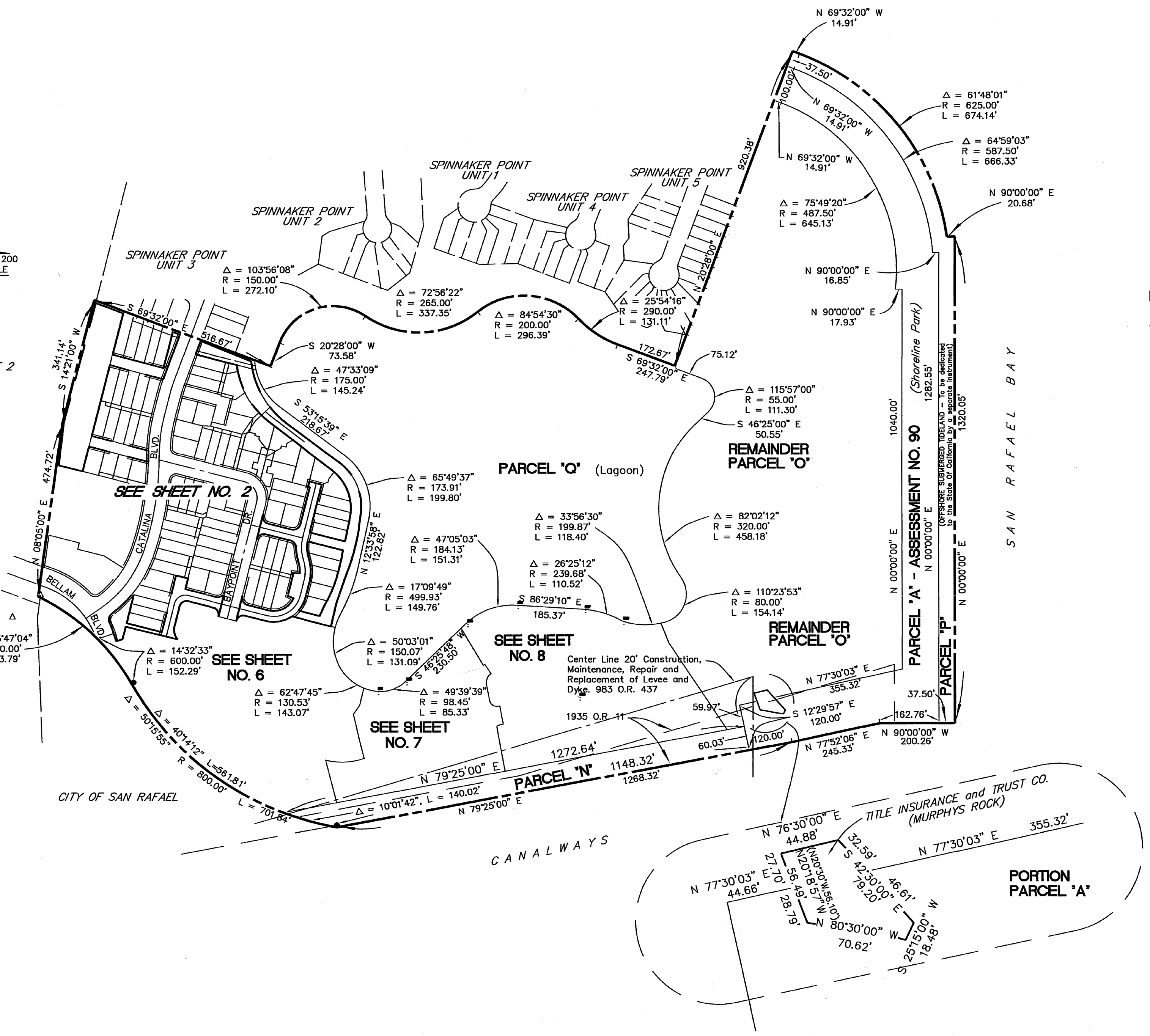
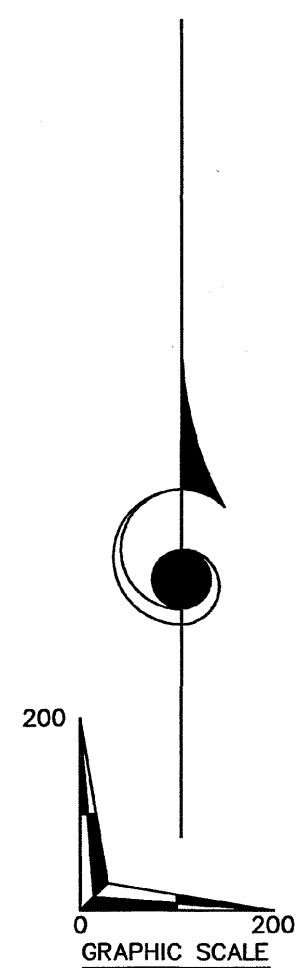
LINDSAY LARA, City Clerk

Engineers Report

https://storage.googleapis.com/proudcity/sanrafaelca/2024/07/3.-Annual-Engineers-Report-Baypoint-Lagoons-Updated-REDACTED_Redacted.pdf



LOCATION MAP
NO SCALE



LEGEND :
ASSESSMENT DISTRICT BOUNDARY

- REVISED 5/05: REVISIONS TO ASSESSOR'S MAP BOOK PAGES: 009-01, 009-36, 009-37, 009-39, 009-41 & 009-42
- REVISED 6/99: SEGREGATION OF PORTION OF PARCEL "O" ADDED SHEET 8.
- REVISED 6/97: SEGREGATION OF PORTION OF PARCEL "O" ADDED SHEET 7.
- REVISED 6/95: SEGREGATION OF PORTION OF PARCEL "O" ADDED SHEET 6.

ASSESSMENT DIAGRAM
BAYPOINT LAGOONS
ASSESSMENT DISTRICT

LANDS OF SPINNAKER POINT DEVELOPMENT, INC.
A CALIFORNIA CORPORATION
DOCUMENT NO. 89-60702
CITY OF SAN RAFAEL

MARIN COUNTY CALIFORNIA
SCALE : 1" = 200'
REVISED MAY 2005

CSW
[St]² CSW/STUBER-STROEH
ENGINEERING GROUP, INC.
CONSULTING ENGINEERS
790 DeLong Ave., Novato, CA. 94945-3246
(415) 892-4763 FAX (415) 892-4502

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA
1	40.00'	38.50'	55°09'00"
2	20.00'	31.42'	90°00'00"
3	20.00'	31.42'	90°00'00"
4	20.00'	31.42'	90°00'00"
5	640.00'	21.94'	01°57'52"

LEGEND :

- ASSESSMENT DISTRICT BOUNDARY
- LOT NUMBER
- PARCEL LINE

NOTE: Common Area means those portions of the subdivision owned or controlled by the Bay Point Lagoons Association for the use and enjoyment of the owners. Exclusive Use Common Area shall be for the exclusive use of the Owner of the designated Lot and shall be appurtenant to that Lot. Each owner shall have the exclusive right to use the Exclusive Use Common Areas that have been allocated to Owner's Lot in this Subdivision.

REVISED 5/05: REVISIONS TO ASSESSOR'S MAP BOOK PAGES: 009-01, 009-36, 009-37, 009-39, 009-41 & 009-42

REVISED 6/97: SEGREGATION OF PORTION OF PARCEL "O" ADDED SHEET 7.

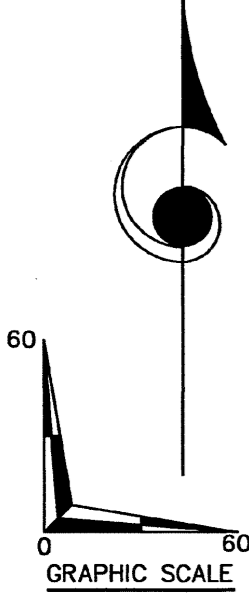
REVISED 6/95: SEGREGATION OF PORTION OF PARCEL "O" ADDED SHEET 6.

**ASSESSMENT DIAGRAM
BAYPOINT LAGOONS
ASSESSMENT DISTRICT**

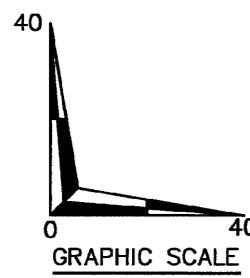
LANDS OF SPINNAKER POINT DEVELOPMENT, INC.
A CALIFORNIA CORPORATION
DOCUMENT NO. 89-60702

CITY OF SAN RAFAEL
MARIN COUNTY CALIFORNIA
SCALE : 1" = 60' REVISED MAY 2005

CSW
[St]² **CSW/STUBER-STROEH**
ENGINEERING GROUP, INC.
CONSULTING ENGINEERS
790 DeLong Ave., Novato, CA. 94945 Sheet 2 of 8

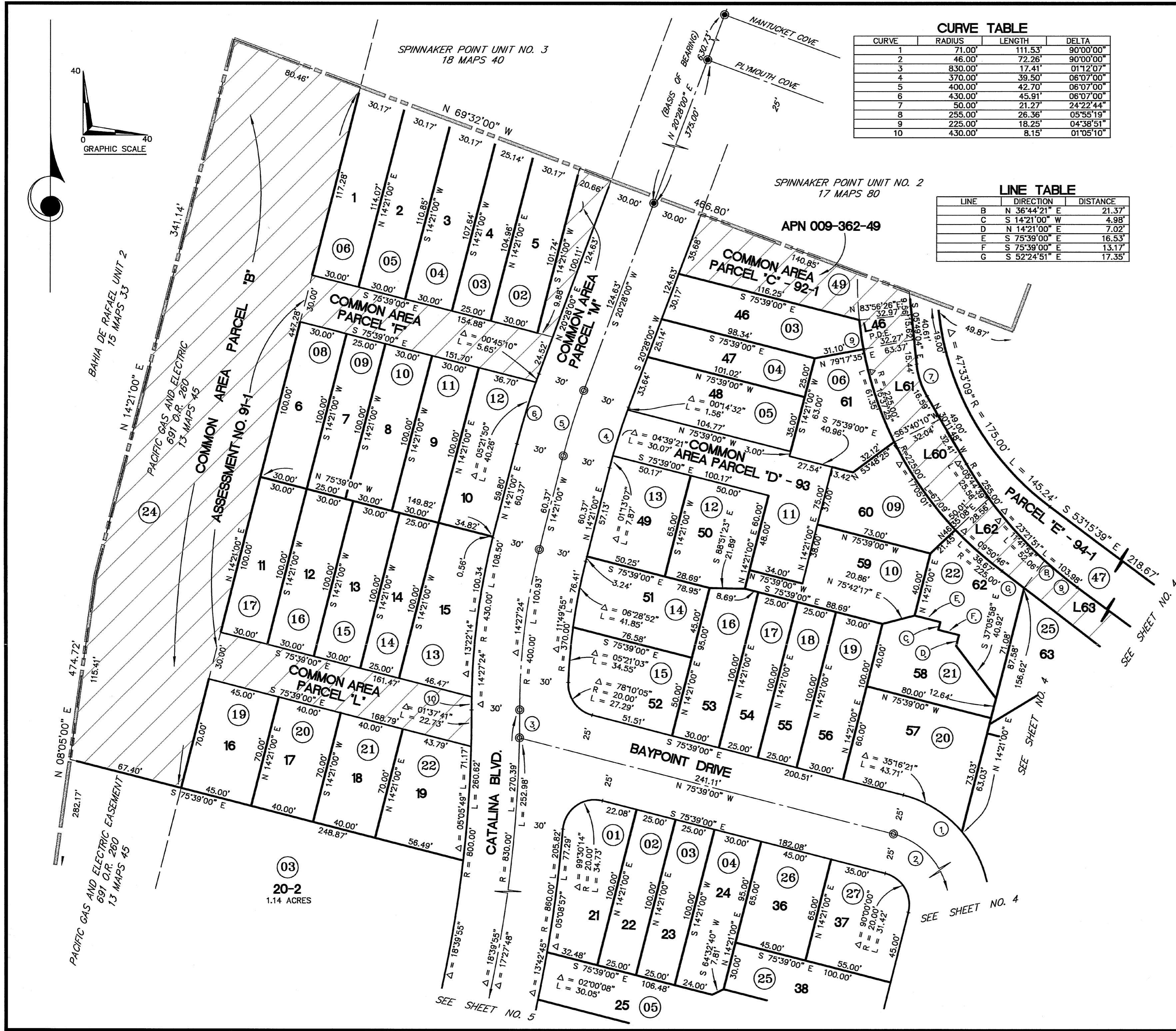


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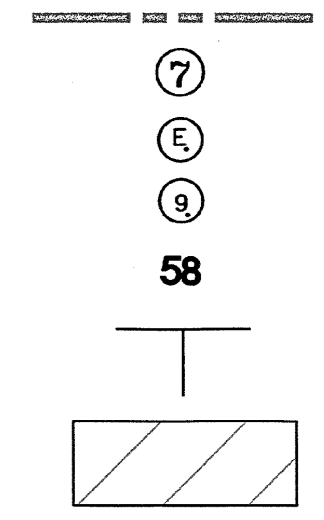
CURVE	RADIUS	LENGTH	DELTA
1	71.00'	111.53'	90°00'00"
2	46.00'	72.26'	90°00'00"
3	830.00'	17.41'	01°12'07"
4	370.00'	39.50'	06°07'00"
5	400.00'	42.70'	06°07'00"
6	430.00'	45.91'	06°07'00"
7	50.00'	21.27'	24°22'44"
8	255.00'	26.36'	05°55'19"
9	225.00'	18.25'	04°38'51"
10	430.00'	8.15'	01°05'10"

LINE	DIRECTION	DISTANCE
B	N 36°44'21" E	21.37'
C	S 14°21'00" W	4.98'
D	N 14°21'00" E	7.02'
F	S 75°39'00" E	16.53'
F	S 75°39'00" E	13.17'
G	S 52°24'51" E	17.35'



LEGEND :

- ASSESSMENT DISTRICT BOUNDARY
- ASSESSOR'S PARCEL NUMBER
- LINE TABLE REFERENCE
- CURVE TABLE REFERENCE
- ASSESSMENT & LOT NUMBER
- PARCEL LINE
- MERGED COMMON AREA PARCELS



REVISED 5/05: REVISIONS TO ASSESSOR'S MAP BOOK PAGES: 009-01, 009-36, 009-37, 009-39, 009-41 & 009-42 - MERGED COMMON AREA PARCELS

REVISED 6/97: SEGREGATION OF PORTION OF PARCEL "0" ADDED SHEET 7.

REVISED 6/95: SEGREGATION OF PORTION OF PARCEL "0" ADDED SHEET 6.

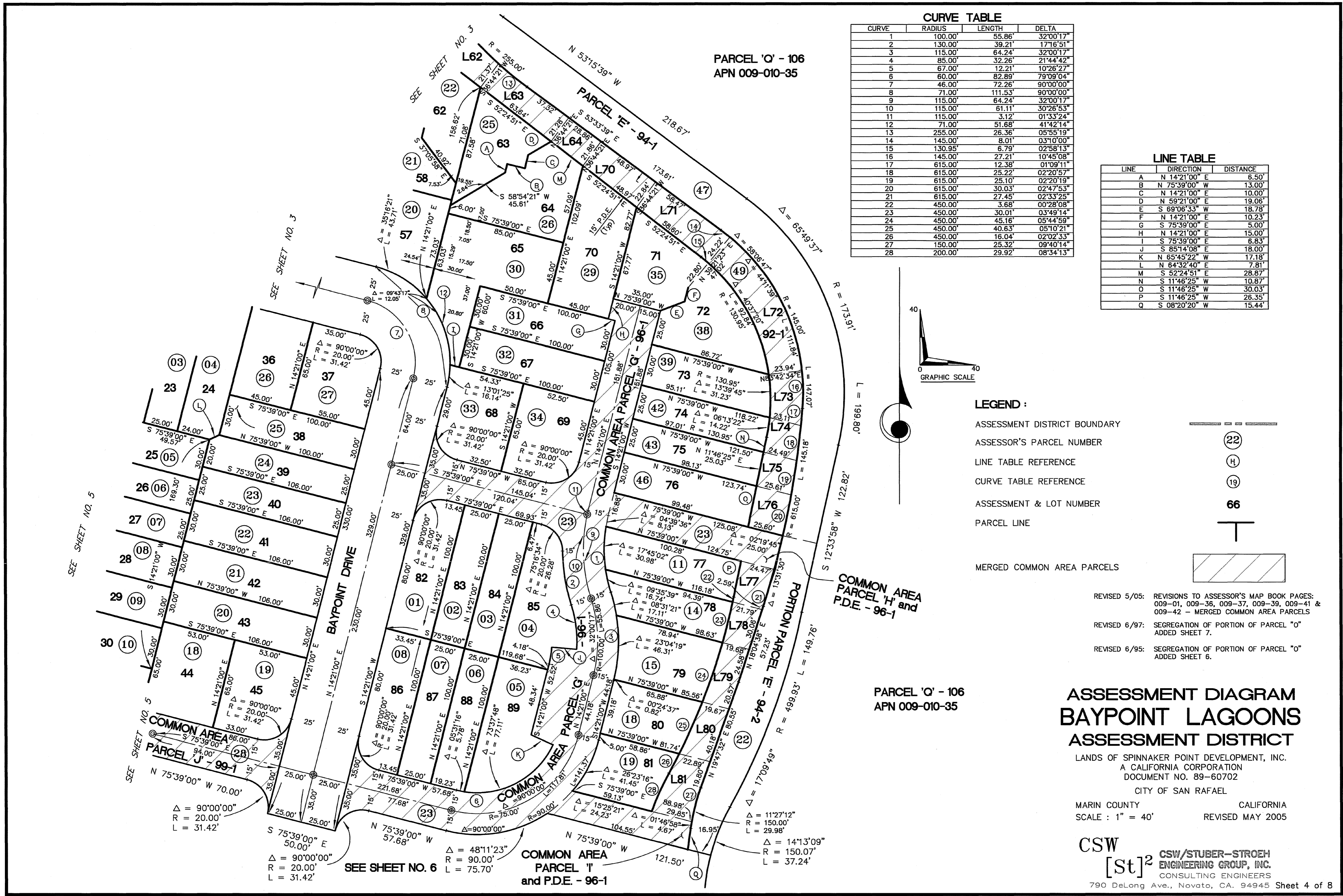
**ASSESSMENT DIAGRAM
BAYPOINT LAGOONS
ASSESSMENT DISTRICT**

LANDS OF SPINNAKER POINT DEVELOPMENT, INC.
A CALIFORNIA CORPORATION
DOCUMENT NO. 89-60702

CITY OF SAN RAFAEL

MARIN COUNTY CALIFORNIA
SCALE : 1" = 40'
REVISED MAY 2005

CSW [St]² CSW/STUBER-STROEH ENGINEERING GROUP, INC.
CONSULTING ENGINEERS
790 DeLong Ave., Novato, CA. 94945 Sheet 3 of 8

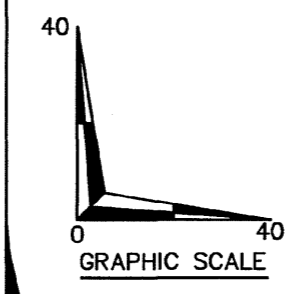


CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA
1	100.00'	55.86'	32°00'17"
2	130.00'	39.21'	17°16'51"
3	115.00'	64.24'	32°00'17"
4	85.00'	32.26'	21°44'42"
5	67.00'	12.21'	10°26'27"
6	60.00'	82.89'	79°09'04"
7	46.00'	72.26'	90°00'00"
8	71.00'	111.53'	90°00'00"
9	115.00'	64.24'	32°00'17"
10	115.00'	61.11'	30°26'53"
11	115.00'	3.12'	01°33'24"
12	71.00'	51.68'	41°42'14"
13	255.00'	26.36'	05°55'19"
14	145.00'	8.01'	03°10'00"
15	130.95'	6.79'	02°58'13"
16	145.00'	27.21'	10°45'08"
17	615.00'	12.38'	01°09'11"
18	615.00'	25.22'	02°20'57"
19	615.00'	25.10'	02°20'19"
20	615.00'	30.03'	02°47'53"
21	615.00'	27.45'	02°33'25"
22	450.00'	3.68'	00°28'08"
23	450.00'	30.01'	03°49'14"
24	450.00'	45.16'	05°44'59"
25	450.00'	40.63'	05°10'21"
26	450.00'	16.04'	02°02'33"
27	150.00'	25.32'	09°40'14"
28	200.00'	29.92'	08°34'13"

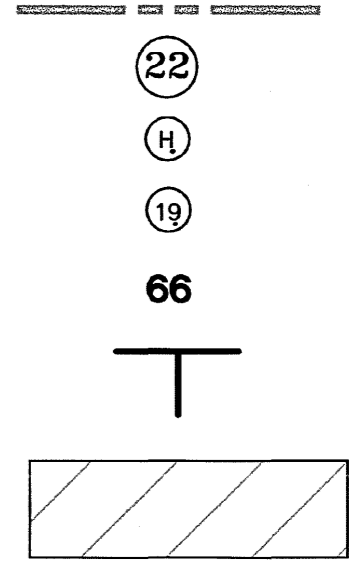
LINE TABLE

LINE	DIRECTION	DISTANCE
A	N 14°21'00" E	6.50'
B	N 75°39'00" W	13.00'
C	N 14°21'00" E	10.00'
D	N 59°21'00" E	19.06'
E	S 69°06'33" W	18.78'
F	N 14°21'00" E	10.23'
G	S 75°39'00" E	5.00'
H	N 14°21'00" E	15.00'
I	S 75°39'00" E	6.83'
J	S 85°14'08" E	18.00'
K	N 65°45'22" W	17.18'
L	N 64°32'40" E	7.81'
M	S 52°24'51" E	28.87'
N	S 11°46'25" W	10.87'
O	S 11°46'25" W	30.03'
P	S 11°46'25" W	26.35'
Q	S 08°20'20" W	15.44'



LEGEND :

- ASSESSMENT DISTRICT BOUNDARY
- ASSESSOR'S PARCEL NUMBER
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- CURVE TABLE REFERENCE
- ASSESSMENT & LOT NUMBER
- PARCEL LINE
- MERGED COMMON AREA PARCELS



- REVISED 5/05: REVISIONS TO ASSESSOR'S MAP BOOK PAGES: 009-01, 009-36, 009-37, 009-39, 009-41 & 009-42 - MERGED COMMON AREA PARCELS
- REVISED 6/97: SEGREGATION OF PORTION OF PARCEL "O" ADDED SHEET 7.
- REVISED 6/95: SEGREGATION OF PORTION OF PARCEL "O" ADDED SHEET 6.

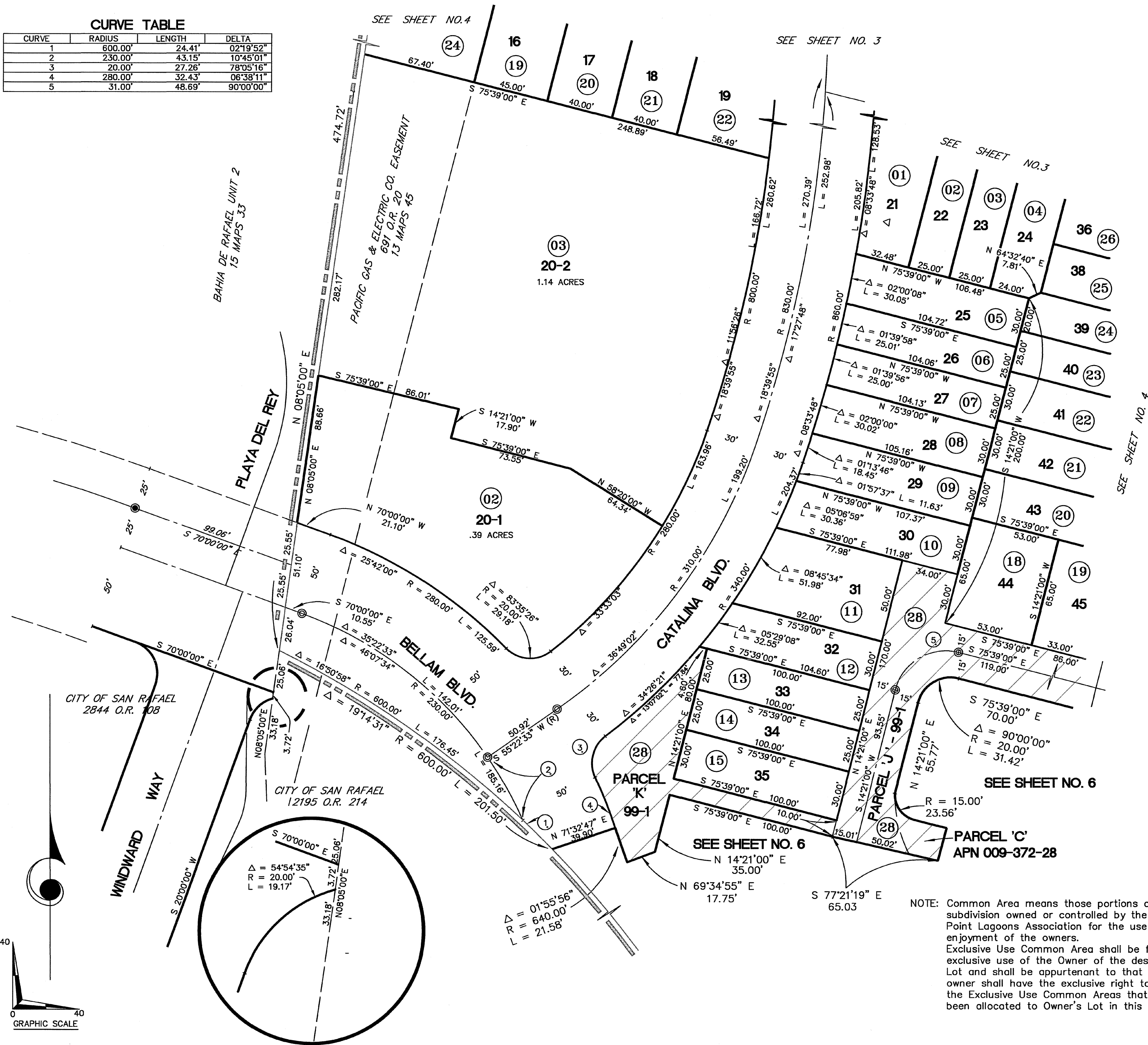
**ASSESSMENT DIAGRAM
BAYPOINT LAGOONS
ASSESSMENT DISTRICT**

LANDS OF SPINNAKER POINT DEVELOPMENT, INC.
A CALIFORNIA CORPORATION
DOCUMENT NO. 89-60702
CITY OF SAN RAFAEL
MARIN COUNTY CALIFORNIA
SCALE : 1" = 40' REVISED MAY 2005

CSW
[St]² **CSW/STUBER-STROEH
ENGINEERING GROUP, INC.**
CONSULTING ENGINEERS
790 DeLong Ave., Novato, CA. 94945 Sheet 4 of 8

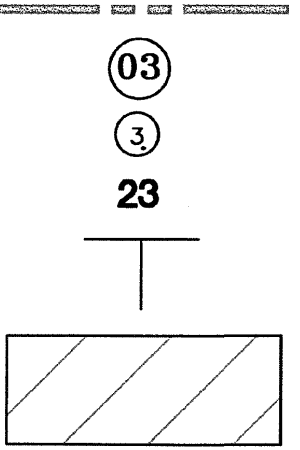
CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA
1	600.00'	24.41'	02°19'52"
2	230.00'	43.15'	10°45'01"
3	20.00'	27.26'	78°05'16"
4	280.00'	32.43'	06°38'11"
5	31.00'	48.69'	90°00'00"



LEGEND :

- ASSESSMENT DISTRICT BOUNDARY
- ASSESSOR'S PARCEL NUMBER
- CURVE TABLE REFERENCE
- ASSESSMENT & LOT NUMBER
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**ASSESSMENT DIAGRAM
BAYPOINT LAGOONS
ASSESSMENT DISTRICT**

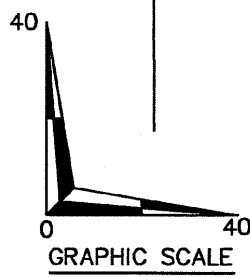
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DOCUMENT NO. 89-60702

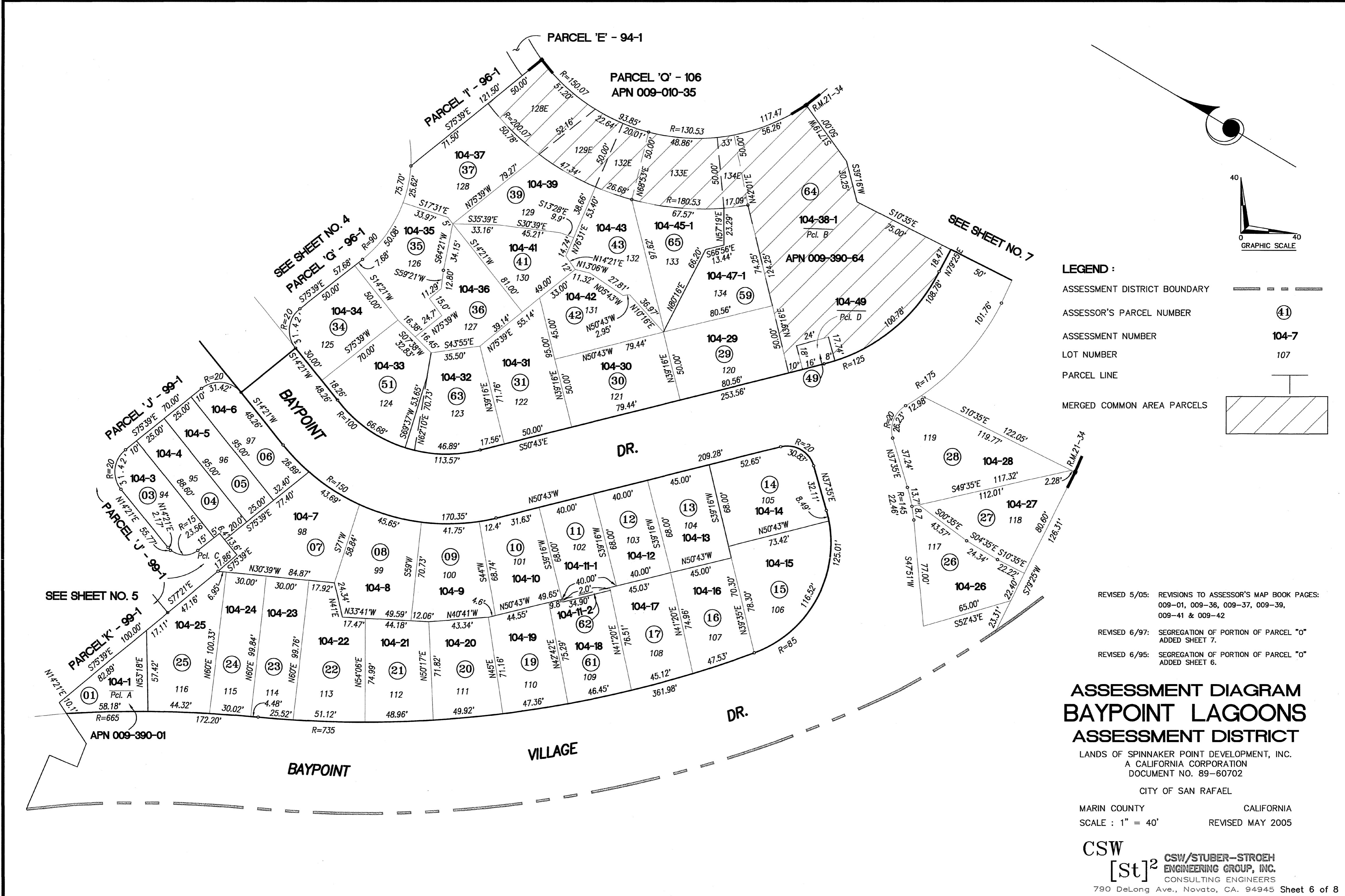
CITY OF SAN RAFAEL

MARIN COUNTY CALIFORNIA
SCALE : 1" = 40' REVISED MAY 2005

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ENGINEERING GROUP, INC.
CONSULTING ENGINEERS
790 DeLong Ave., Novato, CA. 94945

NOTE: Common Area means those portions of the subdivision owned or controlled by the Bay Point Lagoons Association for the use and enjoyment of the owners. Exclusive Use Common Area shall be for the exclusive use of the Owner of the designated Lot and shall be appurtenant to that Lot. Each owner shall have the exclusive right to use the Exclusive Use Common Areas that have been allocated to Owner's Lot in this Subdivision.





LEGEND :

- ASSESSMENT DISTRICT BOUNDARY
- ASSESSOR'S PARCEL NUMBER
- ASSESSMENT NUMBER **104-7**
- LOT NUMBER **107**
- PARCEL LINE
- MERGED COMMON AREA PARCELS

- REVISED 5/05: REVISIONS TO ASSESSOR'S MAP BOOK PAGES: 009-01, 009-36, 009-37, 009-39, 009-41 & 009-42
- REVISED 6/97: SEGREGATION OF PORTION OF PARCEL "O" ADDED SHEET 7.
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**ASSESSMENT DIAGRAM
BAYPOINT LAGOONS
ASSESSMENT DISTRICT**

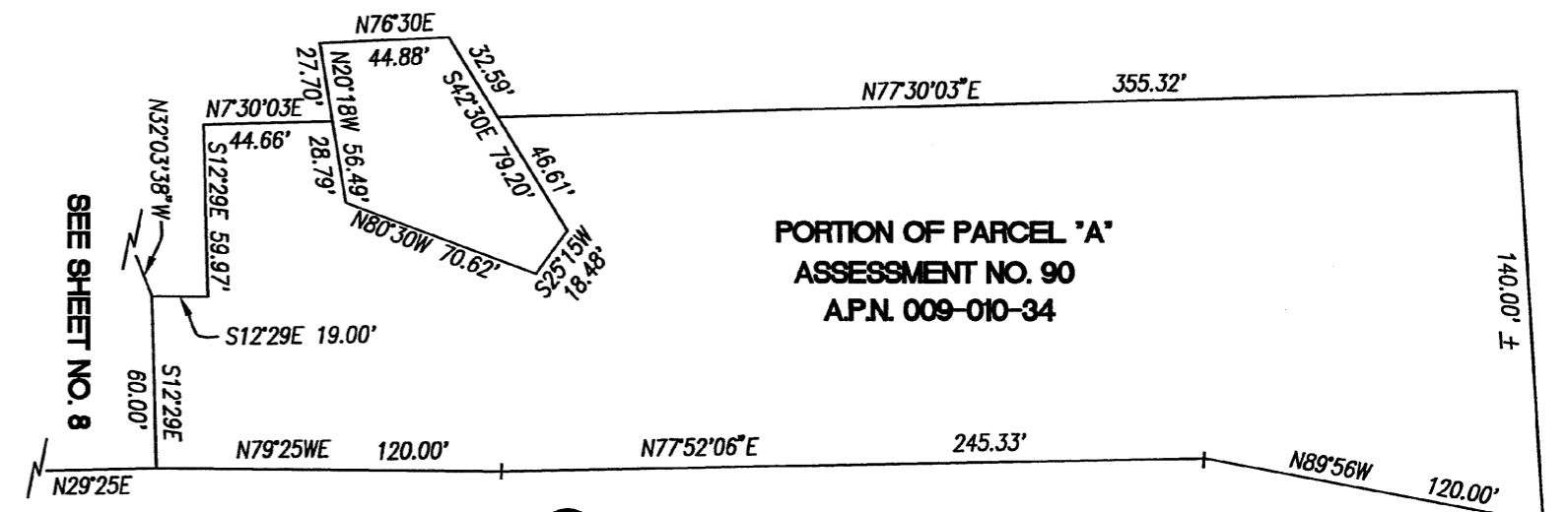
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[St]² CSW/STUBER-STROEH
ENGINEERING GROUP, INC.
CONSULTING ENGINEERS
790 DeLong Ave., Novato, CA. 94945 Sheet 6 of 8

CURVE	RADIUS	LENGTH	DELTA
1	125.0000	4.3112	01°58'34"
2	20.0000	32.1057	91°58'34"
3	30.0000	34.5329	65°57'11"
4	60.0000	9.7785	09°20'16"
5	60.0000	15.9104	15°11'36"
6	60.0000	9.3992	08°58'32"
7	60.0000	25.7614	24°36'01"
8	60.0000	8.2164	07°50'46"
9	20.0000	21.1288	60°31'46"
10	75.0000	38.3587	29°18'14"
11	75.0000	18.6928	14°16'49"
12	75.0000	21.4715	16°24'11"
13	148.4500	13.0370	05°01'54"
14	148.3251	40.5957	15°40'53"
15	148.4500	45.2613	17°28'09"
16	148.9539	29.7739	11°27'10"
17	180.4921	11.4044	03°37'13"
18	180.5300	23.9814	07°36'40"
19	130.5300	17.3397	07°36'40"
20	130.5300	8.2456	03°37'10"
21	99.0195	19.7455	11°25'31"
22	98.4500	8.6460	05°01'54"
23	121.1492	10.5753	05°00'05"
24	75.0000	10.9343	08°21'12"
25	98.6563	30.0173	17°25'58"
26	98.4500	26.9226	15°40'06"



LEGEND :

- ASSESSMENT DISTRICT BOUNDARY
- ASSESSOR'S PARCEL NUMBER
- CURVE TABLE REFERENCE
- ASSESSMENT NUMBER
- LOT NUMBER
- PARCEL LINE
- MERGED COMMON AREA PARCELS

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REVISED 6/97: SEGREGATION OF PORTION OF PARCEL "O" ADDED SHEET 7.

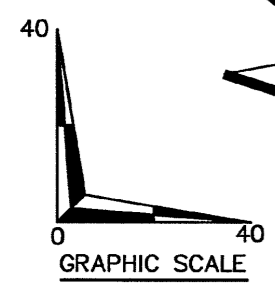
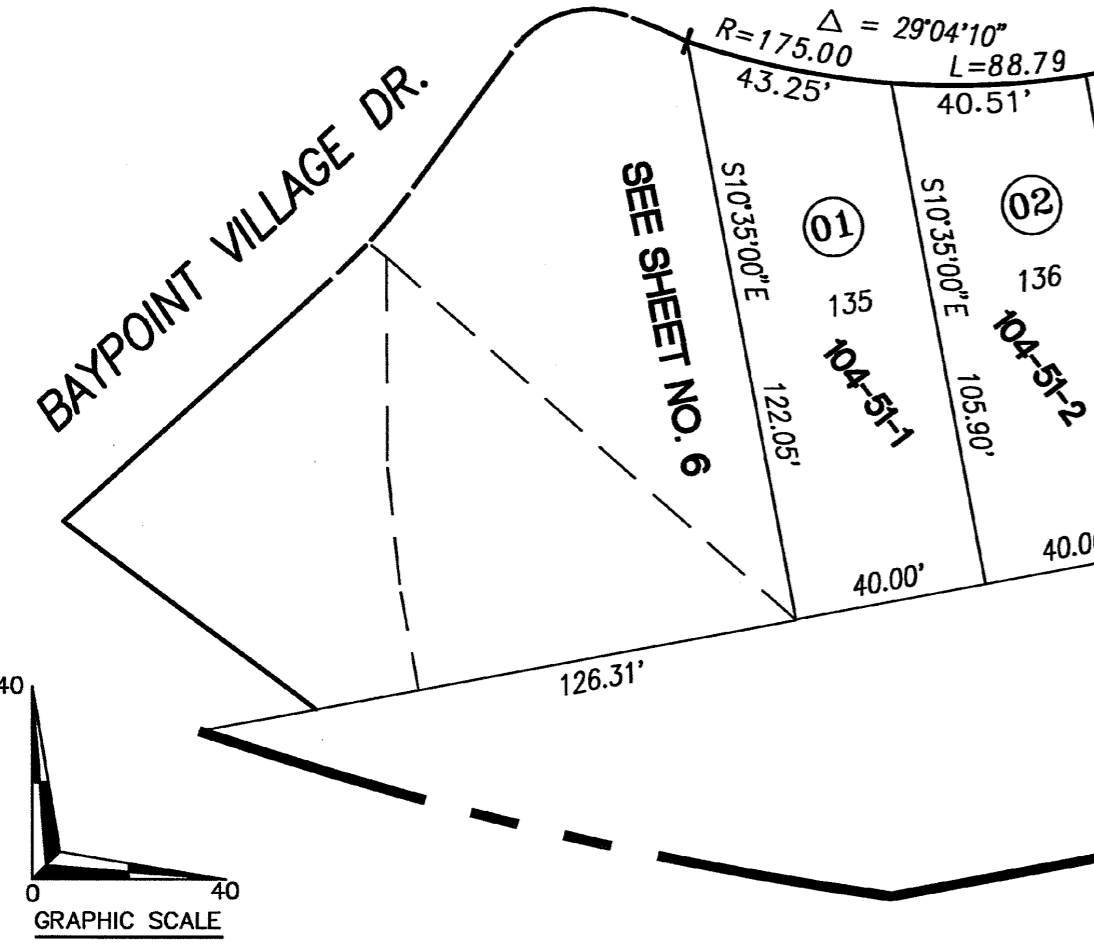
REVISED 6/95: SEGREGATION OF PORTION OF PARCEL "O" ADDED SHEET 6.

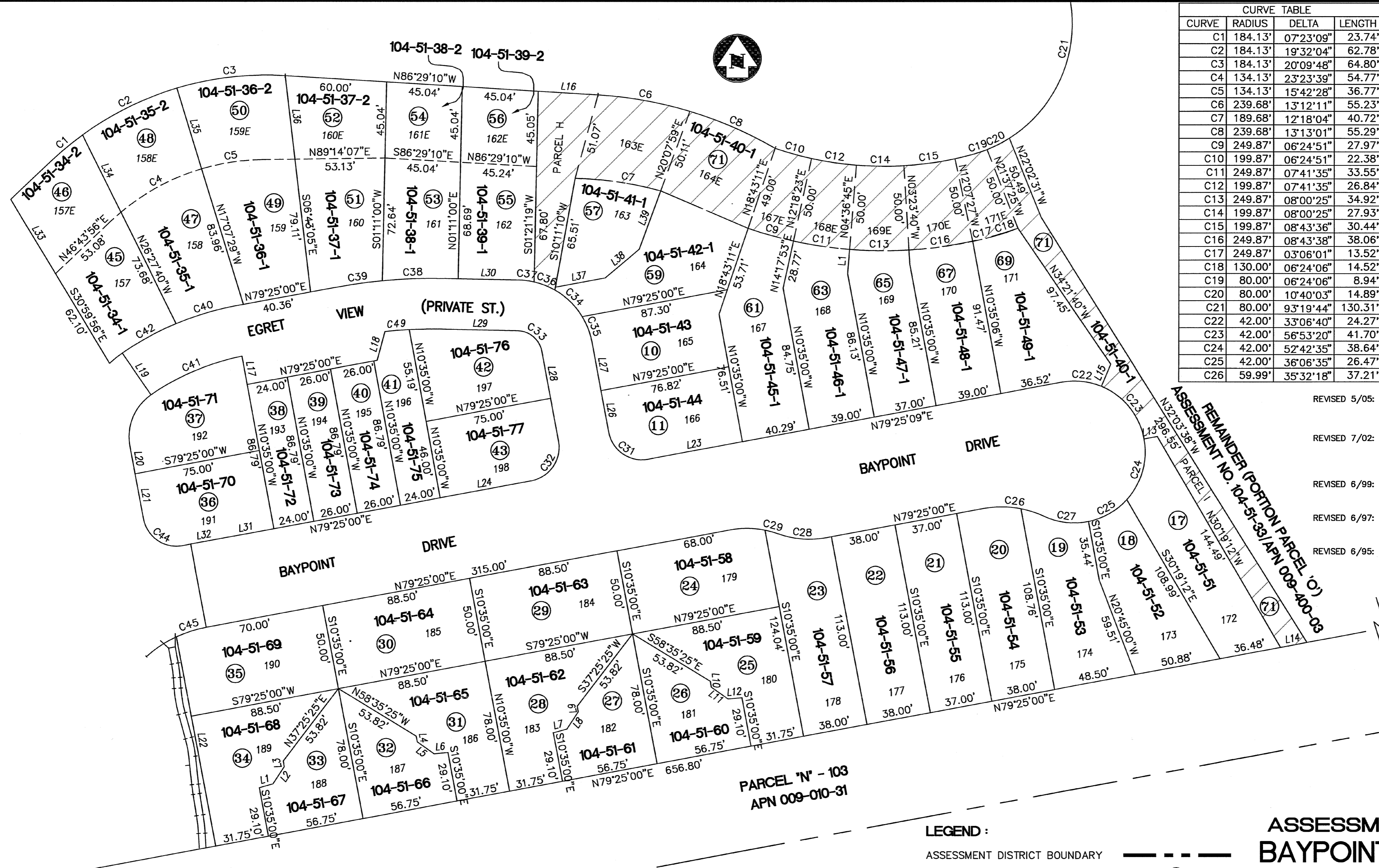
ASSESSMENT DIAGRAM BAYPOINT LAGOONS ASSESSMENT DISTRICT

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MARIN COUNTY CALIFORNIA
SCALE : 1" = 40' REVISED MAY 2005

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CONSULTING ENGINEERS
790 DeLong Ave., Novato, CA. 94945 Sheet 7 of 8





CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	184.13'	07°23'09"	23.74'
C2	184.13'	19°32'04"	62.78'
C3	184.13'	20°09'48"	64.80'
C4	134.13'	23°23'39"	54.77'
C5	134.13'	15°42'28"	36.77'
C6	239.68'	13°12'11"	55.23'
C7	189.68'	12°18'04"	40.72'
C8	239.68'	13°13'01"	55.29'
C9	249.87'	06°24'51"	27.97'
C10	199.87'	06°24'51"	22.38'
C11	249.87'	07°41'35"	33.55'
C12	199.87'	07°41'35"	26.84'
C13	249.87'	08°00'25"	34.92'
C14	199.87'	08°00'25"	27.93'
C15	199.87'	08°43'36"	30.44'
C16	249.87'	08°43'38"	38.06'
C17	249.87'	03°06'01"	13.52'
C18	130.00'	06°24'06"	14.52'
C19	80.00'	06°24'06"	8.94'
C20	80.00'	10°40'03"	14.89'
C21	80.00'	93°19'44"	130.31'
C22	42.00'	33°06'40"	24.27'
C23	42.00'	56°53'20"	41.70'
C24	42.00'	52°42'35"	38.64'
C25	42.00'	36°06'35"	26.47'
C26	59.99'	35°32'18"	37.21'

C27	42.00'	36°43'33"	26.92'
C28	55.00'	30°16'22"	29.06'
C29	55.00'	08°23'19"	8.05'
C30	55.00'	21°53'02"	21.01'
C31	20.00'	90°00'00"	31.42'
C32	20.00'	90°00'00"	31.42'
C33	15.00'	78°14'00"	20.48'
C34	45.00'	28°57'29"	22.74'
C35	45.00'	20°42'16"	16.26'
C36	45.00'	16°46'35"	13.18'
C37	45.00'	11°47'40"	9.26'
C38	315.00'	06°39'41"	36.62'
C39	315.00'	05°06'19"	28.07'
C40	175.00'	12°06'27"	36.98'
C41	145.00'	23°18'42"	59.00'
C42	175.00'	11°56'23"	36.47'
C43	30.00'	65°57'11"	34.53'
C44	20.00'	91°58'34"	32.11'
C45	75.00'	14°16'49"	18.69'

- REVISED 5/05: REVISIONS TO ASSESSOR'S MAP BOOK PAGES: 009-01, 009-36, 009-37, 009-39, 009-41 & 009-42 - MERGED COMMON AREA PARCELS
- REVISED 7/02: SEGREGATION OF PARCELS 104-51-34 THROUGH 104-51-39, 104-51-42, AND 104-51-45 THROUGH 104-51-49
- REVISED 6/99: SEGREGATION OF PORTION OF PARCEL "O" ADDED SHEET 8.
- REVISED 6/97: SEGREGATION OF PORTION OF PARCEL "O" ADDED SHEET 7.
- REVISED 6/95: SEGREGATION OF PORTION OF PARCEL "O" ADDED SHEET 6.

LINE TABLE		
LINE	LENGTH	BEARING
L1	8.38	N74°10'43"E
L2	12.08	S33°32'01"W
L3	3.47	S10°35'00"E
L4	3.47	S10°35'00"E
L5	12.08	S54°42'01"E
L6	8.38	S84°39'17"W
L7	8.38	N74°10'43"E
L8	12.08	S33°32'01"W
L9	3.47	S10°35'00"E
L10	3.47	S10°35'00"E

L11	12.08	S54°42'01"E
L12	8.38	S84°39'17"W
L13	7.93	N79°25'00"E
L14	15.94	N79°25'00"E
L15	14.11	N22°31'40"E
L16	35.31	S86°29'10"E
L17	16.99	S10°35'00"E
L18	17.73	S15°06'13"W
L19	30.00	N34°37'49"W
L20	16.81	S10°35'00"E
L21	27.09	S10°35'00"E
L22	125.69	S10°35'00"E

L23	56.82	N79°25'00"E
L24	55.00	N79°25'00"E
L25	26.00	N10°35'00"W
L26	25.00	N10°35'00"W
L27	29.09	N10°35'00"W
L28	28.09	N10°35'00"W
L29	44.26	N88°49'00"W
L30	35.80	N88°49'00"W
L31	32.66	N79°25'00"E
L32	17.34	N79°25'00"E
L33	51.23	S30°59'56"E

L34	51.01	N26°27'40"W
L35	50.00	N17°07'29"W
L36	49.76	S06°43'05"E
L37	29.81	S79°25'00"W
L38	26.38	S49°40'00"W
L39	36.71	N20°07'59"E

LEGEND :

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ASSESSMENT DIAGRAM BAYPOINT LAGOONS ASSESSMENT DISTRICT

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CSW
[St]² CSW/STUBER-STROEHL
ENGINEERING GROUP, INC.
CONSULTING ENGINEERS
790 DeLong Ave., Novato, CA. 94945 Sheet 8 of 8

B-1608.08

Attachment 4: Informal Assessment Diagram



Baypoint Lagoon's Assessment district (outlined in yellow)



SAN RAFAEL
THE CITY WITH A MISSION

Agenda Item No: 5.b

Meeting Date: July 15, 2024

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

**Prepared by: April Miller, Director of Public Works
Jonathan Schellin, Deputy Director of Public
Works**

City Manager Approval: _____

TOPIC: POINT SAN PEDRO ROAD MEDIAN LANDSCAPING ASSESSMENT DISTRICT

SUBJECT: RESOLUTION CONFIRMING THE ENGINEER'S ANNUAL LEVY REPORT FOR THE POINT SAN PEDRO ROAD MEDIAN LANDSCAPING ASSESSMENT DISTRICT AND THE ASSESSMENT DIAGRAM CONNECTED THEREWITH AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FY 2024-25

RECOMMENDATION:

Staff recommends that the City Council hold the public hearing and adopt the resolution ordering the levy of assessments.

BACKGROUND:

To comply with provisions of the [Landscaping and Lighting Act of 1972](#), which governs this assessment district, the City Council must approve an Engineer's report for the Point San Pedro Median Landscaping Assessment District annually. On June 17, 2024, City Council adopted three resolutions in accordance with this year's Annual Engineer's Report and assessment process:

1. Resolution Directing Filing of Engineer's FY 2024-25 Annual Report
2. Resolution Approving Engineer's FY 2024-25 Annual Report
3. Resolution of Intention to Order Improvements and Setting a Public Hearing on the Annual Assessment for the City Council meeting of July 15, 2024

In 2011, the Point San Pedro Road Median Landscaping District was formed to generate revenue to reconstruct, repair, and maintain the 29 median islands along Point San Pedro Road, from Union Street to Biscayne Drive. While the medians are located within the San Rafael City limits, pockets of unincorporated County of Marin regions are served by Point San Pedro Road. Therefore, the City and the County are vested in and responsible for the medians. The original medians were constructed half a century ago, but over time, their infrastructure decayed to the point of needing replacement. Moreover, due to significant staffing and budgetary cutbacks, landscaping maintenance for the medians before the formation of the assessment District had been reduced to vegetation trimming to control overgrowth. Over time, existing plants and

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2

irrigation infrastructure had deteriorated significantly so that little of the original landscaping remained, besides some of the trees and vegetation that survived with little water.

As a result, a group of property owners near Point San Pedro Road (both within the City limits of the City of San Rafael and in the immediate contiguous unincorporated area of the County of Marin) organized an effort to form an assessment district to fund the capital costs associated with reconstruction and restoration of the landscaping within the Point San Pedro Road medians, as well as the ongoing maintenance and operation of those improvements. As a part of the formation of the assessment district, the City of San Rafael and unincorporated portions of the County of Marin entered a Memorandum of Understanding (MOU) in which the City of San Rafael was designated as the lead agency for managing the assessment district.

Since the formation of the District, the City has worked closely with several community members on the Point San Pedro Road Coalition's Roadway Committee, who have assisted not only in recommendations and oversight of the medians but have also served as key community liaisons between the City and the residents within the assessment District. These community members have served as the "citizen's oversight" committee for the District. Department of Public Works (DPW) staff routinely meet with these representatives, provide updates on the maintenance of the medians, and take in feedback from the residents in the area. DPW staff also work closely with those community members on key decisions on financial planning for the assessment District.

The annual assessment has two components:

1. Capital debt service assessment

This amount is to finance the debt service associated with the large capital costs of reconstructing the medians in 2014. The total project cost was \$1,703,245, including design and construction management expenditures. The total amount bonded for the capital portion of the District was \$1,750,000.

The total annual debt service payment for the assessment district is outlined in the 20-year debt service schedule in the Annual Engineer's Report. The annual collection for debt service is \$160,181. When the District was formed, residents were allowed to prepay the capital portion of the assessment, and some chose this option.

2. Operations and maintenance assessment

This portion of the assessment is intended to fund the annual operations and maintenance portion of the assessment District. Operations and maintenance costs include:

- Monthly contractual maintenance for all 29 medians
- Landscaping repairs and plant replacement
- Staff time to coordinate and manage contract services as well as minor repairs
- Irrigation system maintenance and repairs
- Utilities (water and electricity)
- Financial services for the administration of the assessment District (Engineer's report)
- Annual fee charged by County of Marin Assessors' Office for collection of assessments

Total operation and maintenance costs for FY 2024-25 are projected to be \$155,286.

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 3

The San Rafael City Council is responsible for filing and approving an Annual Engineer’s Report for the assessment district, which includes a proposed levy and assessment for the upcoming Fiscal Year 2024-25. Prior to the final approval of the report and the levy of assessments each year, the City Council must hold a public hearing to provide members of the public with an opportunity to comment on the Annual Report and proposed assessment. Pursuant to the Landscaping and Lighting Act of 1972, the purpose of the public hearing is to comply with requirements of the California Streets and Highways code (sections referenced):

1. (Section 22628) Any interested person, prior to the conclusion of the hearing, may file a written protest with the clerk, stating their objection to the assessment and Engineer’s report as filed;
2. (Section 22630) During the hearing, the City Council may order changes in any of the matters provided in the Engineer’s report;
3. (Section 22630.5) If there is a majority protest against the increase of the assessment from any previous year, the proposed increase in the assessment shall be abandoned.
4. (Section 22631) If a majority protest has not been filed, the City Council may adopt a resolution confirming the diagram and assessment, either as originally proposed or as changed. The adoption of the resolution confirms the levy of an assessment for FY 2022-23.

ANALYSIS

From FY 2013-14 to FY 2017-18, the total annual assessment remained flat at \$79.48. While the assessment stayed flat, the revenue generated did not keep up with the actual operations and maintenance costs for the 29 medians. The revenue generated under the \$79.48 assessment for operation and maintenance costs was \$82,814, while the actual operational cost was closer to \$110,150. Year after year, the difference was made up by the steady use of a modest Operation and Maintenance Fund balance. Though there was the ability to increase the total assessment by 3% each year, the City did not elect to bring forward an increase in prior years due to input from the citizen’s oversight committee (“committee”). The City and committee agreed to first understand the issues and full costs associated with maintaining the relatively new medians to a standard that meets the community’s expectations before pursuing an increase in the assessment.

In recent years, the City and the committee have made considerable progress in resolving community’ concerns about the maintenance expectations of the medians. Since FY 2018-19, the City and committee have agreed to raise the assessment annually up to the maximum allowable rate to bring the revenues generated from the annual assessment closer to the actual annual maintenance costs for the 29 medians.

The District has two funds: An Operation and Maintenance Reserve Fund and a Capital & Debt Service Reserve Fund. The estimated Year End Fund balances are as follows:

Fund	6-30-24 Fund Balance (Projected)
Operation and Maintenance Reserve Fund #234	\$189,610
Capital & Debt Service Reserve Fund #714	\$278,926

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 4

The fund balance in the Operations and Maintenance Reserve Fund #234 may be used for regular maintenance activities and broader improvements. The Capital and Debt Service Reserve Fund #714 is restricted for capital improvements related to the initial reconstruction of the medians.

While the District has reduced the gap between the revenue generated and expenses, a shortfall remains. Per the District formation documents, annual assessments can be increased up to 3% or the value of the Consumer Price Index (CPI), whichever is greater. The CPI as of February 2024 was 2.7% for the San Francisco-Oakland-Hayward region, which San Rafael uses to calculate inflation. Therefore, the City recommends a rate increase of 3% for FY 2024-25, resulting in an assessment of \$115.98 per parcel per year (see chart below). This increase in revenue will offset the increased costs for maintenance and utilities (mostly water and electricity) for the District.

The assessment proposed for FY 2024-25 is the maximum allowable rate of \$115.98. The assessment District does not need to return to the voters of the assessment District for approval of the increase per Proposition 218, as the increase is within the amount allowed for in the formation documents.

The FY 2024-25 assessment is composed of:

Debt Service Assessment (Not Prepaid)**	\$58.70 per EBU*
Non-Bonded Assessment (annual Operation and Maintenance costs)	\$57.28 per EBU*
Total FY 2024-25 Assessment	\$115.98 per EBU*

**EBU = Equivalent Benefit Unit method of assessment apportionment establishes a basic unit (base value) of benefit and then calculates the benefit derived by each assessed parcel as a multiple (or a fraction) of the basic unit. Details for how the EBU applies to other land uses, such as apartments and businesses, are outlined in the Engineer’s Report.*

*** When the assessment District was first established, property owners were allowed to make a pre-payment for the improvement cost. Parcels that have prepaid or paid off their full assessment lien (bonded obligation) are no longer levied for the Debt Service Assessment but will continue to pay their proportionate share of the Non-Bonded Operation and Maintenance Assessment.*

A four-year history of assessments is as follows:

	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25
Total Assessment	\$99.79	\$102.78	\$108.12	\$114.30	\$115.98
% Increase over prior year for O&M	3%	3%	5.2%	5.7%	3%
Operations & Maintenance Revenue Generated*	\$138,613	\$150,107	\$164,514	\$173,897	\$179,151

The total proposed increase per parcel per year over last year’s rate is \$1.68. The revenue generated from this increase will be used to support the operation and maintenance costs of the District.

Operations and Maintenance Budget FY 2024-25

Monthly contractual maintenance	\$83,786
Landscaping Rehabilitation/Repair	\$11,500
Irrigation repairs	\$11,500
Utilities (Water + Electricity)	\$35,000
City Staff Time	\$4,500
County Fee	\$9,000
Total	<u>\$155,286</u>

This table and others can be found in the attached Engineer's report. All Point San Pedro Road Median Landscaping Assessment District fees collected are legally restricted for use on the Point San Pedro medians and cannot be used for any other purpose.

FISCAL IMPACT:

All operation and maintenance reserve fund revenues and expenses are contained within the Point San Pedro Road Median Assessment District Fund #234. The Point San Pedro Road Median Assessment District Fund #714 contains all debt service revenues and expenses.

The Public Works Department incurs General Fund staff costs for personnel who execute and manage the landscaping maintenance contract. Staff costs are also associated with the budgetary and financial management of the assessment District and coordination for preparing the annual Engineer's report. Per the MOU from 2011, the City deducts the public benefit payment it owes the District each year from these expenses it charges to the District. The County makes an annual financial payment to the assessment District as its contribution to the cross-jurisdictional district. For FY 2024-25, the County payment will be \$9,537 and will be deposited into the District's Operations and Maintenance fund.

COMMUNITY OUTREACH: The City continues to work closely with several community representatives of the Point San Pedro Road Coalition Roadway Committee who have served as the Citizen's Oversight Committee for the District.

The committee is in frequent and direct communication with the Public Works Department Parks Supervisor, who manages the median's landscaping contractor. The committee has been a great partner to the City, serving as the liaison to the community in relaying concerns and reporting issues when they arise, as community members are often the first eyes on issues with the medians. The committee also receives a weekly report from the maintenance contractor of work done on the medians and utilizes it to respond to inquiries from residents.

Each spring, the City meets with committee members to review the financials of the District and discuss various strategies to ensure that the District remains financially solvent over time.

After this meeting, the Committee members will post an annual note to the community via NextDoor and the [Pt. San Pedro Road Coalition website](#), updating residents on the district's financial situation and maintenance priorities. In addition, the City will post an update to the City's website if approved by the City Council.

ENVIRONMENTAL ANALYSIS:

Landscaping and lighting district assessments are exempt from the California Environmental Quality Act (CEQA) under Guidelines Section 15378 (b) (4) because government fiscal activities that do not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment are not considered a project.

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 6

OPTIONS:

The City Council has the following options to consider relating to this item:

1. Conduct the public hearing and adopt the resolution, thus ordering the levy of assessments for FY 2024-25.
2. Do not adopt the resolution, which will result in no levy of assessments for FY 2024-25. This may result in an inability for the required maintenance on the Point San Pedro to be performed, as there will be no revenue for the assessment district collected in the coming year if the levy of assessments is not approved.

RECOMMENDED ACTION:

Hold the public hearing and adopt the resolution.

ATTACHMENTS:

1. Resolution ordering the levy and collection of assessments for FY 2024-25
2. Public Hearing Notice
3. Engineer's Annual Report FY 2024-25
 - a. Diagram

RESOLUTION NO.

RESOLUTION OF THE SAN RAFAEL CITY COUNCIL CONFIRMING THE ENGINEER'S ANNUAL LEVY REPORT FOR THE POINT SAN PEDRO ROAD MEDIAN LANDSCAPING ASSESSMENT DISTRICT AND THE ASSESSMENT DIAGRAM CONNECTED THEREWITH AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FY 2023-24

WHEREAS, the City Council, pursuant to the provisions of the Landscaping and Lighting Act of 1972, being Part 2, Division 15 of the California Streets and Highways Code, commencing with Section 22500 (the "1972 Act"), did by previous Resolution adopted on June 17, 2024, initiate proceedings for the annual levy of assessments for the San Rafael Pt. San Pedro Road Median Landscaping Assessment District (the "District") for the fiscal year commencing July 1, 2024 and ending June 30, 2025 (Fiscal Year 2024-25) for the special benefits received by properties therein from the improvements related thereto, and set a public hearing held on July 15, 2024; and

WHEREAS, an Engineer's Report, entitled "Engineer's Annual Report for Point San Pedro Median Assessment District, 2024-2025", a copy of which is on file in the Department of Public Works and incorporated herein by reference, has been prepared, filed and presented to the City Council in connection with the proposed annual levy of assessments for parcels within the District for Fiscal Year 2024-25 as required by the 1972 Act and the Constitution; and

WHEREAS, at the public hearing, the City Council provided an opportunity for interested parties to comment on the annual report, either in writing or orally, and the City Council desires to proceed to levy and collect the annual assessments against parcels of land within the District for Fiscal Year 2024-25, to pay the costs and expenses determined to be of special benefit to the properties within the District, as described in the Engineer's Report;

NOW, THEREFORE IT IS HEREBY RESOLVED that the City Council does hereby confirm the diagram and assessments as set forth in the annual report of the Engineer of Work and does hereby levy the assessments set forth therein for Fiscal Year 2024-25.

I, LINDSAY LARA, Clerk of the City of San Rafael, do hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the Council of said City on the 15th day of July 2024, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

RESOLUTION NO. 15303

**SAN RAFAEL CITY COUNCIL RESOLUTION OF INTENTION TO ORDER
IMPROVEMENTS AND SETTING A PUBLIC HEARING ON THE ANNUAL
ASSESSMENT FOR THE CITY COUNCIL MEETING OF JULY 15th, 2024**

**POINT SAN PEDRO ROAD MEDIAN LANDSCAPING ASSESSMENT DISTRICT
(Pursuant to the Landscaping and Lighting Act of 1972)**

WHEREAS, on June 20, 2011, the City Council of the City of San Rafael (the "City Council") adopted its resolution forming the Point San Pedro Road Median Landscaping Assessment District (the "District") and the levy and collection of assessments therein for the special benefits received by properties therein from the improvements related thereto.

WHEREAS, the improvements within the existing District are generally described as including, but not limited to, median islands along Point San Pedro Road, which are appurtenant thereto within and benefit properties within the District.

WHEREAS, pursuant to Government Code section 53753.5, a public agency that has complied with the notice, protest, and hearing requirements or is exempt from the procedures and approval process of section 53753 in establishing an assessment, need not follow those requirements in subsequent fiscal years where the assessment methodology is not changed to increase the assessment or the amount of the assessment proposed does not exceed an assessment formula or range of assessments adopted in accordance with Proposition 218 or section 53753.

WHEREAS, in accordance with this Council's resolution directing the filing of an Engineer's Annual Report, Joanna Kwok, Engineer of Work, has filed with the City Clerk the report required by Section 4 of Article XIII D of the California Constitution ("Proposition 218") and Article 4 of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2 of the Streets and Highways Code of the State of California (the "Act," and together with Proposition 218, collectively, the "Assessment Law"). All interested persons are referred to that Report for a full and detailed description of the improvements, the boundaries of the District and the proposed assessments upon assessable lots and parcels of land within the District.

WHEREAS, the Engineer's Annual Report does not provide any increase in the assessment methodology or any formula or range of assessments which will increase the assessments, rather the assessment is proposed to increase based on the previously adopted methodology, and as such, under Government Code section 53753.5, the City need not further comply with the notice, protest and hearing requirements of section 53753.

NOW, THEREFORE, the City Council of the City of San Rafael, California **DOES HEREBY RESOLVE** as follows:

1. The foregoing recitals are true and correct.
2. This action is exempt from the California Environmental Quality Act (CEQA) under Guidelines Section 15378 (b) (4), because government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment are not considered a project.

3. The public interest and convenience require and it is the intention of the City Council to levy and collect assessments within the District during the fiscal year 2024-25. The proposed assessment increases the assessment by \$1.68 from the previous fiscal year, from \$114.30 to \$115.98 per EBU (Equivalent Benefit Unit), which is the maximum allowable assessment amount for the fiscal year 2024-25.

4. The District shall provide for the installation, construction or maintenance of any authorized improvements under the Act, including, but not limited to, medians which are appurtenant thereto, as well as the debt service associated with the 2014 capital improvements of the medians. Reference is made to the Engineer's Report on file in the office of the City Clerk for a more detailed description of the work to be done, the boundaries of the assessment district, the amount of the proposed assessments and the method of assessment.

5. On Monday, the 15th of July, 2024 at the hour of 6:00 o'clock P.M., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. Any and all persons shall be afforded the opportunity to hear and be heard and the City Council shall consider all oral statements and written protests made or filed by any interested person regarding the work proposed to be done or carried out, or why said assessments should not be levied in accordance with this resolution of intention. Written protests must be filed with the City Clerk prior to the conclusion of the public hearing. The hearing will be held live in person at the San Rafael City Council Chambers, City Hall, 1400 Fifth Avenue, San Rafael, California 94901.

6. The City Clerk is authorized and directed to give the notice of hearing by publishing a copy of this resolution once in the Marin Independent Journal, publication to be completed not less than ten (10) days before July 15, 2024.

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 Council of said City on the 17th day of June 2024, by the following vote, to wit:

AYES: **COUNCILMEMBERS: Bushey, Hill & Mayor Kate**

NOES: **COUNCILMEMBERS: None**

ABSENT: **COUNCILMEMBERS: Llorens Gulati & Kertz**



LINDSAY LARA, City Clerk

**ENGINEER'S ANNUAL REPORT
FOR
POINT SAN PEDRO MEDIAN
ASSESSMENT DISTRICT**

2024-2025

**FOR THE CITY OF SAN RAFAEL
CALIFORNIA
CITY COUNCIL MEETING**

JUNE 17, 2024
First Meeting

JULY 15, 2024
Second Meeting

**Prepared By:
City of San Rafael**

ENGINEER'S ANNUAL REPORT
2024-2025

POINT SAN PEDRO MEDIAN ASSESSMENT DISTRICT
CITY OF SAN RAFAEL, MARIN COUNTY, CALIFORNIA
(Pursuant to the Landscaping and Lighting Act of 1972)

The undersigned respectfully submits the enclosed annual report as directed by the City Council.

DATED: _____, 2024.

CITY OF SAN RAFAEL
Joanna Kwok, City of San Rafael, City Engineer

By _____

I HEREBY CERTIFY that the enclosed Engineer's Annual Report, together with Assessment and Assessment Diagram thereto attached, was filed with me on the _____ day of _____, 2024.

LINDSAY LARA, City Clerk, City of San Rafael, Marin County,
California

By _____

I HEREBY CERTIFY that the enclosed Engineer's Annual Report, together with Assessment and Assessment Diagram thereto attached, was approved on _____, 2024 and confirmed by the City Council of the City of San Rafael, Marin County, California, on the _____ day of _____, 2024.

LINDSAY LARA, City Clerk, City of San Rafael, Marin County,
California

By _____

I HEREBY CERTIFY that the enclosed Engineer's Annual Report, together with Assessment and Assessment Diagram thereto attached, was filed with the County Auditor of the County of Marin on the _____ day of _____, 2024.

LINDSAY LARA, City Clerk, City of San Rafael, Marin County,
California

By _____

ENGINEER'S ANNUAL REPORT
2024-2025

POINT SAN PEDRO MEDIAN ASSESSMENT DISTRICT
CITY OF SAN RAFAEL, MARIN COUNTY, CALIFORNIA
(Pursuant to the Landscaping and Lighting Act of 1972)

The City of San Rafael has prepared this Annual Report to provide the Annual Engineer's Report for the Point San Pedro Median Assessment District (PSPMAD) in _____, 2024. The prior Engineers of Work, Wildan Financial Services (Wildan), had provided the formation report for PSPMAD and previous Annual Reports since PSPMAD's formation in 2011 and CSW/Stuber-Stroeh Engineering Group, Inc. As the Engineer of work for PSPMAD, San Rafael, Marin County, California, the City is submitting this annual report, as directed by the City Council, by its Resolution No. _____, adopted _____, 2024.

The prior Engineer of Work, Wildan, prepared detailed annual reports from the 2011-2012 year through 2018-2019 year. We have included the 2018-2019 report as an appendix and included in this report to maintain continuity for year-to-year annual reports. The improvements which are the subject of this report are briefly described as follows:

The original landscaping for the twenty-nine (29) median islands along Point San Pedro Road and Third Street (hereafter, referred to collectively as the "Pt. San Pedro Road Medians" or "Medians") were installed in connection with and for the benefit of the surrounding developments and properties that are directly adjacent to Point San Pedro Road and Third Street and/or serve as the primary access streets to those developments and properties. Pt. San Pedro Road traverses both within the City limits of the City of San Rafael and in the immediate contiguous unincorporated area of the County of Marin. No local funding source was established to ensure the ongoing maintenance of those improvements. Ultimately, without a direct source of revenue pledged for repair, reconstruction and maintenance of the landscaping within these medians, it was necessary for both the County and City to limit the servicing of what landscaping remained to occasional trimming to control over-growth and the landscaping fell into disrepair. The District was formed in 2011 to address the deteriorating condition and improve the medians.

This report consists of six parts and four appendices, as follows:

PART A – Introduction, purpose, current status and improvement Plans (POINT SAN PEDRO ROAD LANDSCAPING PLANS, consisting of 19 sheets of directional plans describing the planting to be done in the median islands along Third Street and Point San Pedro Road) for the improvements are filed with the City Clerk. Although separately bound, the plans and specifications are a part of this report and are included in it by reference. A reduced version is included with Appendix A, 2022-2023 Annual Engineers Report

PART B - An Amended Estimated Cost of the Assessment District.

PART C - Assessment Roll - An assessment of the estimated cost of the improvement on each benefited parcel of land within the assessment district.

PART D - Method of Apportionment of Assessment and Annual Maximum Increases allowed by the District - A statement of the method by which the undersigned has determined the amount proposed to be assessed against each parcel.

PART E - List of Property Owners - A list of the names and addresses of the owners of real property within this assessment district, as shown on the last equalized assessment roll for taxes, or as known to the Clerk. The list is keyed to Exhibit "C" by assessment number.

PART F - Assessment Diagram - A diagram showing all of the parcels of real property within this assessment district. The diagram is keyed to Part "C" by assessment number.

APPENDIX A 2018-2019 Wildan Engineer's Report

APPENDIX B Annual Calculations of Allowable Assessment Increase

APPENDIX C-1 Assessor's Parcel Maps of Merged Parcels

APPENDIX C-2 Assessor's Parcel Maps of Village at Loch Lomond Marina, a re-subdivision of Assessment Numbers 545, 546, 547, 548, 549 and 2626.

APPENDIX D Assessment Diagram

Respectfully submitted,
City of San Rafael

By _____
Joanna Kwok, City of San Rafael, City Engineer

PART A

INTRODUCTION

Due in part to a severe drought in 1976, and the subsequent deterioration of the irrigation system, the landscape improvements within the median islands along Point San Pedro Road and Third Street east of Union Street significantly declined to a point that very little of the original landscaping remained other than some of the trees and vegetation that were able to survive with little water. Although the original landscaping for the twenty-nine (29) median islands along Point San Pedro Road and Third Street (hereafter, referred to collectively as the “Pt. San Pedro Road Medians” or “Medians”) were installed in connection with and for the benefit of the surrounding developments and properties that are directly adjacent to Point San Pedro Road and Third Street and/or serve as the primary access streets to those developments and properties, no local funding source was established to ensure the ongoing maintenance of those improvements. Ultimately, without a direct source of revenue pledged for repair, reconstruction and maintenance of the landscaping within these Medians (located, both within the City limits of the City of San Rafael and in the immediate contiguous unincorporated area of the County of Marin), it was necessary for both the County and City to limit the servicing of what landscaping remained to occasional trimming to control over-growth.

PURPOSE

As a result many property owners in close proximity to Point San Pedro Road both within the City limits of the City of San Rafael and in the immediate contiguous unincorporated area of the County of Marin, organized an effort to facilitate the formation of an assessment district in the area to fund the capital costs associated with construction and restoration of the landscaping within the Pt. San Pedro Road Medians, as well as the ongoing maintenance and operation of those improvements. Because these Medians and the properties that derive a direct and special benefit from those improvements (properties immediately adjacent to and/or directly access the streets where the medians are located), encompasses an area (territory) that includes properties and improvement areas within both the City of San Rafael and unincorporated portions of the County of Marin, in order to establish such an assessment district the two agencies entered into a Memorandum of Understanding (MOU) concerning the formation of an assessment district for the purpose of funding in whole or in part through annual assessments, the capital costs and ongoing maintenance and operation of the landscaping within the Pt. San Pedro Road Medians. Pursuant to the MOU between the City of San Rafael (hereafter, referred to as the “City”) and the County of Marin (hereafter, referred to as the “County”), adopted by both the County Board of Supervisors and by the City Council, the City was designated as the lead agency with the City Council being the legislative body for the proposed assessment district.

Ultimately in 2011, the City Council initiated proceedings and declared their intention to establish a special benefit assessment district pursuant to the provisions of the Landscape and Lighting Act of 1972, being Part 2 of Division 15 of the California Streets and Highways Code commencing with §22500 (hereafter referred to as the “1972 Act”), and as applicable for the issuance of related bonds, pursuant to the Improvement Bond Act of 1915 Part 1 of Division 10 of the California Streets and Highways Code commencing with §8500 (hereafter referred to as the “1915 Act”), said district to be designated as the:

Pt. San Pedro Road Median Landscaping Assessment District

PART A

(hereafter referred to as “District”), for the purpose of providing a revenue source to fund the annual debt service obligation for bonds issued to finance the construction, installation, enhancement, renovation and rehabilitation of the landscaping and related facilities; as well as the annual costs and expenses for the ongoing operation, maintenance, and servicing of those improvements including administration and other incidental expenses.

In accordance with the 1972 Act and the requirements of the California Constitution, Article XIID (hereafter referred to as the “Constitution”), the City Council called for an Engineer’s Report to be prepared regarding the formation of the District and proposed assessments. As part of this District formation, in accordance with the Constitution Article XIID Section 4 and the provisions of Government Code, Section 53753, the City conducted a property owner protest ballot proceeding for the proposed District special benefit assessments. In conjunction with this ballot proceeding, a noticed public hearing was held on June 20, 2011 to consider public testimonies, comments and written protests regarding the formation of the District and the levy of assessments. Upon conclusion of the public hearing, protest ballots received were opened and tabulated to determine whether majority protest existed (with ballots weighted based on proportional assessment amounts), and on June 22, 2011 the City Council confirmed the results of that ballot tabulation, with approximately 61.4% of the weighted ballots being in favor of the assessments and 38.61% being opposed. Finding that majority protest did not exist, the City Council approved and adopted the formation of the District and ordered the levy and collection of assessments for fiscal year 2011/2012 (first year’s annual assessments).

The assessment rate, method of apportionment and assessments including the assessment range formula established in the Engineer’s Report at the time of formation of the District and as described herein, became effective commencing in Fiscal Year 2011/2012 and may be levied annually pursuant to the provisions of the 1972 Act and as applicable to the provisions of the 1915 Act. The annual assessments each fiscal year shall be based on the estimated revenues needed to support the annual debt service obligation for bonds or other financing issued to fund the construction, installation, enhancement, renovation and rehabilitation of the landscaping and related facilities; as well as the annual costs and expenses for the ongoing operation, maintenance, and servicing of those improvements including administration and other incidental expenses as authorized pursuant to the 1972 Act and the 1915 Act.

This Engineer’s Annual Report (hereafter referred to as “Report”) has been prepared in connection with the annual levy and collection of assessments of said District to be collected on the County Tax Rolls for each fiscal year, pursuant to Chapter 3, beginning with §22,620 of the 1972 Act. The District includes all lots and parcels of land within a defined boundary as shown on the District Diagram included in this Report as Part IV and further identified by the Marin County Assessor’s Office Assessor’s Parcel Numbers (parcels), a listing of which along with the annual assessment amount for each is contained in Appendix C in this Report.

The word “parcel,” for the purposes of this Report, refers to an individual property assigned its own Assessor’s Parcel Number (APN) by the Marin County Assessor’s Office. The Marin County Auditor/Controller uses Assessor’s Parcel Numbers and a specific Fund Number to identify properties to be assessed on the tax roll for the special benefit assessments described herein.

This Report describes the District and identifies the improvements, including any proposed substantial changes to such improvements to be provided, the estimated expenditures, and the resulting special benefit assessments to be levied and collected on the County tax rolls for the fiscal year. The total District annual assessment presented herein is based on an estimated budget that reflects the revenues

PART A

required to fund, in whole or in part, the capital costs associated with construction and restoration of the landscaping within the Pt. San Pedro Road Medians, as well as the ongoing maintenance and operation of those improvements. While the proposed total annual assessment for each property will be comprised of two components, one for debt service on Bonds or other financing issued for the initial capital construction costs and the second for the annual operation and maintenance of the improvements, all annual assessment revenues, including those budgeted for operation and maintenance, shall be pledged first to the repayment of the capital improvement costs (debt service on bonds or other financing) with the remaining annual assessment revenues (not applied to debt service and associated administrative expenses) being applied to maintenance and authorized incidental expenses.

Each fiscal year, an Engineer's Report shall be prepared and presented to the City Council describing the District, any changes to the District or improvements, the proposed budget and assessments for that fiscal year, and the City Council shall hold a noticed public hearing regarding these matters prior to approving and adopting the annual levy of assessments. At the conclusion of the public hearing the City Council may, by resolution, adopt this Report (as submitted or amended) including the assessment diagram; any changes to the improvements to be made, and order the levy and collection of the assessments as described herein. In such case, the assessments (as provided herein or as amended) shall be submitted to the County Auditor/Controller for inclusion on the property tax roll for each fiscal year.

ACTIVITIES FOR PRIOR FISCAL YEARS

Consult the respective year's Engineer Reports for details.

ACTIVITIES FOR FISCAL YEAR 2023-2024

The Gardener's Guild continues to maintain the medians under the supervision of the Department of Public Works (DPW). City Staff also continues to maintain the irrigation system. The drip type system requires continual maintenance and the City Staff has taken this on as the staff is available for the small repairs necessary on shorter notice. In addition, City maintenance of the irrigation allows the City to more closely monitor their water use required to keep the planting healthy. The City started to document staff time mid-way through the 2023-2024 fiscal year, and has included a partial year of staff time in the District expenses. The City is developing a new process for tracking staff time with its asset management software, which should enable a more comprehensive and detailed tracking of time and material costs. The District should anticipate these costs to increase in future years as the City captures a full year of service.

The City also makes a bimonthly inspection and report on the work Gardener's Guild is performing to confirm that the work is being carried out in a satisfactory manner.

Gardener's Guild has been invoicing the City \$6,982.18 per month for their landscaping services. As provided in the District formation documents, the Engineer recommends that the annual assessment be increased to cover continued cost escalation for maintenance and utilities. The District formation documents allow an annual increase of up to 3% or the value of the Consumer Price Index, whichever is greater. The CPI as of February 2024, is 2.0%. The Engineer recommends a 3% increase for Operations and Maintenance ($\$55.60 \times 1.03 = \57.28) and keeping the Debt Service payment consistent at \$5870, for a total annual levy of \$115.98.

PART A

GENERAL BENEFITS

For the original formation of the District the Engineer's Report included a discussion of General Benefits. As noted in the discussion the County and City derive general benefits equivalent to 10% of the overall benefits of the District. However, as also noted, such general benefits did not extend to the landscaping itself, only to the traffic safety provided by the physical presence of the medians and other physical median improvements intended for traffic safety. At the time of formation the median islands had all been constructed and had been in place for many years. The median islands were in reasonable repair considering their age and very little repair, replacement or rehabilitation was necessary.

Since the District is comprised of properties that lie within both the County and the City, a Memorandum of Understanding (MOU) was executed by the County and the City stating their mutual intention to form the District and the obligations of each jurisdiction. The MOU identified each jurisdiction's share of the General Benefit: County, 37% and the City, 63%. However, the County's share was specifically capped at \$25,000 initially and \$6,000 for future annual contributions. The formation Engineer's report showed the County and the City initially contributing \$16,835 and \$28,665 respectively.

The original formation Engineer's Report did not anticipate a large need for median island replacement, repair or rehabilitation. In order to meet their respective obligations for general benefits, a general understanding developed that the County and the City would contribute their administrative staff time or fees to the District as each jurisdiction's General Benefit contribution. While this was not explicitly stated in the original or subsequent annual Engineer's Reports it was implied and confirmed by previous City and County staff. This was also made clear in the "Estimated Annual Operation & Maintenance Costs" table in each year's Engineer's report: the *City Contribution for Annual Administration* was equal to Personnel & Staffing, Other Professional Fees, and Miscellaneous Administration Expenses. In the same section, the *County Contribution for Annual Administration* was equal to the County Collection Fee. Based on these figures, the understanding is that the City has accounted for the staff time necessary to administer the District and the County would waive the normal administrative assessment fees charged to assessment districts, limited by the 37% or \$6,000 cap (adjusted for the CPI).

PLANS

The Plans showing the improvements to the medians are included in Appendix A.

PART B
ESTIMATE OF COSTS

Estimated Annual Operation and Maintenance Costs (Non-Bonded)
Fiscal Year 2023-2024

2023-2024 ASSESSMENT YEAR

Projected Available Funds on July 1, 2023 (2023-2024 Engineer's Report)	\$ 154,993
Adjustment to match final amount from City Records	\$ 19,975
Actual Funds available on July 1, 2023 (City Finance Department)	\$ 174,968

2023-2024 ASSESSMENT YEAR ACTIVITY

Direct Actual Expenditures (As of 5/14/2024)

County fee	\$ 6,771
Assessor/Recorder's Fee	\$ 90
Landscaping Services	\$ 76,804
Utilities	\$ 21,188
City Staff Time	<u>\$ 3,600</u>

DIRECT ACTUAL EXPENDITURES \$ 108,453

Remaining Estimated Expenditures (As of 5/14/2024)

Landscaping Services	\$ 6,982
Utilities	\$ 4,599
Engineer's Report Consultation	<u>\$ 2,000</u>

REMAINING ESTIMATED EXPENDITURES \$ 13,581

TOTAL FY 2023-24 DIRECT EXPENDITURES \$ 122,034

Assessment Proceeds	\$ 125,393
Interest	\$ 1,933
County Payment	<u>\$ 9,350</u>
TOTAL FY 2023-24 PROCEEDS	\$ 136,676

ESTIMATED FUNDS TO CARRY FORWARD (JUNE 30, 2024) \$ 189,610

Anticipated Expenditures FY 2024-2025

Irrigation (Repairs)	\$ 11,500
Landscaping Services	\$ 83,786
Landscaping Repair/Rehab	\$ 11,500
Utilities (Water + Electricity)	\$ 35,000
City Staff Time	\$ 4,500
County/City Administrative Fee	<u>\$ 9,000</u>

TOTAL ANTICIPATED EXPENDITURES 2023 - 2024 \$ 155,286

Contingencies (Future Additional Capital Reserve and Maintenance Costs) \$ 83,966

FY 2024-2025 ASSESSMENT FUNDING

Special Benefit Contribution—Properties	\$ 179,151
General Benefit Contribution—City (63%)	\$ 16,239
General Benefit Contribution—County (37%)	<u>\$ 9,537</u>
Total anticipated FY 2024-25 funding	\$ 204,928

TOTAL ESTIMATED AVAILABLE FUNDS JULY 1, 2025: \$ 239,252

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

Assessor's Parcel Number	Assessment #	Sheet #	Operations & Maintenance EBU	Operations & Maintenance Assessment	Debt Service EBU	Debt Service Assessment	Total Assessments
008-010-04	1	3	1	\$57.28	1	\$58.70	\$115.98
008-010-05	2	3	1	\$57.28	1	\$58.70	\$115.98
008-010-58	3M	3	0	\$0.00	0	\$0.00	\$0.00
008-010-14	5	3	1	\$57.28	1	\$58.70	\$115.98
008-010-16	6	3	9.24	\$529.28	9.25	\$542.98	\$1,072.26
008-010-19	7	3	1.5	\$85.94	1.5	\$88.06	\$174.00
008-010-20	8	3	1.5	\$85.92	1.5	\$88.04	\$173.96
008-010-21	9	3	1.5	\$85.92	1.5	\$88.04	\$173.96
008-010-22	10	3	1	\$57.28	1	\$58.70	\$115.98
008-010-26	11	2	1	\$57.28	1	\$58.70	\$115.98
008-010-27	12	2	1	\$57.28	1	\$58.70	\$115.98
008-010-28	13	2	1.5	\$85.92	1.5	\$88.06	\$173.98
008-010-31	14	2	2.25	\$128.88	2.25	\$132.08	\$260.96
008-010-34	15	3	17.56	\$1,005.86	17.56	\$1,030.78	\$2,036.64
008-010-35	16	3	1	\$57.28	1	\$58.70	\$115.98
008-010-36	17	3	1	\$57.28	1	\$58.70	\$115.98
008-010-57	18M	2	1	\$57.28	1	\$58.70	\$115.98
008-010-43	21	3	1	\$57.28	1	\$58.70	\$115.98
008-010-45	22	3	0	\$0.00	0	\$0.00	\$0.00
008-010-46	23	3	1.5	\$85.92	0	\$0.00	\$85.92
008-010-47	24	3	1.5	\$85.92	1.5	\$88.04	\$173.96
008-010-48	25	3	1.5	\$85.92	1.5	\$88.04	\$173.96
008-010-49	26	3	1	\$57.28	1	\$58.70	\$115.98
008-010-50	27	3	1	\$57.28	1	\$58.70	\$115.98
008-010-51	28	3	1	\$57.28	1	\$58.70	\$115.98
008-010-52	29	3	1	\$57.28	1	\$58.70	\$115.98
008-010-53	30	3	1	\$57.28	1	\$58.70	\$115.98
008-010-55	31	3	1	\$57.28	1	\$58.70	\$115.98
008-010-56	32	3	1	\$57.28	1	\$58.70	\$115.98
008-140-01	33	2	1	\$57.28	1	\$58.70	\$115.98
008-140-02	34	2	1	\$57.28	1	\$58.70	\$115.98
008-140-03	35	2	1	\$57.28	1	\$58.70	\$115.98
008-140-04	36	2	1	\$57.28	1	\$58.70	\$115.98
008-140-05	37	2	1	\$57.28	1	\$58.70	\$115.98
008-140-06	38	2	1	\$57.28	1	\$58.70	\$115.98
009-031-09	39	6	5.32	\$304.74	5.32	\$312.28	\$617.02
009-031-11	40	6	0	\$0.00	0	\$0.00	\$0.00
009-031-12	41	6	34.18	\$1,957.86	34.17	\$2,005.78	\$3,963.64
009-031-13	42	4	0	\$0.00	0	\$0.00	\$0.00
009-031-14	43	3	0	\$0.00	0	\$0.00	\$0.00

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

009-041-03	44	6	0	\$0.00	0	\$0.00	\$0.00
009-041-04	45	6	1	\$57.28	1	\$58.70	\$115.98
009-041-06	46	6	1	\$57.28	1	\$58.70	\$115.98
009-041-07	47	6	1	\$57.28	1	\$58.70	\$115.98
009-041-08	48	6	1	\$57.28	1	\$58.70	\$115.98
009-042-01	49	6	1	\$57.28	0	\$0.00	\$57.28
009-042-02	50	6	1	\$57.28	1	\$58.70	\$115.98
009-042-03	51	6	1	\$57.28	1	\$58.70	\$115.98
009-042-07	52	6	0	\$0.00	0	\$0.00	\$0.00
009-042-08	53	6	1	\$57.28	0	\$0.00	\$57.28
009-042-09	54	6	1	\$57.28	1	\$58.70	\$115.98
009-042-10	55	6	1	\$57.28	1	\$58.70	\$115.98
009-042-11	56	6	1	\$57.28	1	\$58.70	\$115.98
009-042-12	57	6	1	\$57.28	1	\$58.70	\$115.98
009-042-13	58	6	1	\$57.28	1	\$58.70	\$115.98
009-042-14	59	6	1	\$57.28	1	\$58.70	\$115.98
009-042-15	60	6	1	\$57.28	1	\$58.70	\$115.98
009-042-16	61	6	1	\$57.28	0	\$0.00	\$57.28
009-042-17	62	6	1	\$57.28	1	\$58.70	\$115.98
009-042-18	63	6	1	\$57.28	1	\$58.70	\$115.98
009-042-21	65M	6	1	\$57.28	1	\$58.70	\$115.98
009-051-01	66	6	1	\$57.28	1	\$58.70	\$115.98
009-051-02	67	6	1	\$57.28	1	\$58.70	\$115.98
009-051-03	68	6	0	\$0.00	0	\$0.00	\$0.00
009-051-04	69	6	0	\$0.00	0	\$0.00	\$0.00
009-051-05	70	6	0	\$0.00	0	\$0.00	\$0.00
009-051-06	71	6	0	\$0.00	0	\$0.00	\$0.00
009-051-07	72	6	0	\$0.00	0	\$0.00	\$0.00
009-051-08	73	6	1	\$57.28	0	\$0.00	\$57.28
009-052-01	74	6	1	\$57.28	1	\$58.70	\$115.98
009-052-02	75	6	1	\$57.28	1	\$58.70	\$115.98
009-052-03	76	6	1	\$57.28	1	\$58.70	\$115.98
009-052-04	77	6	1	\$57.28	1	\$58.70	\$115.98
009-052-05	78	6	1	\$57.28	1	\$58.70	\$115.98
009-052-06	79	6	1	\$57.28	1	\$58.70	\$115.98
009-052-07	80	6	1	\$57.28	1	\$58.70	\$115.98
009-052-08	81	6	0	\$0.00	0	\$0.00	\$0.00
009-052-09	82	6	1	\$57.28	1	\$58.70	\$115.98
009-052-10	83	6	1	\$57.28	0	\$0.00	\$57.28
009-052-11	84	6	1	\$57.28	1	\$58.70	\$115.98
009-052-12	85	6	1	\$57.28	0	\$0.00	\$57.28
009-052-13	86	6	1	\$57.28	1	\$58.70	\$115.98
009-052-14	87	6	1	\$57.28	1	\$58.70	\$115.98
009-052-15	88	6	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

009-052-16	89	6	1	\$57.28	1	\$58.70	\$115.98
009-061-01	90	3	1	\$57.28	1	\$58.70	\$115.98
009-061-02	91	3	1	\$57.28	1	\$58.70	\$115.98
009-061-03	92	3	1	\$57.28	1	\$58.70	\$115.98
009-061-04	93	3	1	\$57.28	1	\$58.70	\$115.98
009-061-05	94	3	1	\$57.28	1	\$58.70	\$115.98
009-061-06	95	3	1	\$57.28	1	\$58.70	\$115.98
009-061-07	96	3	1	\$57.28	1	\$58.70	\$115.98
009-061-08	97	3	1	\$57.28	1	\$58.70	\$115.98
009-061-09	98	3	1	\$57.28	1	\$58.70	\$115.98
009-061-10	99	3	1	\$57.28	1	\$58.70	\$115.98
009-061-11	100	3	1	\$57.28	1	\$58.70	\$115.98
009-061-12	101	3	1	\$57.28	1	\$58.70	\$115.98
009-061-13	102	3	1	\$57.28	1	\$58.70	\$115.98
009-061-14	103	3	1	\$57.28	1	\$58.70	\$115.98
009-061-15	104	3	1	\$57.28	1	\$58.70	\$115.98
009-061-16	105	3	1	\$57.28	1	\$58.70	\$115.98
009-061-17	106	3	1	\$57.28	1	\$58.70	\$115.98
009-061-18	107	3	1	\$57.28	1	\$58.70	\$115.98
009-061-19	108	3	1	\$57.28	0	\$0.00	\$57.28
009-061-20	109	3	1	\$57.28	1	\$58.70	\$115.98
009-061-21	110	3	1	\$57.28	1	\$58.70	\$115.98
009-061-22	111	3	1	\$57.28	1	\$58.70	\$115.98
009-061-23	112	3	1	\$57.28	1	\$58.70	\$115.98
009-061-24	113	3	1	\$57.28	1	\$58.70	\$115.98
009-061-25	114	3	1	\$57.28	1	\$58.70	\$115.98
009-061-26	115	3	1	\$57.28	0	\$0.00	\$57.28
009-061-27	116	3	1	\$57.28	1	\$58.70	\$115.98
009-061-28	117	3	1	\$57.28	1	\$58.70	\$115.98
009-061-29	118	3	1	\$57.28	0	\$0.00	\$57.28
009-061-30	119	3	1	\$57.28	1	\$58.70	\$115.98
009-061-31	120	3	1	\$57.28	1	\$58.70	\$115.98
009-061-32	121	3	1	\$57.28	1	\$58.70	\$115.98
009-061-33	122	3	1	\$57.28	1	\$58.70	\$115.98
009-061-34	123	3	1	\$57.28	1	\$58.70	\$115.98
009-181-01	124	3	1	\$57.28	1	\$58.70	\$115.98
009-181-02	125	3	1	\$57.28	1	\$58.70	\$115.98
009-181-03	126	3	1	\$57.28	1	\$58.70	\$115.98
009-181-04	127	3	1	\$57.28	1	\$58.70	\$115.98
009-181-05	128	3	1	\$57.28	1	\$58.70	\$115.98
009-181-06	129	3	1	\$57.28	1	\$58.70	\$115.98
009-181-07	130	3	1	\$57.28	1	\$58.70	\$115.98
009-181-08	131	3	1	\$57.28	1	\$58.70	\$115.98
009-181-09	132	3	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

009-181-10	133	3	1	\$57.28	0	\$0.00	\$57.28
009-181-11	134	3	1	\$57.28	1	\$58.70	\$115.98
009-181-12	135	3	1	\$57.28	1	\$58.70	\$115.98
009-181-13	136	3	1	\$57.28	1	\$58.70	\$115.98
009-181-14	137	3	1	\$57.28	1	\$58.70	\$115.98
009-181-15	138	3	1	\$57.28	1	\$58.70	\$115.98
009-181-16	139	3	1	\$57.28	1	\$58.70	\$115.98
009-181-17	140	3	1	\$57.28	1	\$58.70	\$115.98
009-181-18	141	3	1	\$57.28	1	\$58.70	\$115.98
009-181-19	142	3	0	\$0.00	0	\$0.00	\$0.00
014-042-05	143	5	1	\$57.28	1	\$58.70	\$115.98
014-042-06	144	5	0	\$0.00	0	\$0.00	\$0.00
014-042-17	145	4	0	\$0.00	0	\$0.00	\$0.00
014-042-18	146	4	1	\$57.28	1	\$58.70	\$115.98
014-042-19	147	4	0	\$0.00	0	\$0.00	\$0.00
014-042-20	148	4	1	\$57.28	1	\$58.70	\$115.98
014-042-22	149	4	1	\$57.28	1	\$58.70	\$115.98
014-042-26	150	4	1	\$57.28	1	\$58.70	\$115.98
014-042-27	151	4	0	\$0.00	0	\$0.00	\$0.00
014-072-04	152	4	1	\$57.28	1	\$58.70	\$115.98
014-072-20	153	4	1	\$57.28	1	\$58.70	\$115.98
014-072-21	154	2	1	\$57.28	1	\$58.70	\$115.98
014-072-33	155	4	1	\$57.28	1	\$58.70	\$115.98
014-072-34	156	4	0	\$0.00	0	\$0.00	\$0.00
014-073-05	157	4	1	\$57.28	1	\$58.70	\$115.98
014-073-06	158	4	0	\$0.00	0	\$0.00	\$0.00
014-073-07	159	4	1	\$57.28	1	\$58.70	\$115.98
014-073-08	160	4	0	\$0.00	0	\$0.00	\$0.00
014-073-09	161	4	1	\$57.28	1	\$58.70	\$115.98
014-073-10	162	4	0	\$0.00	0	\$0.00	\$0.00
014-101-09	163	2	16	\$916.50	0	\$0.00	\$916.50
014-101-11	164	2	0.76	\$43.54	0	\$0.00	\$43.54
014-111-01	165	2	1	\$57.28	1	\$58.70	\$115.98
014-111-02	166	2	1	\$57.28	1	\$58.70	\$115.98
014-111-03	167	2	1	\$57.28	1	\$58.70	\$115.98
014-111-14	168	2	1	\$57.28	1	\$58.70	\$115.98
014-111-15	169	2	1	\$57.28	1	\$58.70	\$115.98
014-111-17	170	2	1	\$57.28	1	\$58.70	\$115.98
014-111-21	171	2	1	\$57.28	1	\$58.70	\$115.98
014-111-34	172	2	1	\$57.28	1	\$58.70	\$115.98
014-151-11	174	2	1	\$57.28	1	\$58.70	\$115.98
014-151-12	175	2	0	\$0.00	0	\$0.00	\$0.00
014-151-17	176	2	20.02	\$1,146.76	20.02	\$1,175.18	\$2,321.94
014-161-02	177	2	5.16	\$295.58	5.18	\$304.08	\$599.66

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

014-161-07	178	2	1	\$57.28	1	\$58.70	\$115.98
014-161-34	179M	2	1.5	\$85.92	0	\$0.00	\$85.92
014-161-19	181	2	1.5	\$85.92	0	\$0.00	\$85.92
014-161-20	182	2	1.56	\$89.36	1.57	\$92.16	\$181.52
014-161-21	183	2	1.5	\$85.92	1.5	\$88.06	\$173.98
014-161-28	184	2	3.28	\$187.90	3.26	\$191.36	\$379.26
014-161-30	185	2	5	\$286.40	5	\$293.50	\$579.90
014-161-32	186	2	4.08	\$233.70	4.07	\$238.92	\$472.62
014-161-33	187	2	1	\$57.28	1	\$58.70	\$115.98
014-171-01	188	2	1	\$57.28	1	\$58.70	\$115.98
014-171-02	189	2	1	\$57.28	1	\$58.70	\$115.98
014-171-03	190	2	1	\$57.28	1	\$58.70	\$115.98
014-171-04	191	2	1	\$57.28	1	\$58.70	\$115.98
014-171-19	192	2	1	\$57.28	1	\$58.70	\$115.98
014-171-37	193M	2	1	\$57.28	1	\$58.70	\$115.98
014-171-27	195	2	4.375	\$250.60	4.38	\$257.12	\$507.72
014-171-28	196	2	1.5	\$85.92	1.5	\$88.06	\$173.98
014-171-29	197	2	1	\$57.28	1	\$58.70	\$115.98
014-171-30	198	2	1	\$57.28	1	\$58.70	\$115.98
014-171-32	199	2	1	\$57.28	1	\$58.70	\$115.98
014-171-33	200	2	1	\$57.28	1	\$58.70	\$115.98
014-171-36	201	2	1	\$57.28	1	\$58.70	\$115.98
014-172-04	202	2	1	\$57.28	1	\$58.70	\$115.98
014-172-05	203	2	1	\$57.28	1	\$58.70	\$115.98
014-172-06	204	2	1	\$57.28	1	\$58.70	\$115.98
014-172-07	205	2	1	\$57.28	1	\$58.70	\$115.98
014-172-08	206	2	1	\$57.28	1	\$58.70	\$115.98
014-172-09	207	2	1	\$57.28	1	\$58.70	\$115.98
014-172-10	208	2	1	\$57.28	1	\$58.70	\$115.98
014-172-11	209	2	1	\$57.28	1	\$58.70	\$115.98
014-172-12	210	2	0	\$0.00	0	\$0.00	\$0.00
014-172-13	211	2	1	\$57.28	1	\$58.70	\$115.98
014-172-19	212M	2	1	\$57.28	1	\$58.70	\$115.98
014-172-16	214	2	1	\$57.28	1	\$58.70	\$115.98
014-172-17	215	2	1	\$57.28	0	\$0.00	\$57.28
014-172-18	216	2	1	\$57.28	1	\$58.70	\$115.98
014-173-01	217	2	1	\$57.28	1	\$58.70	\$115.98
014-173-02	218	2	1	\$57.28	1	\$58.70	\$115.98
014-173-03	219	2	1	\$57.28	1	\$58.70	\$115.98
014-173-04	220	2	1	\$57.28	1	\$58.70	\$115.98
014-173-05	221	2	1	\$57.28	1	\$58.70	\$115.98
014-173-15	222	2	0	\$0.00	0	\$0.00	\$0.00
014-173-16	223	2	1	\$57.28	1	\$58.70	\$115.98
014-173-17	224	2	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

014-173-18	225	2	1	\$57.28	1	\$58.70	\$115.98
015-231-12	226	5	1	\$57.28	1	\$58.70	\$115.98
015-231-13	227	5	1	\$57.28	1	\$58.70	\$115.98
015-231-18	228	5	1	\$57.28	1	\$58.70	\$115.98
015-231-19	229	5	1	\$57.28	1	\$58.70	\$115.98
015-241-01	230	9	1	\$57.28	1	\$58.70	\$115.98
015-241-02	231	9	1	\$57.28	1	\$58.70	\$115.98
015-241-03	232	9	0	\$0.00	0	\$0.00	\$0.00
015-241-04	233	9	1	\$57.28	1	\$58.70	\$115.98
015-241-05	234	9	0	\$0.00	0	\$0.00	\$0.00
015-241-21	235M	#N/A	1	\$57.28	1	\$58.70	\$115.98
015-241-07	236	9	1	\$57.28	1	\$58.70	\$115.98
015-241-12	237	9	1	\$57.28	1	\$58.70	\$115.98
015-241-14	238	9	0	\$0.00	0	\$0.00	\$0.00
015-241-22	239M	#N/A	1	\$57.28	1	\$58.70	\$115.98
015-241-17	241	9	1	\$57.28	1	\$58.70	\$115.98
015-241-18	242	9	1	\$57.28	1	\$58.70	\$115.98
016-011-01	243	9	1	\$57.28	1	\$58.70	\$115.98
016-011-05	244	9	1	\$57.28	0	\$0.00	\$57.28
016-011-08	245	10	1	\$57.28	0	\$0.00	\$57.28
016-011-10	246	9	1	\$57.28	0	\$0.00	\$57.28
016-011-11	247	9	1	\$57.28	1	\$58.70	\$115.98
016-011-12	248	9	1	\$57.28	0	\$0.00	\$57.28
016-011-13	249	9	1	\$57.28	1	\$58.70	\$115.98
016-011-14	250	9	1	\$57.28	1	\$58.70	\$115.98
016-011-15	251	9	1	\$57.28	0	\$0.00	\$57.28
016-011-18	252	9	1	\$57.28	1	\$58.70	\$115.98
016-011-19	253	9	1	\$57.28	1	\$58.70	\$115.98
016-011-20	254	9	1	\$57.28	1	\$58.70	\$115.98
016-011-21	255	10	1	\$57.28	1	\$58.70	\$115.98
016-011-23	256	9	1	\$57.28	0	\$0.00	\$57.28
016-011-24	257	10	1	\$57.28	1	\$58.70	\$115.98
016-011-28	258	10	1	\$57.28	1	\$58.70	\$115.98
016-011-29	259	10	1	\$57.28	1	\$58.70	\$115.98
016-011-30	260	9	1	\$57.28	1	\$58.70	\$115.98
016-012-03	261	9	1	\$57.28	1	\$58.70	\$115.98
016-012-05	262	10	1	\$57.28	0	\$0.00	\$57.28
016-012-12	263	10	1	\$57.28	0	\$0.00	\$57.28
016-012-13	264	10	1	\$57.28	1	\$58.70	\$115.98
016-012-14	265	10	0	\$0.00	0	\$0.00	\$0.00
016-012-16	266	12	1	\$57.28	1	\$58.70	\$115.98
016-012-17	267	12	1	\$57.28	1	\$58.70	\$115.98
016-012-18	268	12	1	\$57.28	1	\$58.70	\$115.98
016-012-19	269	12	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

016-012-23	270	10	1	\$57.28	1	\$58.70	\$115.98
016-012-26	271	10	1	\$57.28	0	\$0.00	\$57.28
016-012-27	272	12	1	\$57.28	1	\$58.70	\$115.98
016-012-32	273	10	1	\$57.28	1	\$58.70	\$115.98
016-012-33	274	10	1	\$57.28	1	\$58.70	\$115.98
016-012-34	275	10	0	\$0.00	0	\$0.00	\$0.00
016-012-37	276	12	1	\$57.28	1	\$58.70	\$115.98
016-012-38	277	12	1	\$57.28	1	\$58.70	\$115.98
016-012-46	278	10	1	\$57.28	1	\$58.70	\$115.98
016-012-54	279	10	1	\$57.28	1	\$58.70	\$115.98
016-012-55	280	10	1	\$57.28	1	\$58.70	\$115.98
016-012-59	281	10	1	\$57.28	1	\$58.70	\$115.98
016-012-64	282	9	1	\$57.28	1	\$58.70	\$115.98
016-012-65	283	9	1	\$57.28	0	\$0.00	\$57.28
016-012-67	284	10	1	\$57.28	0	\$0.00	\$57.28
016-012-68	285	10	1	\$57.28	1	\$58.70	\$115.98
016-021-01	286	5	1	\$57.28	1	\$58.70	\$115.98
016-021-02	287	9	1	\$57.28	1	\$58.70	\$115.98
016-021-80	288M	9	1	\$57.28	1	\$58.70	\$115.98
016-021-10	289	9	1	\$57.28	1	\$58.70	\$115.98
016-021-11	290	9	1	\$57.28	0	\$0.00	\$57.28
016-021-79	291	5	1	\$57.28	1	\$58.70	\$115.98
016-021-15	292	5	1	\$57.28	1	\$58.70	\$115.98
016-021-16	293	5	1	\$57.28	1	\$58.70	\$115.98
016-021-20	294	5	1	\$57.28	1	\$58.70	\$115.98
016-021-22	295	5	1	\$57.28	1	\$58.70	\$115.98
016-021-25	296	9	1	\$57.28	1	\$58.70	\$115.98
016-021-35	298	5	1	\$57.28	1	\$58.70	\$115.98
016-021-36	299	5	1	\$57.28	1	\$58.70	\$115.98
016-021-37	300	5	1	\$57.28	1	\$58.70	\$115.98
016-021-77	301M	9	1	\$57.28	1	\$58.70	\$115.98
016-021-46	302	9	1	\$57.28	1	\$58.70	\$115.98
016-021-49	303	9	1	\$57.28	0	\$0.00	\$57.28
016-021-50	304	9	1	\$57.28	1	\$58.70	\$115.98
016-021-51	305	9	1	\$57.28	1	\$58.70	\$115.98
016-021-52	306	5	1	\$57.28	1	\$58.70	\$115.98
016-021-53	307	5	0	\$0.00	0	\$0.00	\$0.00
016-021-54	308	9	1	\$57.28	1	\$58.70	\$115.98
016-021-55	309	9	0	\$0.00	0	\$0.00	\$0.00
016-021-58	310	9	1	\$57.28	1	\$58.70	\$115.98
016-021-61	311	9	1	\$57.28	1	\$58.70	\$115.98
016-021-64	312	9	1	\$57.28	0	\$0.00	\$57.28
016-021-65	313	9	1	\$57.28	1	\$58.70	\$115.98
016-021-73	314	5	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

016-021-74	315	5	1	\$57.28	0	\$0.00	\$57.28
016-021-75	316	5	1	\$57.28	1	\$58.70	\$115.98
016-031-01	317	5	1	\$57.28	1	\$58.70	\$115.98
016-031-02	318	5	1	\$57.28	1	\$58.70	\$115.98
016-031-03	319	5	1	\$57.28	0	\$0.00	\$57.28
016-031-04	320	5	1	\$57.28	0	\$0.00	\$57.28
016-031-05	321	5	1	\$57.28	0	\$0.00	\$57.28
016-031-06	322	5	1	\$57.28	1	\$58.70	\$115.98
016-031-07	323	5	1	\$57.28	1	\$58.70	\$115.98
016-031-08	324	5	1	\$57.28	1	\$58.70	\$115.98
016-031-09	325	5	1	\$57.28	1	\$58.70	\$115.98
016-031-10	326	5	1	\$57.28	1	\$58.70	\$115.98
016-031-11	327	5	1	\$57.28	1	\$58.70	\$115.98
016-031-12	328	5	1	\$57.28	1	\$58.70	\$115.98
016-031-13	329	5	1	\$57.28	0	\$0.00	\$57.28
016-031-14	330	5	1	\$57.28	0	\$0.00	\$57.28
016-031-15	331	5	1	\$57.28	1	\$58.70	\$115.98
016-031-16	332	5	1	\$57.28	1	\$58.70	\$115.98
016-031-17	333	5	1	\$57.28	1	\$58.70	\$115.98
016-031-18	334	5	1	\$57.28	1	\$58.70	\$115.98
016-031-19	335	5	1	\$57.28	1	\$58.70	\$115.98
016-031-20	336	5	1	\$57.28	1	\$58.70	\$115.98
016-031-21	337	5	1	\$57.28	0	\$0.00	\$57.28
016-031-22	338	12	1	\$57.28	1	\$58.70	\$115.98
016-031-23	339	5	1	\$57.28	1	\$58.70	\$115.98
016-031-25	340	12	1	\$57.28	1	\$58.70	\$115.98
016-031-26	341	12	1	\$57.28	1	\$58.70	\$115.98
016-031-27	342	12	1	\$57.28	1	\$58.70	\$115.98
016-031-28	343	12	1	\$57.28	1	\$58.70	\$115.98
016-031-29	344	6	1.5	\$85.92	0	\$0.00	\$85.92
016-031-30	345	5	1	\$57.28	1	\$58.70	\$115.98
016-031-31	346	5	1	\$57.28	0	\$0.00	\$57.28
016-031-32	347	5	1	\$57.28	1	\$58.70	\$115.98
016-031-33	348	5	1	\$57.28	0	\$0.00	\$57.28
016-031-34	349	5	1	\$57.28	0	\$0.00	\$57.28
016-031-35	350	5	1	\$57.28	1	\$58.70	\$115.98
016-031-41	351M	5	1	\$57.28	1	\$58.70	\$115.98
016-031-38	353	5	1	\$57.28	1	\$58.70	\$115.98
016-031-39	354	12	1.5	\$85.94	1.5	\$88.06	\$174.00
016-031-40	355	12	0	\$0.00	0	\$0.00	\$0.00
016-032-02	356	12	1	\$57.28	1	\$58.70	\$115.98
016-032-03	357	12	1	\$57.28	1	\$58.70	\$115.98
016-032-05	358	12	1	\$57.28	1	\$58.70	\$115.98
016-032-06	359	12	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

016-032-09	360	12	1	\$57.28	1	\$58.70	\$115.98
016-032-10	361	12	1	\$57.28	1	\$58.70	\$115.98
016-032-11	362	12	1	\$57.28	1	\$58.70	\$115.98
016-033-01	363	6	1	\$57.28	1	\$58.70	\$115.98
016-033-02	364	6	1	\$57.28	1	\$58.70	\$115.98
016-033-03	365	6	1	\$57.28	1	\$58.70	\$115.98
016-033-04	366	6	1	\$57.28	1	\$58.70	\$115.98
016-033-05	367	12	1	\$57.28	1	\$58.70	\$115.98
016-033-06	368	12	1	\$57.28	1	\$58.70	\$115.98
016-033-07	369	12	1	\$57.28	1	\$58.70	\$115.98
016-033-15	370	6	1	\$57.28	1	\$58.70	\$115.98
016-033-16	371	6	1	\$57.28	1	\$58.70	\$115.98
016-033-17	372	6	1	\$57.28	1	\$58.70	\$115.98
016-033-18	373	6	1	\$57.28	1	\$58.70	\$115.98
016-033-19	374	6	1	\$57.28	1	\$58.70	\$115.98
016-033-20	375	12	1	\$57.28	1	\$58.70	\$115.98
016-041-01	376	5	1	\$57.28	1	\$58.70	\$115.98
016-041-02	377	5	1	\$57.28	1	\$58.70	\$115.98
016-041-03	378	5	1	\$57.28	1	\$58.70	\$115.98
016-041-04	379	5	1	\$57.28	1	\$58.70	\$115.98
016-041-05	380	5	1	\$57.28	1	\$58.70	\$115.98
016-041-06	381	4	1	\$57.28	1	\$58.70	\$115.98
016-041-07	382M	5	1	\$57.28	1	\$58.70	\$115.98
016-041-96	383M	4	1	\$57.28	0	\$0.00	\$57.28
016-041-10	384	4	1	\$57.28	1	\$58.70	\$115.98
016-041-11	385	4	1	\$57.28	1	\$58.70	\$115.98
016-041-12	386	4	1	\$57.28	1	\$58.70	\$115.98
016-041-13	387	4	1	\$57.28	1	\$58.70	\$115.98
016-041-16	388	4	1	\$57.28	1	\$58.70	\$115.98
016-041-17	389	4	1	\$57.28	1	\$58.70	\$115.98
016-041-20	390	4	1	\$57.28	1	\$58.70	\$115.98
016-041-21	391	4	1	\$57.28	1	\$58.70	\$115.98
016-041-22	392	4	1	\$57.28	0	\$0.00	\$57.28
016-041-23	393	4	1	\$57.28	1	\$58.70	\$115.98
016-041-24	394	4	1	\$57.28	1	\$58.70	\$115.98
016-041-25	395	5	1	\$57.28	1	\$58.70	\$115.98
016-041-26	396	5	1	\$57.28	1	\$58.70	\$115.98
016-041-27	397	5	1	\$57.28	0	\$0.00	\$57.28
016-041-28	398	5	1	\$57.28	1	\$58.70	\$115.98
016-041-29	399	5	1	\$57.28	1	\$58.70	\$115.98
016-041-31	400	4	1	\$57.28	1	\$58.70	\$115.98
016-041-33	401	4	1	\$57.28	1	\$58.70	\$115.98
016-041-34	402	4	1	\$57.28	1	\$58.70	\$115.98
016-041-46	403	4	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

016-041-51	404	4	0	\$0.00	0	\$0.00	\$0.00
016-041-52	405	4	1	\$57.28	0	\$0.00	\$57.28
016-041-61	406	4	1	\$57.28	1	\$58.70	\$115.98
016-041-62	407	4	1	\$57.28	1	\$58.70	\$115.98
016-041-63	408	4	1	\$57.28	1	\$58.70	\$115.98
016-041-64	409	4	1	\$57.28	1	\$58.70	\$115.98
016-041-65	410	4	0	\$0.00	0	\$0.00	\$0.00
016-041-67	411	4	1	\$57.28	1	\$58.70	\$115.98
016-041-68	412	4	0	\$0.00	0	\$0.00	\$0.00
016-041-69	413	4	0	\$0.00	0	\$0.00	\$0.00
016-041-70	414	4	1	\$57.28	0	\$0.00	\$57.28
016-041-72	415	4	1	\$57.28	1	\$58.70	\$115.98
016-041-73	416	4	0	\$0.00	0	\$0.00	\$0.00
016-041-74	417	5	0	\$0.00	0	\$0.00	\$0.00
016-041-75	418	5	0	\$0.00	0	\$0.00	\$0.00
016-041-77	420	6	1	\$57.28	1	\$58.70	\$115.98
016-041-95	421M	4	1	\$57.28	1	\$58.70	\$115.98
016-041-79	422	4	1	\$57.28	1	\$58.70	\$115.98
016-041-80	423	4	1	\$57.28	1	\$58.70	\$115.98
016-041-81	424	4	1	\$57.28	1	\$58.70	\$115.98
016-041-82	425	4	1	\$57.28	0	\$0.00	\$57.28
016-041-83	426	6	1	\$57.28	1	\$58.70	\$115.98
016-041-84	427	6	1	\$57.28	1	\$58.70	\$115.98
016-041-85	428	4	1	\$57.28	1	\$58.70	\$115.98
016-041-86	429	4	1	\$57.28	1	\$58.70	\$115.98
016-041-88	431	5	0	\$0.00	0	\$0.00	\$0.00
016-041-89	432	5	0	\$0.00	0	\$0.00	\$0.00
016-041-97	433M	4	1	\$57.28	0	\$0.00	\$57.28
016-041-93	435	4	1	\$57.28	1	\$58.70	\$115.98
016-041-94	436	4	0	\$0.00	0	\$0.00	\$0.00
016-051-05	437	3	0	\$0.00	0	\$0.00	\$0.00
016-051-06	438	3	0	\$0.00	0	\$0.00	\$0.00
016-052-02	439	4	1	\$57.28	1	\$58.70	\$115.98
016-052-03	440	4	0	\$0.00	0	\$0.00	\$0.00
016-052-04	441	4	1	\$57.28	1	\$58.70	\$115.98
016-052-05	442	4	1	\$57.28	1	\$58.70	\$115.98
016-052-06	443	4	1	\$57.28	1	\$58.70	\$115.98
016-052-07	444	4	1	\$57.28	1	\$58.70	\$115.98
016-052-08	445	4	1	\$57.28	1	\$58.70	\$115.98
016-052-09	446	4	1	\$57.28	1	\$58.70	\$115.98
016-052-13	447	3	1	\$57.28	1	\$58.70	\$115.98
016-052-15	448	4	1	\$57.28	1	\$58.70	\$115.98
016-052-18	449	4	1	\$57.28	1	\$58.70	\$115.98
016-052-20	450	4	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

016-052-21	451	3	1	\$57.28	1	\$58.70	\$115.98
016-052-22	452	3	1	\$57.28	1	\$58.70	\$115.98
016-052-23	453	4	1	\$57.28	1	\$58.70	\$115.98
016-052-24	454	4	1	\$57.28	1	\$58.70	\$115.98
016-052-25	455	4	1	\$57.28	1	\$58.70	\$115.98
016-052-26	456	4	1	\$57.28	1	\$58.70	\$115.98
016-052-27	457	3	1	\$57.28	1	\$58.70	\$115.98
016-052-28	458	4	1	\$57.28	1	\$58.70	\$115.98
016-052-29	459	4	1	\$57.28	1	\$58.70	\$115.98
016-053-01	460	4	1	\$57.28	1	\$58.70	\$115.98
016-053-02	461	4	1	\$57.28	1	\$58.70	\$115.98
016-053-03	462	4	1	\$57.28	1	\$58.70	\$115.98
016-053-06	463	4	1	\$57.28	0	\$0.00	\$57.28
016-053-07	464	4	1	\$57.28	1	\$58.70	\$115.98
016-053-08	465	4	1	\$57.28	1	\$58.70	\$115.98
016-053-09	466	3	1	\$57.28	1	\$58.70	\$115.98
016-053-10	467	3	1	\$57.28	1	\$58.70	\$115.98
016-053-12	468	3	1	\$57.28	1	\$58.70	\$115.98
016-054-02	469	4	1	\$57.28	1	\$58.70	\$115.98
016-054-08	470	4	1	\$57.28	1	\$58.70	\$115.98
016-054-10	471	4	1	\$57.28	1	\$58.70	\$115.98
016-054-12	472	4	1	\$57.28	0	\$0.00	\$57.28
016-054-13	473	4	1	\$57.28	1	\$58.70	\$115.98
016-054-14	474	4	0	\$0.00	0	\$0.00	\$0.00
016-054-15	475	4	1	\$57.28	1	\$58.70	\$115.98
016-054-16	476	4	1	\$57.28	1	\$58.70	\$115.98
016-054-17	477	4	1	\$57.28	1	\$58.70	\$115.98
016-054-18	478	4	1	\$57.28	1	\$58.70	\$115.98
016-054-19	479	4	1	\$57.28	1	\$58.70	\$115.98
016-054-24	480	3	0	\$0.00	0	\$0.00	\$0.00
016-054-25	481	3	1	\$57.28	1	\$58.70	\$115.98
016-061-01	482	2	1	\$57.28	1	\$58.70	\$115.98
016-062-01	483	2	1	\$57.28	1	\$58.70	\$115.98
016-062-02	484	2	1	\$57.28	1	\$58.70	\$115.98
016-062-03	485	2	1	\$57.28	1	\$58.70	\$115.98
016-064-01	486	3	1	\$57.28	1	\$58.70	\$115.98
016-064-02	487	3	1	\$57.28	1	\$58.70	\$115.98
016-064-03	488	3	1	\$57.28	1	\$58.70	\$115.98
016-064-04	489	3	1	\$57.28	1	\$58.70	\$115.98
016-064-08	490	2	1	\$57.28	1	\$58.70	\$115.98
016-064-09	491	2	1	\$57.28	0	\$0.00	\$57.28
016-064-10	492	2	1	\$57.28	1	\$58.70	\$115.98
016-064-13	493	2	1	\$57.28	1	\$58.70	\$115.98
016-064-14	494	3	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

016-064-15	495	3	1	\$57.28	1	\$58.70	\$115.98
016-064-16	496	3	1	\$57.28	1	\$58.70	\$115.98
016-064-17	497	3	1	\$57.28	1	\$58.70	\$115.98
016-064-18	498	3	1	\$57.28	1	\$58.70	\$115.98
016-064-19	499	3	1	\$57.28	0	\$0.00	\$57.28
016-064-20	500	3	1	\$57.28	0	\$0.00	\$57.28
016-064-21	501	3	1	\$57.28	1	\$58.70	\$115.98
016-064-22	502	3	1	\$57.28	0	\$0.00	\$57.28
016-064-23	503	3	1	\$57.28	1	\$58.70	\$115.98
016-064-24	504	3	1	\$57.28	1	\$58.70	\$115.98
016-064-25	505	3	1	\$57.28	1	\$58.70	\$115.98
016-064-26	506	2	1	\$57.28	1	\$58.70	\$115.98
016-064-27	507	2	1	\$57.28	1	\$58.70	\$115.98
016-064-28	508	2	1	\$57.28	1	\$58.70	\$115.98
016-064-29	509	2	1	\$57.28	1	\$58.70	\$115.98
016-064-30	510	2	1	\$57.28	0	\$0.00	\$57.28
016-064-31	511	2	1	\$57.28	0	\$0.00	\$57.28
016-064-32	512	2	1	\$57.28	0	\$0.00	\$57.28
016-064-33	513	2	1	\$57.28	1	\$58.70	\$115.98
016-064-34	514	2	1	\$57.28	1	\$58.70	\$115.98
016-064-35	515	2	0	\$0.00	0	\$0.00	\$0.00
016-064-36	516	2	1	\$57.28	1	\$58.70	\$115.98
016-064-37	517	2	1	\$57.28	1	\$58.70	\$115.98
016-064-38	518	2	1	\$57.28	1	\$58.70	\$115.98
016-064-39	519	2	1	\$57.28	0	\$0.00	\$57.28
016-064-40	520	2	1	\$57.28	1	\$58.70	\$115.98
016-064-41	521	2	1	\$57.28	1	\$58.70	\$115.98
016-064-42	522	2	1	\$57.28	1	\$58.70	\$115.98
016-064-43	523	2	1	\$57.28	1	\$58.70	\$115.98
016-064-44	524	2	1	\$57.28	1	\$58.70	\$115.98
016-064-45	525	2	1	\$57.28	1	\$58.70	\$115.98
016-064-46	526	2	1	\$57.28	1	\$58.70	\$115.98
016-064-47	527	2	1	\$57.28	1	\$58.70	\$115.98
016-064-48	528	2	1	\$57.28	1	\$58.70	\$115.98
016-064-49	529	2	1	\$57.28	1	\$58.70	\$115.98
016-064-50	530	2	1	\$57.28	1	\$58.70	\$115.98
016-064-51	531	2	1	\$57.28	1	\$58.70	\$115.98
016-064-52	532	3	1	\$57.28	1	\$58.70	\$115.98
016-064-53	533	3	1	\$57.28	1	\$58.70	\$115.98
016-064-54	534	3	1	\$57.28	1	\$58.70	\$115.98
016-064-55	535	3	1	\$57.28	1	\$58.70	\$115.98
016-064-56	536	3	1	\$57.28	1	\$58.70	\$115.98
016-064-57	537	3	1	\$57.28	1	\$58.70	\$115.98
016-064-58	538	2	1	\$57.28	0	\$0.00	\$57.28

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

016-064-59	539	2	1	\$57.28	1	\$58.70	\$115.98
016-064-60	540	2	1	\$57.28	1	\$58.70	\$115.98
016-064-61	541	2	1	\$57.28	1	\$58.70	\$115.98
016-064-68	542	3	1	\$57.28	1	\$58.70	\$115.98
016-064-69	543	3	1	\$57.28	1	\$58.70	\$115.98
016-064-70	544	2	1	\$57.28	1	\$58.70	\$115.98
016-091-12	550	13	1	\$57.28	1	\$58.70	\$115.98
016-091-13	551	13	1	\$57.28	1	\$58.70	\$115.98
016-091-14	552	13	1	\$57.28	1	\$58.70	\$115.98
016-091-15	553	13	1	\$57.28	1	\$58.70	\$115.98
016-091-16	554	13	1	\$57.28	1	\$58.70	\$115.98
016-091-17	555	13	1	\$57.28	1	\$58.70	\$115.98
016-091-18	556	13	1	\$57.28	1	\$58.70	\$115.98
016-091-23	557	13	1	\$57.28	1	\$58.70	\$115.98
016-091-25	558	13	1	\$57.28	1	\$58.70	\$115.98
016-091-26	559	13	1	\$57.28	1	\$58.70	\$115.98
016-091-27	560	13	1	\$57.28	1	\$58.70	\$115.98
016-091-34	561	13	1	\$57.28	1	\$58.70	\$115.98
016-091-35	562	13	0	\$0.00	0	\$0.00	\$0.00
016-091-36	563	13	1	\$57.28	1	\$58.70	\$115.98
016-091-37	564	13	1	\$57.28	1	\$58.70	\$115.98
016-091-38	565	13	1	\$57.28	1	\$58.70	\$115.98
016-091-39	566	13	1	\$57.28	1	\$58.70	\$115.98
016-091-40	567	13	1	\$57.28	1	\$58.70	\$115.98
016-091-41	568	13	1	\$57.28	1	\$58.70	\$115.98
016-091-63	569M	13	1	\$57.28	1	\$58.70	\$115.98
016-091-47	570	13	1	\$57.28	1	\$58.70	\$115.98
016-091-48	571	13	1	\$57.28	1	\$58.70	\$115.98
016-091-50	572	13	0	\$0.00	0	\$0.00	\$0.00
016-091-51	573	13	0	\$0.00	0	\$0.00	\$0.00
016-091-52	574	13	1	\$57.28	1	\$58.70	\$115.98
016-091-54	575	13	1	\$57.28	1	\$58.70	\$115.98
016-091-55	576	13	0	\$0.00	0	\$0.00	\$0.00
016-091-58	577	13	1	\$57.28	1	\$58.70	\$115.98
016-091-60	578	13	1	\$57.28	1	\$58.70	\$115.98
016-091-62	580	13	1	\$57.28	1	\$58.70	\$115.98
016-092-01	581	13	1	\$57.28	1	\$58.70	\$115.98
016-092-02	582	13	1	\$57.28	0	\$0.00	\$57.28
016-093-01	583	13	1	\$57.28	1	\$58.70	\$115.98
016-093-02	584	13	1	\$57.28	1	\$58.70	\$115.98
016-093-04	585	13	0	\$0.00	0	\$0.00	\$0.00
016-093-05	586	13	1	\$57.28	1	\$58.70	\$115.98
016-094-01	587	8	1	\$57.28	1	\$58.70	\$115.98
016-094-02	588	8	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

016-094-04	589	13	1	\$57.28	1	\$58.70	\$115.98
016-094-05	590	13	1	\$57.28	1	\$58.70	\$115.98
016-101-12	591	12	1	\$57.28	1	\$58.70	\$115.98
016-101-13	592	11	1	\$57.28	1	\$58.70	\$115.98
016-101-15	593	11	0	\$0.00	0	\$0.00	\$0.00
016-101-16	594	11	1	\$57.28	1	\$58.70	\$115.98
016-101-23	595	10	1	\$57.28	1	\$58.70	\$115.98
016-101-28	596	11	1	\$57.28	1	\$58.70	\$115.98
016-101-30	597	10	1	\$57.28	1	\$58.70	\$115.98
016-101-32	598	10	1	\$57.28	1	\$58.70	\$115.98
016-101-33	599	10	1	\$57.28	1	\$58.70	\$115.98
016-101-34	600	11	1	\$57.28	1	\$58.70	\$115.98
016-101-35	601	11	0	\$0.00	0	\$0.00	\$0.00
016-101-36	602	12	1	\$57.28	1	\$58.70	\$115.98
016-102-02	603	11	1	\$57.28	1	\$58.70	\$115.98
016-102-03	604	11	1	\$57.28	0	\$0.00	\$57.28
016-102-04	605	12	1	\$57.28	1	\$58.70	\$115.98
016-102-05	606	12	1	\$57.28	1	\$58.70	\$115.98
016-102-06	607	12	1	\$57.28	0	\$0.00	\$57.28
016-102-07	608	12	1	\$57.28	1	\$58.70	\$115.98
016-102-09	609	12	1	\$57.28	1	\$58.70	\$115.98
016-102-10	610	12	1	\$57.28	1	\$58.70	\$115.98
016-102-12	611	12	0	\$0.00	0	\$0.00	\$0.00
016-102-13	612	12	1	\$57.28	1	\$58.70	\$115.98
016-102-16	613	11	0	\$0.00	0	\$0.00	\$0.00
016-102-17	614	12	1	\$57.28	0	\$0.00	\$57.28
016-102-18	615	11	1	\$57.28	1	\$58.70	\$115.98
016-111-29	616M	12	1	\$57.28	1	\$58.70	\$115.98
016-111-04	618	12	1	\$57.28	0	\$0.00	\$57.28
016-111-07	619	12	1	\$57.28	1	\$58.70	\$115.98
016-111-08	620	11	1	\$57.28	1	\$58.70	\$115.98
016-111-09	621	11	1	\$57.28	1	\$58.70	\$115.98
016-111-10	622	11	0	\$0.00	0	\$0.00	\$0.00
016-111-11	623	11	1	\$57.28	1	\$58.70	\$115.98
016-111-14	624	12	1	\$57.28	0	\$0.00	\$57.28
016-111-15	625	12	1	\$57.28	1	\$58.70	\$115.98
016-111-16	626	11	1	\$57.28	1	\$58.70	\$115.98
016-111-18	627	11	1	\$57.28	1	\$58.70	\$115.98
016-111-19	628	11	0	\$0.00	0	\$0.00	\$0.00
016-111-24	629	12	1	\$57.28	0	\$0.00	\$57.28
016-111-30	630M	12	1	\$57.28	1	\$58.70	\$115.98
016-111-26	631	12	1	\$57.28	1	\$58.70	\$115.98
016-111-28	633	12	1	\$57.28	1	\$58.70	\$115.98
016-112-01	634	12	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

016-112-02	635	12	1	\$57.28	1	\$58.70	\$115.98
016-112-03	636	12	1	\$57.28	0	\$0.00	\$57.28
016-112-04	637	12	1	\$57.28	1	\$58.70	\$115.98
016-112-05	638	12	1	\$57.28	1	\$58.70	\$115.98
016-112-06	639	12	1	\$57.28	1	\$58.70	\$115.98
016-112-07	640	12	1	\$57.28	1	\$58.70	\$115.98
016-112-09	641	12	1	\$57.28	1	\$58.70	\$115.98
016-112-11	642	12	1	\$57.28	1	\$58.70	\$115.98
016-112-18	644M	13	1	\$57.28	1	\$58.70	\$115.98
016-113-01	645	12	1	\$57.28	1	\$58.70	\$115.98
016-113-02	646	12	1	\$57.28	0	\$0.00	\$57.28
016-113-03	647	12	1	\$57.28	1	\$58.70	\$115.98
016-113-04	648	11	1	\$57.28	1	\$58.70	\$115.98
016-113-05	649	11	1	\$57.28	1	\$58.70	\$115.98
016-113-06	650	11	1	\$57.28	0	\$0.00	\$57.28
016-113-07	651	11	1	\$57.28	1	\$58.70	\$115.98
016-113-11	652	12	1	\$57.28	1	\$58.70	\$115.98
016-113-12	653	12	1	\$57.28	1	\$58.70	\$115.98
016-113-13	654	12	1	\$57.28	1	\$58.70	\$115.98
016-113-14	655	12	1	\$57.28	1	\$58.70	\$115.98
016-113-15	656	12	1	\$57.28	1	\$58.70	\$115.98
016-113-20	657	11	1	\$57.28	1	\$58.70	\$115.98
016-114-01	658	12	1	\$57.28	0	\$0.00	\$57.28
016-121-04	659	13	1	\$57.28	1	\$58.70	\$115.98
016-121-06	660	12	1	\$57.28	1	\$58.70	\$115.98
016-121-07	661	12	1	\$57.28	1	\$58.70	\$115.98
016-121-08	662	13	1	\$57.28	0	\$0.00	\$57.28
016-121-10	663	13	1	\$57.28	1	\$58.70	\$115.98
016-121-11	664	13	1	\$57.28	1	\$58.70	\$115.98
016-121-12	665	12	1	\$57.28	0	\$0.00	\$57.28
016-121-17	666	13	1	\$57.28	0	\$0.00	\$57.28
016-121-18	667	13	1	\$57.28	1	\$58.70	\$115.98
016-122-01	668	8	1	\$57.28	1	\$58.70	\$115.98
016-122-02	669	8	1	\$57.28	1	\$58.70	\$115.98
016-122-03	670	8	1	\$57.28	1	\$58.70	\$115.98
016-122-04	671	13	1	\$57.28	1	\$58.70	\$115.98
016-122-05	672	13	1	\$57.28	1	\$58.70	\$115.98
016-122-06	673	13	1	\$57.28	0	\$0.00	\$57.28
016-122-07	674	13	1	\$57.28	1	\$58.70	\$115.98
016-122-08	675	13	1	\$57.28	1	\$58.70	\$115.98
016-122-09	676	13	1	\$57.28	1	\$58.70	\$115.98
016-122-11	677	13	1	\$57.28	0	\$0.00	\$57.28
016-131-02	678	12	1	\$57.28	1	\$58.70	\$115.98
016-131-03	679	12	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

016-131-04	680	12	1	\$57.28	1	\$58.70	\$115.98
016-131-09	681	12	0	\$0.00	0	\$0.00	\$0.00
016-131-10	682	12	1	\$57.28	1	\$58.70	\$115.98
016-131-11	683	12	1	\$57.28	1	\$58.70	\$115.98
016-131-13	684	12	0	\$0.00	0	\$0.00	\$0.00
016-131-14	685	12	1	\$57.28	1	\$58.70	\$115.98
016-132-01	686	12	1	\$57.28	1	\$58.70	\$115.98
016-132-02	687	12	1	\$57.28	1	\$58.70	\$115.98
016-132-03	688	12	1	\$57.28	1	\$58.70	\$115.98
016-132-04	689	12	1	\$57.28	0	\$0.00	\$57.28
016-132-09	690	12	1	\$57.28	1	\$58.70	\$115.98
016-132-10	691	12	1	\$57.28	0	\$0.00	\$57.28
016-132-11	692	12	1	\$57.28	0	\$0.00	\$57.28
016-132-13	693	12	1	\$57.28	1	\$58.70	\$115.98
016-132-14	694	12	1	\$57.28	1	\$58.70	\$115.98
016-132-15	695	12	1	\$57.28	1	\$58.70	\$115.98
016-133-01	696	12	1	\$57.28	1	\$58.70	\$115.98
016-133-02	697	12	1	\$57.28	1	\$58.70	\$115.98
016-133-03	698	12	1	\$57.28	1	\$58.70	\$115.98
016-133-04	699	12	1	\$57.28	1	\$58.70	\$115.98
016-133-05	700	12	1	\$57.28	1	\$58.70	\$115.98
016-133-06	701	12	1	\$57.28	1	\$58.70	\$115.98
016-133-07	702	12	1	\$57.28	1	\$58.70	\$115.98
016-133-08	703	12	1	\$57.28	1	\$58.70	\$115.98
016-134-02	704	12	1	\$57.28	1	\$58.70	\$115.98
016-134-03	705	12	1	\$57.28	1	\$58.70	\$115.98
016-134-04	706	12	1	\$57.28	0	\$0.00	\$57.28
016-134-05	707	12	1	\$57.28	0	\$0.00	\$57.28
016-134-06	708	12	1	\$57.28	1	\$58.70	\$115.98
016-134-07	709	12	1	\$57.28	1	\$58.70	\$115.98
016-134-09	710	12	1	\$57.28	1	\$58.70	\$115.98
016-134-12	711	12	1	\$57.28	1	\$58.70	\$115.98
016-141-01	712	12	1	\$57.28	1	\$58.70	\$115.98
016-141-02	713	12	1	\$57.28	1	\$58.70	\$115.98
016-141-03	714	12	1	\$57.28	1	\$58.70	\$115.98
016-141-04	715	12	1	\$57.28	1	\$58.70	\$115.98
016-141-05	716	12	1	\$57.28	1	\$58.70	\$115.98
016-141-09	717	8	1	\$57.28	1	\$58.70	\$115.98
016-141-10	718	8	1	\$57.28	1	\$58.70	\$115.98
016-141-11	719	8	1	\$57.28	1	\$58.70	\$115.98
016-141-12	720	12	1	\$57.28	0	\$0.00	\$57.28
016-141-13	721	12	1	\$57.28	0	\$0.00	\$57.28
016-141-14	722	12	1	\$57.28	0	\$0.00	\$57.28
016-141-15	723	12	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

016-141-18	724	8	1	\$57.28	1	\$58.70	\$115.98
016-141-21	725	8	1	\$57.28	1	\$58.70	\$115.98
016-141-22	726	8	1	\$57.28	1	\$58.70	\$115.98
016-141-24	727	8	1	\$57.28	1	\$58.70	\$115.98
016-142-03	728	8	1	\$57.28	1	\$58.70	\$115.98
016-142-04	729	8	1	\$57.28	1	\$58.70	\$115.98
016-142-05	730	12	1	\$57.28	1	\$58.70	\$115.98
016-142-11	731	12	1	\$57.28	1	\$58.70	\$115.98
016-142-12	732	12	1	\$57.28	1	\$58.70	\$115.98
016-142-13	733	12	1	\$57.28	1	\$58.70	\$115.98
016-142-15	734	8	1	\$57.28	1	\$58.70	\$115.98
016-142-16	735	8	1	\$57.28	1	\$58.70	\$115.98
016-142-17	736	12	1	\$57.28	1	\$58.70	\$115.98
016-142-18	737	12	1	\$57.28	1	\$58.70	\$115.98
016-142-19	738	12	1	\$57.28	0	\$0.00	\$57.28
016-142-20	739	12	1	\$57.28	1	\$58.70	\$115.98
016-142-25	740M	12	1	\$57.28	1	\$58.70	\$115.98
016-142-23	741	12	1	\$57.28	1	\$58.70	\$115.98
016-151-01	743	8	1	\$57.28	1	\$58.70	\$115.98
016-151-03	744	8	1	\$57.28	1	\$58.70	\$115.98
016-151-04	745	8	1	\$57.28	1	\$58.70	\$115.98
016-151-05	746	8	1	\$57.28	1	\$58.70	\$115.98
016-151-06	747	8	1	\$57.28	0	\$0.00	\$57.28
016-151-07	748	8	1	\$57.28	1	\$58.70	\$115.98
016-151-08	749	8	1	\$57.28	1	\$58.70	\$115.98
016-152-01	750	8	1	\$57.28	1	\$58.70	\$115.98
016-152-02	751	8	1	\$57.28	1	\$58.70	\$115.98
016-152-03	752	8	1	\$57.28	1	\$58.70	\$115.98
016-152-04	753	8	1	\$57.28	1	\$58.70	\$115.98
016-152-05	754	8	1	\$57.28	1	\$58.70	\$115.98
016-152-06	755	8	1	\$57.28	1	\$58.70	\$115.98
016-152-07	756	8	1	\$57.28	1	\$58.70	\$115.98
016-152-08	757	8	1	\$57.28	1	\$58.70	\$115.98
016-152-09	758	8	1	\$57.28	1	\$58.70	\$115.98
016-152-10	759	8	1	\$57.28	1	\$58.70	\$115.98
016-152-13	760	8	1	\$57.28	1	\$58.70	\$115.98
016-152-14	761	8	1	\$57.28	1	\$58.70	\$115.98
016-152-15	762	8	1	\$57.28	1	\$58.70	\$115.98
016-152-16	763	8	1	\$57.28	1	\$58.70	\$115.98
016-152-17	764	8	1	\$57.28	1	\$58.70	\$115.98
016-152-18	765	8	1	\$57.28	1	\$58.70	\$115.98
016-152-19	766	8	1	\$57.28	1	\$58.70	\$115.98
016-152-20	767	8	1	\$57.28	1	\$58.70	\$115.98
016-152-21	768	8	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

016-152-22	769	8	1	\$57.28	1	\$58.70	\$115.98
016-152-23	770	8	1	\$57.28	1	\$58.70	\$115.98
016-153-01	771	8	1	\$57.28	1	\$58.70	\$115.98
016-153-02	772	8	1	\$57.28	1	\$58.70	\$115.98
016-153-03	773	8	1	\$57.28	1	\$58.70	\$115.98
016-153-04	774	8	1	\$57.28	1	\$58.70	\$115.98
016-153-05	775	8	1	\$57.28	1	\$58.70	\$115.98
016-153-06	776	8	1	\$57.28	1	\$58.70	\$115.98
016-153-07	777	8	1	\$57.28	1	\$58.70	\$115.98
016-153-08	778	8	1	\$57.28	0	\$0.00	\$57.28
016-153-09	779	8	1	\$57.28	1	\$58.70	\$115.98
016-153-10	780	8	1	\$57.28	1	\$58.70	\$115.98
016-153-11	781	8	1	\$57.28	0	\$0.00	\$57.28
016-154-04	782	8	1	\$57.28	1	\$58.70	\$115.98
016-154-05	783	8	1	\$57.28	1	\$58.70	\$115.98
016-154-06	784	8	1	\$57.28	1	\$58.70	\$115.98
016-154-07	785	8	1	\$57.28	1	\$58.70	\$115.98
016-154-08	786	8	1	\$57.28	1	\$58.70	\$115.98
016-161-01	787	8	1	\$57.28	1	\$58.70	\$115.98
016-161-55	788M	8	1	\$57.28	1	\$58.70	\$115.98
016-161-07	789	12	1	\$57.28	0	\$0.00	\$57.28
016-161-15	790	12	1	\$57.28	1	\$58.70	\$115.98
016-161-16	791	12	1	\$57.28	1	\$58.70	\$115.98
016-161-17	792	12	1	\$57.28	1	\$58.70	\$115.98
016-161-18	793	12	1	\$57.28	1	\$58.70	\$115.98
016-161-19	794	12	1	\$57.28	1	\$58.70	\$115.98
016-161-20	795	12	1	\$57.28	1	\$58.70	\$115.98
016-161-21	796	12	1	\$57.28	1	\$58.70	\$115.98
016-161-22	797	8	1	\$57.28	1	\$58.70	\$115.98
016-161-27	798	12	1	\$57.28	1	\$58.70	\$115.98
016-161-28	799	12	1	\$57.28	1	\$58.70	\$115.98
016-161-29	800	12	1	\$57.28	1	\$58.70	\$115.98
016-161-34	801	12	0	\$0.00	0	\$0.00	\$0.00
016-161-36	802	12	0	\$0.00	0	\$0.00	\$0.00
016-161-39	803	8	0	\$0.00	0	\$0.00	\$0.00
016-161-42	805	12	1	\$57.28	1	\$58.70	\$115.98
016-161-46	806	12	0	\$0.00	0	\$0.00	\$0.00
016-161-48	807	12	1	\$57.28	1	\$58.70	\$115.98
016-161-49	808	12	1	\$57.28	1	\$58.70	\$115.98
016-161-50	809	12	1	\$57.28	1	\$58.70	\$115.98
016-161-51	810	12	1	\$57.28	1	\$58.70	\$115.98
016-161-52	811	12	1	\$57.28	1	\$58.70	\$115.98
016-161-53	812	12	1	\$57.28	1	\$58.70	\$115.98
016-161-54	813	12	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

016-162-01	814	12	0	\$0.00	0	\$0.00	\$0.00
016-162-02	815	12	1	\$57.28	1	\$58.70	\$115.98
016-163-01	816	12	1	\$57.28	1	\$58.70	\$115.98
016-163-02	817	12	1	\$57.28	1	\$58.70	\$115.98
016-163-03	818	12	1	\$57.28	1	\$58.70	\$115.98
016-163-04	819	12	1	\$57.28	1	\$58.70	\$115.98
016-163-05	820	12	1	\$57.28	1	\$58.70	\$115.98
016-163-06	821	12	1	\$57.28	1	\$58.70	\$115.98
016-163-07	822	12	1	\$57.28	1	\$58.70	\$115.98
016-163-08	823	12	1	\$57.28	1	\$58.70	\$115.98
016-163-09	824	12	1	\$57.28	1	\$58.70	\$115.98
016-163-10	825	12	1	\$57.28	0	\$0.00	\$57.28
016-163-11	826	12	1	\$57.28	0	\$0.00	\$57.28
016-163-12	827	12	1	\$57.28	1	\$58.70	\$115.98
016-163-13	828	12	1	\$57.28	1	\$58.70	\$115.98
016-172-01	829	8	1	\$57.28	0	\$0.00	\$57.28
016-172-02	830	8	0	\$0.00	0	\$0.00	\$0.00
016-173-01	831	8	1	\$57.28	1	\$58.70	\$115.98
016-173-02	832	8	1	\$57.28	0	\$0.00	\$57.28
016-173-03	833	8	1	\$57.28	1	\$58.70	\$115.98
016-173-04	834	8	1	\$57.28	1	\$58.70	\$115.98
016-173-05	835	8	1	\$57.28	0	\$0.00	\$57.28
016-173-06	836	8	1	\$57.28	1	\$58.70	\$115.98
016-173-07	837	8	1	\$57.28	0	\$0.00	\$57.28
016-173-08	838	8	1	\$57.28	1	\$58.70	\$115.98
016-173-09	839	8	1	\$57.28	1	\$58.70	\$115.98
016-173-10	840	8	1	\$57.28	1	\$58.70	\$115.98
016-173-11	841	8	1	\$57.28	1	\$58.70	\$115.98
016-173-12	842	8	1	\$57.28	1	\$58.70	\$115.98
016-173-13	843	8	1	\$57.28	1	\$58.70	\$115.98
016-173-14	844	8	1	\$57.28	0	\$0.00	\$57.28
016-173-15	845	8	0	\$0.00	0	\$0.00	\$0.00
016-174-01	846	8	1	\$57.28	1	\$58.70	\$115.98
016-174-02	847	8	1	\$57.28	1	\$58.70	\$115.98
016-174-03	848	8	1	\$57.28	1	\$58.70	\$115.98
016-174-04	849	8	1	\$57.28	1	\$58.70	\$115.98
016-174-05	850	8	1	\$57.28	1	\$58.70	\$115.98
016-174-06	851	8	1	\$57.28	1	\$58.70	\$115.98
016-174-07	852	8	1	\$57.28	1	\$58.70	\$115.98
016-174-08	853	8	1	\$57.28	1	\$58.70	\$115.98
016-174-09	854	8	1	\$57.28	1	\$58.70	\$115.98
016-174-10	855	8	1	\$57.28	1	\$58.70	\$115.98
016-174-11	856	8	1	\$57.28	1	\$58.70	\$115.98
016-174-12	857	8	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

016-174-13	858	8	1	\$57.28	0	\$0.00	\$57.28
016-174-14	859	8	1	\$57.28	1	\$58.70	\$115.98
016-174-15	860	8	1	\$57.28	1	\$58.70	\$115.98
016-174-16	861	8	1	\$57.28	1	\$58.70	\$115.98
016-174-17	862	8	1	\$57.28	1	\$58.70	\$115.98
016-174-18	863	8	1	\$57.28	1	\$58.70	\$115.98
016-174-19	864	8	1	\$57.28	1	\$58.70	\$115.98
016-174-20	865	8	1	\$57.28	1	\$58.70	\$115.98
016-175-01	866	8	1	\$57.28	1	\$58.70	\$115.98
016-175-02	867	8	1	\$57.28	1	\$58.70	\$115.98
016-175-03	868	8	1	\$57.28	0	\$0.00	\$57.28
016-181-01	869	13	1	\$57.28	1	\$58.70	\$115.98
016-181-02	870	13	1	\$57.28	1	\$58.70	\$115.98
016-181-06	871	8	1	\$57.28	1	\$58.70	\$115.98
016-181-10	872	13	1	\$57.28	1	\$58.70	\$115.98
016-181-12	873	8	1	\$57.28	1	\$58.70	\$115.98
016-181-15	874	8	1	\$57.28	1	\$58.70	\$115.98
016-181-16	875	8	1	\$57.28	1	\$58.70	\$115.98
016-181-17	876	8	1	\$57.28	1	\$58.70	\$115.98
016-181-18	877	13	1	\$57.28	1	\$58.70	\$115.98
016-181-19	878	13	1	\$57.28	1	\$58.70	\$115.98
016-181-20	879	8	0	\$0.00	0	\$0.00	\$0.00
016-181-21	880	8	1	\$57.28	1	\$58.70	\$115.98
016-181-22	881	8	1	\$57.28	1	\$58.70	\$115.98
016-181-23	882	8	1	\$57.28	1	\$58.70	\$115.98
016-181-25	883	13	1	\$57.28	1	\$58.70	\$115.98
016-182-01	884	8	1	\$57.28	1	\$58.70	\$115.98
016-182-02	885	8	1	\$57.28	1	\$58.70	\$115.98
016-182-03	886	8	1	\$57.28	0	\$0.00	\$57.28
016-182-04	887	8	1	\$57.28	1	\$58.70	\$115.98
016-182-05	888	8	1	\$57.28	1	\$58.70	\$115.98
016-182-06	889	8	1	\$57.28	1	\$58.70	\$115.98
016-182-07	890	8	1	\$57.28	1	\$58.70	\$115.98
016-182-08	891	8	1	\$57.28	1	\$58.70	\$115.98
016-182-10	892	8	0	\$0.00	0	\$0.00	\$0.00
016-183-01	893	8	1	\$57.28	1	\$58.70	\$115.98
016-183-02	894	8	1	\$57.28	0	\$0.00	\$57.28
016-191-09	895	8	1	\$57.28	1	\$58.70	\$115.98
016-191-10	896	8	1	\$57.28	1	\$58.70	\$115.98
016-191-13	897	8	1	\$57.28	1	\$58.70	\$115.98
016-191-14	898	8	1	\$57.28	1	\$58.70	\$115.98
016-191-15	899	8	1	\$57.28	0	\$0.00	\$57.28
016-191-16	900	8	1	\$57.28	1	\$58.70	\$115.98
016-191-17	901	8	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

016-191-18	902	8	1	\$57.28	1	\$58.70	\$115.98
016-191-19	903	8	1	\$57.28	1	\$58.70	\$115.98
016-191-20	904	8	1	\$57.28	1	\$58.70	\$115.98
016-191-21	905	8	1	\$57.28	1	\$58.70	\$115.98
016-191-22	906	8	1	\$57.28	1	\$58.70	\$115.98
016-191-24	907	8	1	\$57.28	1	\$58.70	\$115.98
016-201-01	908	8	1	\$57.28	1	\$58.70	\$115.98
016-201-02	909	8	1	\$57.28	1	\$58.70	\$115.98
016-201-03	910	8	1	\$57.28	1	\$58.70	\$115.98
016-201-13	911	8	1	\$57.28	1	\$58.70	\$115.98
016-201-22	912M	8	1	\$57.28	1	\$58.70	\$115.98
016-201-15	913	8	1	\$57.28	0	\$0.00	\$57.28
016-201-16	914	8	1	\$57.28	1	\$58.70	\$115.98
016-201-20	916	8	1	\$57.28	0	\$0.00	\$57.28
016-201-21	917	8	1	\$57.28	1	\$58.70	\$115.98
016-202-01	918	8	1	\$57.28	0	\$0.00	\$57.28
016-202-02	919	8	1	\$57.28	1	\$58.70	\$115.98
016-202-03	920	8	1	\$57.28	1	\$58.70	\$115.98
016-203-01	921	8	1	\$57.28	1	\$58.70	\$115.98
016-203-08	922	8	1	\$57.28	1	\$58.70	\$115.98
016-203-09	923	8	0	\$0.00	0	\$0.00	\$0.00
016-203-10	924	8	1	\$57.28	1	\$58.70	\$115.98
016-203-11	925	8	1	\$57.28	1	\$58.70	\$115.98
016-203-12	926	8	1	\$57.28	1	\$58.70	\$115.98
016-203-13	927	8	1	\$57.28	1	\$58.70	\$115.98
016-203-14	928	8	1	\$57.28	1	\$58.70	\$115.98
016-203-15	929	8	1	\$57.28	1	\$58.70	\$115.98
016-203-16	930	8	1	\$57.28	1	\$58.70	\$115.98
016-203-18	931	8	1	\$57.28	1	\$58.70	\$115.98
016-213-03	932	6	1	\$57.28	0	\$0.00	\$57.28
016-213-05	933	6	1	\$57.28	1	\$58.70	\$115.98
016-213-06	934	6	1	\$57.28	0	\$0.00	\$57.28
016-213-07	935	6	1	\$57.28	1	\$58.70	\$115.98
016-213-08	936	6	1	\$57.28	1	\$58.70	\$115.98
016-213-09	937	6	1	\$57.28	1	\$58.70	\$115.98
016-213-12	938	7	2.975	\$170.40	2.97	\$174.34	\$344.74
016-213-13	939	7	7.54	\$431.92	0	\$0.00	\$431.92
016-213-14	940	6	1	\$57.28	0	\$0.00	\$57.28
016-213-15	941	6	0	\$0.00	0	\$0.00	\$0.00
016-231-05	942	6	0	\$0.00	0	\$0.00	\$0.00
016-241-06	943	7	1	\$57.28	1	\$58.70	\$115.98
016-241-22	944M	6	1	\$57.28	1	\$58.70	\$115.98
016-241-09	945	6	1	\$57.28	1	\$58.70	\$115.98
016-241-23	947M	6	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

016-241-21	949	6	1	\$57.28	1	\$58.70	\$115.98
016-242-08	950	7	1	\$57.28	1	\$58.70	\$115.98
016-242-09	951	7	0	\$0.00	0	\$0.00	\$0.00
016-242-12	952	7	1	\$57.28	1	\$58.70	\$115.98
016-242-13	953	7	0	\$0.00	0	\$0.00	\$0.00
016-242-23	954	6	0	\$0.00	0	\$0.00	\$0.00
016-242-32	955M	6	1	\$57.28	1	\$58.70	\$115.98
016-242-25	956	6	1	\$57.28	1	\$58.70	\$115.98
016-242-32	957	6	1	\$57.28	1	\$58.70	\$115.98
016-242-27	958	6	1	\$57.28	1	\$58.70	\$115.98
016-242-28	959	6	1	\$57.28	1	\$58.70	\$115.98
016-242-30	960	6	1	\$57.28	1	\$58.70	\$115.98
016-242-31	961	6	1.5	\$85.94	1.5	\$88.06	\$174.00
016-261-02	962	6	1	\$57.28	1	\$58.70	\$115.98
016-261-03	963	7	1	\$57.28	1	\$58.70	\$115.98
016-261-05	964	7	0	\$0.00	0	\$0.00	\$0.00
016-261-06	965	7	0	\$0.00	0	\$0.00	\$0.00
016-261-09	966	7	0	\$0.00	0	\$0.00	\$0.00
016-261-10	967	7	1	\$57.28	1	\$58.70	\$115.98
016-261-11	968	7	1	\$57.28	1	\$58.70	\$115.98
016-271-10	969	7	1	\$57.28	1	\$58.70	\$115.98
016-271-11	970	7	0	\$0.00	0	\$0.00	\$0.00
016-271-16	971	7	0	\$0.00	0	\$0.00	\$0.00
016-281-01	972	3	1	\$57.28	0	\$0.00	\$57.28
016-281-02	973	3	1	\$57.28	1	\$58.70	\$115.98
016-281-03	974	3	1	\$57.28	1	\$58.70	\$115.98
016-281-04	975	3	1	\$57.28	1	\$58.70	\$115.98
016-281-05	976	3	1	\$57.28	1	\$58.70	\$115.98
016-281-06	977	3	1	\$57.28	1	\$58.70	\$115.98
016-281-07	978	3	1	\$57.28	1	\$58.70	\$115.98
016-281-08	979	3	1	\$57.28	1	\$58.70	\$115.98
016-281-09	980	3	1	\$57.28	1	\$58.70	\$115.98
016-281-10	981	3	1	\$57.28	0	\$0.00	\$57.28
016-281-11	982	4	1	\$57.28	1	\$58.70	\$115.98
016-281-12	983	4	1	\$57.28	1	\$58.70	\$115.98
016-281-13	984	4	1	\$57.28	1	\$58.70	\$115.98
016-281-14	985	4	1	\$57.28	1	\$58.70	\$115.98
016-281-15	986	4	1	\$57.28	1	\$58.70	\$115.98
016-281-16	987	3	1	\$57.28	1	\$58.70	\$115.98
016-281-17	988	3	1	\$57.28	1	\$58.70	\$115.98
016-281-18	989	3	1	\$57.28	1	\$58.70	\$115.98
016-281-19	990	3	1	\$57.28	1	\$58.70	\$115.98
016-281-20	991	3	1	\$57.28	1	\$58.70	\$115.98
016-281-21	992	3	1	\$57.28	0	\$0.00	\$57.28

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

016-281-22	993	3	1	\$57.28	1	\$58.70	\$115.98
016-281-23	994	3	1	\$57.28	1	\$58.70	\$115.98
016-281-24	995	4	1	\$57.28	0	\$0.00	\$57.28
016-281-25	996	4	1	\$57.28	1	\$58.70	\$115.98
016-281-26	997	3	1	\$57.28	1	\$58.70	\$115.98
016-281-27	998	3	1	\$57.28	1	\$58.70	\$115.98
016-281-28	999	3	1	\$57.28	1	\$58.70	\$115.98
016-281-29	1000	3	1	\$57.28	1	\$58.70	\$115.98
016-281-30	1001	3	1	\$57.28	1	\$58.70	\$115.98
016-281-31	1002	3	1	\$57.28	1	\$58.70	\$115.98
016-281-32	1003	3	1	\$57.28	0	\$0.00	\$57.28
016-282-01	1004	3	1	\$57.28	1	\$58.70	\$115.98
016-282-02	1005	3	1	\$57.28	1	\$58.70	\$115.98
016-282-03	1006	3	1	\$57.28	1	\$58.70	\$115.98
016-282-04	1007	3	1	\$57.28	1	\$58.70	\$115.98
016-282-05	1008	3	1	\$57.28	1	\$58.70	\$115.98
016-282-06	1009	3	1	\$57.28	1	\$58.70	\$115.98
016-282-07	1010	3	1	\$57.28	1	\$58.70	\$115.98
016-282-08	1011	3	1	\$57.28	1	\$58.70	\$115.98
016-283-01	1012	3	1	\$57.28	1	\$58.70	\$115.98
016-283-02	1013	3	1	\$57.28	1	\$58.70	\$115.98
016-283-03	1014	3	1	\$57.28	1	\$58.70	\$115.98
016-283-04	1015	3	1	\$57.28	1	\$58.70	\$115.98
016-283-05	1016	3	1	\$57.28	1	\$58.70	\$115.98
016-283-06	1017	3	1	\$57.28	1	\$58.70	\$115.98
016-283-07	1018	3	1	\$57.28	1	\$58.70	\$115.98
016-283-08	1019	3	1	\$57.28	1	\$58.70	\$115.98
016-283-09	1020	3	1	\$57.28	1	\$58.70	\$115.98
016-283-10	1021	3	1	\$57.28	1	\$58.70	\$115.98
016-283-11	1022	3	1	\$57.28	1	\$58.70	\$115.98
016-291-06	1023	7	1	\$57.28	0	\$0.00	\$57.28
016-291-07	1024	7	1	\$57.28	1	\$58.70	\$115.98
016-291-08	1025	7	1	\$57.28	1	\$58.70	\$115.98
016-291-09	1026	7	1	\$57.28	1	\$58.70	\$115.98
016-291-10	1027	7	1	\$57.28	1	\$58.70	\$115.98
016-291-11	1028	7	1	\$57.28	1	\$58.70	\$115.98
016-291-12	1029	7	1	\$57.28	1	\$58.70	\$115.98
016-291-13	1030	7	1	\$57.28	0	\$0.00	\$57.28
016-291-14	1031	7	1	\$57.28	1	\$58.70	\$115.98
016-291-16	1032	7	1	\$57.28	1	\$58.70	\$115.98
016-291-17	1033	7	1	\$57.28	1	\$58.70	\$115.98
016-291-18	1034	7	1	\$57.28	1	\$58.70	\$115.98
016-291-19	1035	7	1	\$57.28	1	\$58.70	\$115.98
016-291-20	1036	7	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

016-291-21	1037	7	1	\$57.28	0	\$0.00	\$57.28
016-291-22	1038	7	1	\$57.28	1	\$58.70	\$115.98
016-291-23	1039	7	1	\$57.28	1	\$58.70	\$115.98
016-291-24	1040	7	1	\$57.28	1	\$58.70	\$115.98
016-291-25	1041	7	1	\$57.28	0	\$0.00	\$57.28
016-291-29	1042	7	1	\$57.28	1	\$58.70	\$115.98
016-291-40	1043	7	1	\$57.28	1	\$58.70	\$115.98
016-291-41	1044	7	1	\$57.28	0	\$0.00	\$57.28
016-291-43	1045	7	1	\$57.28	1	\$58.70	\$115.98
016-291-46	1046	7	0	\$0.00	0	\$0.00	\$0.00
016-291-52	1047	7	1	\$57.28	1	\$58.70	\$115.98
016-291-54	1048	7	1	\$57.28	0	\$0.00	\$57.28
016-301-01	1049	6	1	\$57.28	1	\$58.70	\$115.98
016-301-02	1050	6	1	\$57.28	1	\$58.70	\$115.98
016-301-03	1051	6	1	\$57.28	1	\$58.70	\$115.98
016-301-04	1052	6	1	\$57.28	1	\$58.70	\$115.98
016-301-05	1053	6	1	\$57.28	1	\$58.70	\$115.98
016-301-06	1054	6	1	\$57.28	1	\$58.70	\$115.98
016-301-07	1055	6	1	\$57.28	1	\$58.70	\$115.98
016-301-08	1056	6	1	\$57.28	1	\$58.70	\$115.98
016-301-09	1057	6	1	\$57.28	0	\$0.00	\$57.28
016-301-10	1058	6	1	\$57.28	1	\$58.70	\$115.98
016-301-11	1059	6	1	\$57.28	1	\$58.70	\$115.98
016-301-12	1060	6	1	\$57.28	1	\$58.70	\$115.98
016-301-13	1061	6	1	\$57.28	1	\$58.70	\$115.98
016-301-14	1062	6	1	\$57.28	1	\$58.70	\$115.98
016-301-15	1063	6	1	\$57.28	1	\$58.70	\$115.98
016-301-16	1064	6	1	\$57.28	1	\$58.70	\$115.98
016-301-17	1065	6	1	\$57.28	0	\$0.00	\$57.28
016-301-18	1066	6	0	\$0.00	0	\$0.00	\$0.00
016-301-19	1067	6	1	\$57.28	0	\$0.00	\$57.28
016-301-20	1068	6	0	\$0.00	0	\$0.00	\$0.00
016-301-22	1069	6	1	\$57.28	1	\$58.70	\$115.98
016-301-23	1070	6	0	\$0.00	0	\$0.00	\$0.00
016-302-01	1071	6	1	\$57.28	1	\$58.70	\$115.98
016-302-02	1072	6	1	\$57.28	1	\$58.70	\$115.98
016-302-03	1073	6	1	\$57.28	1	\$58.70	\$115.98
016-302-04	1074	6	0	\$0.00	0	\$0.00	\$0.00
016-302-05	1075	6	1	\$57.28	1	\$58.70	\$115.98
016-302-06	1076	6	0	\$0.00	0	\$0.00	\$0.00
016-302-07	1077	6	1	\$57.28	1	\$58.70	\$115.98
016-302-08	1078	6	1	\$57.28	1	\$58.70	\$115.98
016-302-09	1079	6	1	\$57.28	1	\$58.70	\$115.98
016-302-10	1080	6	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

016-302-11	1081	6	0	\$0.00	0	\$0.00	\$0.00
016-302-31	1082M	6	1	\$57.28	1	\$58.70	\$115.98
016-302-14	1084	6	1	\$57.28	1	\$58.70	\$115.98
016-302-15	1085	6	1	\$57.28	1	\$58.70	\$115.98
016-302-20	1086	6	1	\$57.28	0	\$0.00	\$57.28
016-302-21	1087	6	1	\$57.28	1	\$58.70	\$115.98
016-302-32	1088M	6	1	\$57.28	1	\$58.70	\$115.98
016-302-24	1090	6	1	\$57.28	1	\$58.70	\$115.98
016-302-25	1091	6	0	\$0.00	0	\$0.00	\$0.00
016-302-26	1092	6	0	\$0.00	0	\$0.00	\$0.00
016-302-27	1093	6	1	\$57.28	1	\$58.70	\$115.98
016-302-28	1094	6	0	\$0.00	0	\$0.00	\$0.00
016-302-29	1095	6	1	\$57.28	1	\$58.70	\$115.98
016-302-30	1096	6	1	\$57.28	1	\$58.70	\$115.98
016-310-01	1097	7	1	\$57.28	1	\$58.70	\$115.98
016-310-02	1098	7	1	\$57.28	1	\$58.70	\$115.98
016-310-03	1099	7	1	\$57.28	0	\$0.00	\$57.28
016-310-04	1100	7	1	\$57.28	1	\$58.70	\$115.98
016-310-05	1101	7	1	\$57.28	1	\$58.70	\$115.98
016-310-06	1102	7	1	\$57.28	1	\$58.70	\$115.98
016-310-07	1103	7	1	\$57.28	1	\$58.70	\$115.98
016-310-08	1104	7	1	\$57.28	1	\$58.70	\$115.98
016-310-09	1105	7	1	\$57.28	1	\$58.70	\$115.98
016-310-10	1106	7	1	\$57.28	1	\$58.70	\$115.98
016-310-11	1107	7	1	\$57.28	1	\$58.70	\$115.98
016-310-12	1108	7	1	\$57.28	1	\$58.70	\$115.98
016-310-13	1109	7	1	\$57.28	1	\$58.70	\$115.98
016-310-14	1110	7	1	\$57.28	1	\$58.70	\$115.98
016-310-15	1111	7	1	\$57.28	0	\$0.00	\$57.28
016-310-18	1112	7	1	\$57.28	1	\$58.70	\$115.98
016-310-19	1113	7	1	\$57.28	1	\$58.70	\$115.98
016-310-20	1114	7	1	\$57.28	0	\$0.00	\$57.28
016-310-24	1115	7	0	\$0.00	0	\$0.00	\$0.00
016-310-25	1116	7	0	\$0.00	0	\$0.00	\$0.00
016-310-26	1117	7	0	\$0.00	0	\$0.00	\$0.00
016-310-27	1118	7	0	\$0.00	0	\$0.00	\$0.00
016-310-28	1119	7	0	\$0.00	0	\$0.00	\$0.00
016-310-29	1120	7	0	\$0.00	0	\$0.00	\$0.00
016-310-30	1121	7	0	\$0.00	0	\$0.00	\$0.00
016-310-31	1122	7	0	\$0.00	0	\$0.00	\$0.00
016-310-32	1123	7	0	\$0.00	0	\$0.00	\$0.00
016-310-33	1124	7	1	\$57.28	1	\$58.70	\$115.98
016-310-34	1125	7	1	\$57.28	1	\$58.70	\$115.98
016-321-01	1126	13	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

016-321-02	1127	13	1	\$57.28	0	\$0.00	\$57.28
016-321-03	1128	13	1	\$57.28	1	\$58.70	\$115.98
016-321-04	1129	10	1	\$57.28	1	\$58.70	\$115.98
016-321-05	1130	10	1	\$57.28	1	\$58.70	\$115.98
016-321-06	1131	10	1	\$57.28	1	\$58.70	\$115.98
016-321-07	1132	13	1	\$57.28	1	\$58.70	\$115.98
016-321-08	1133	13	1	\$57.28	1	\$58.70	\$115.98
016-321-09	1134	10	1	\$57.28	1	\$58.70	\$115.98
016-321-10	1135	10	1	\$57.28	1	\$58.70	\$115.98
016-322-01	1136	13	1	\$57.28	1	\$58.70	\$115.98
016-322-02	1137	13	1	\$57.28	1	\$58.70	\$115.98
016-322-03	1138	13	1	\$57.28	1	\$58.70	\$115.98
016-322-04	1139	13	1	\$57.28	1	\$58.70	\$115.98
016-322-05	1140	13	1	\$57.28	0	\$0.00	\$57.28
016-322-06	1141	13	1	\$57.28	1	\$58.70	\$115.98
016-322-07	1142	13	1	\$57.28	1	\$58.70	\$115.98
016-330-01	1143	11	1	\$57.28	1	\$58.70	\$115.98
016-330-02	1144	11	1	\$57.28	1	\$58.70	\$115.98
016-330-03	1145	11	1	\$57.28	1	\$58.70	\$115.98
016-330-04	1146	11	1	\$57.28	1	\$58.70	\$115.98
016-330-05	1147	11	1	\$57.28	1	\$58.70	\$115.98
016-330-06	1148	10	1	\$57.28	1	\$58.70	\$115.98
016-330-07	1149	10	1	\$57.28	1	\$58.70	\$115.98
016-330-08	1150	10	1	\$57.28	1	\$58.70	\$115.98
016-330-10	1151	10	1	\$57.28	1	\$58.70	\$115.98
016-330-11	1152	10	1	\$57.28	1	\$58.70	\$115.98
016-330-12	1153	11	1	\$57.28	1	\$58.70	\$115.98
016-330-13	1154	11	1	\$57.28	1	\$58.70	\$115.98
016-330-14	1155	11	1	\$57.28	1	\$58.70	\$115.98
017-181-01	1156	3	0	\$0.00	0	\$0.00	\$0.00
017-181-08	1157	3	0	\$0.00	0	\$0.00	\$0.00
017-181-09	1158	3	1	\$57.28	1	\$58.70	\$115.98
017-181-10	1159	3	1	\$57.28	1	\$58.70	\$115.98
017-181-11	1160	3	1	\$57.28	1	\$58.70	\$115.98
017-181-12	1161	3	1	\$57.28	1	\$58.70	\$115.98
017-181-16	1162	3	1	\$57.28	1	\$58.70	\$115.98
017-181-34	1163	3	1	\$57.28	0	\$0.00	\$57.28
017-181-35	1164	3	1	\$57.28	1	\$58.70	\$115.98
017-181-46	1165M	3	1	\$57.28	1	\$58.70	\$115.98
017-181-45	1166M	3	1	\$57.28	1	\$58.70	\$115.98
017-181-40	1168	3	1	\$57.28	1	\$58.70	\$115.98
017-181-41	1169	3	1	\$57.28	1	\$58.70	\$115.98
017-181-42	1170	3	1	\$57.28	1	\$58.70	\$115.98
017-181-44	1172	3	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

184-010-09	1173	18	0	\$0.00	0	\$0.00	\$0.00
184-010-15	1174	18	2.25	\$128.88	2.25	\$132.08	\$260.96
184-010-16	1175	18	1	\$57.28	1	\$58.70	\$115.98
184-010-49	1176	18	0	\$0.00	0	\$0.00	\$0.00
184-010-50	1177	18	0	\$0.00	0	\$0.00	\$0.00
184-010-51	1178	18	7.51	\$430.20	7.51	\$440.84	\$871.04
184-010-52	1179	18	42	\$2,405.78	42	\$2,465.40	\$4,871.18
184-010-53	1180	18	0	\$0.00	0	\$0.00	\$0.00
184-020-03	1181	19	0	\$0.00	0	\$0.00	\$0.00
184-020-04	1182	20	0	\$0.00	0	\$0.00	\$0.00
184-020-05	1183	19	0	\$0.00	0	\$0.00	\$0.00
184-020-06	1184	21	1	\$57.28	1	\$58.70	\$115.98
184-020-07	1185	19	1	\$57.28	1	\$58.70	\$115.98
184-030-01	1186	19	1	\$57.28	1	\$58.70	\$115.98
184-030-04	1187	19	1	\$57.28	0	\$0.00	\$57.28
184-030-05	1188	19	0	\$0.00	0	\$0.00	\$0.00
184-030-16	1189	19	0	\$0.00	0	\$0.00	\$0.00
184-030-17	1190	18	0	\$0.00	0	\$0.00	\$0.00
184-041-01	1191	21	1	\$57.28	1	\$58.70	\$115.98
184-041-02	1192	21	1	\$57.28	1	\$58.70	\$115.98
184-041-03	1193	21	1	\$57.28	1	\$58.70	\$115.98
184-041-04	1194	21	1	\$57.28	0	\$0.00	\$57.28
184-041-05	1195	21	1	\$57.28	1	\$58.70	\$115.98
184-041-06	1196	21	1	\$57.28	1	\$58.70	\$115.98
184-041-07	1197	21	1	\$57.28	0	\$0.00	\$57.28
184-041-08	1198	21	1	\$57.28	1	\$58.70	\$115.98
184-041-09	1199	21	1	\$57.28	1	\$58.70	\$115.98
184-041-12	1200	21	1	\$57.28	1	\$58.70	\$115.98
184-041-13	1201	21	1	\$57.28	1	\$58.70	\$115.98
184-041-14	1202	21	1	\$57.28	1	\$58.70	\$115.98
184-041-15	1203	21	1	\$57.28	1	\$58.70	\$115.98
184-041-16	1204	21	1	\$57.28	1	\$58.70	\$115.98
184-041-17	1205	16	1	\$57.28	1	\$58.70	\$115.98
184-041-18	1206	16	1	\$57.28	1	\$58.70	\$115.98
184-041-20	1207	21	1	\$57.28	1	\$58.70	\$115.98
184-041-21	1208	21	1	\$57.28	1	\$58.70	\$115.98
184-042-01	1209	21	1	\$57.28	0	\$0.00	\$57.28
184-042-02	1210	21	0	\$0.00	0	\$0.00	\$0.00
184-042-03	1211	21	0	\$0.00	0	\$0.00	\$0.00
184-042-04	1212	21	0	\$0.00	0	\$0.00	\$0.00
184-042-05	1213	16	0	\$0.00	0	\$0.00	\$0.00
184-043-01	1214	21	1	\$57.28	0	\$0.00	\$57.28
184-043-02	1215	21	1	\$57.28	1	\$58.70	\$115.98
184-043-03	1216	21	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

184-043-04	1217	21	1	\$57.28	1	\$58.70	\$115.98
184-043-05	1218	21	0	\$0.00	0	\$0.00	\$0.00
184-043-18	1219M	#N/A	1	\$57.28	1	\$58.70	\$115.98
184-043-07	1220	21	1	\$57.28	1	\$58.70	\$115.98
184-043-08	1221	21	1	\$57.28	1	\$58.70	\$115.98
184-043-09	1222	21	1	\$57.28	1	\$58.70	\$115.98
184-043-10	1223	21	1	\$57.28	0	\$0.00	\$57.28
184-043-11	1224	21	1	\$57.28	1	\$58.70	\$115.98
184-043-12	1225	21	1	\$57.28	1	\$58.70	\$115.98
184-043-13	1226	21	1	\$57.28	1	\$58.70	\$115.98
184-043-16	1228	21	1	\$57.28	1	\$58.70	\$115.98
184-043-17	1229	21	0	\$0.00	0	\$0.00	\$0.00
184-051-01	1230	21	1	\$57.28	1	\$58.70	\$115.98
184-051-02	1231	21	1	\$57.28	1	\$58.70	\$115.98
184-051-03	1232	21	1	\$57.28	1	\$58.70	\$115.98
184-051-04	1233	21	1	\$57.28	0	\$0.00	\$57.28
184-051-05	1234	21	1	\$57.28	1	\$58.70	\$115.98
184-051-06	1235	21	1	\$57.28	1	\$58.70	\$115.98
184-051-07	1236	21	1	\$57.28	1	\$58.70	\$115.98
184-052-01	1237	21	1	\$57.28	1	\$58.70	\$115.98
184-052-02	1238	21	1	\$57.28	1	\$58.70	\$115.98
184-052-03	1239	21	1	\$57.28	0	\$0.00	\$57.28
184-052-04	1240	21	1	\$57.28	1	\$58.70	\$115.98
184-052-05	1241	21	1	\$57.28	1	\$58.70	\$115.98
184-052-06	1242	21	1	\$57.28	1	\$58.70	\$115.98
184-052-07	1243	21	1	\$57.28	1	\$58.70	\$115.98
184-121-01	1244	20	1	\$57.28	1	\$58.70	\$115.98
184-121-02	1245	20	1	\$57.28	1	\$58.70	\$115.98
184-121-03	1246	23	1	\$57.28	1	\$58.70	\$115.98
184-121-04	1247	23	1	\$57.28	1	\$58.70	\$115.98
184-121-05	1248	23	1	\$57.28	1	\$58.70	\$115.98
184-121-06	1249	23	1	\$57.28	1	\$58.70	\$115.98
184-121-07	1250	23	1	\$57.28	1	\$58.70	\$115.98
184-131-01	1251	20	1	\$57.28	1	\$58.70	\$115.98
184-131-02	1252	20	1	\$57.28	1	\$58.70	\$115.98
184-131-03	1253	20	1	\$57.28	1	\$58.70	\$115.98
184-131-04	1254	20	1	\$57.28	1	\$58.70	\$115.98
184-131-05	1255	20	1	\$57.28	1	\$58.70	\$115.98
184-131-06	1256	20	1	\$57.28	1	\$58.70	\$115.98
184-131-07	1257	20	1	\$57.28	1	\$58.70	\$115.98
184-131-08	1258	20	1	\$57.28	1	\$58.70	\$115.98
184-131-09	1259	20	0	\$0.00	0	\$0.00	\$0.00
184-132-01	1260	20	0	\$0.00	0	\$0.00	\$0.00
184-132-02	1261	20	0	\$0.00	0	\$0.00	\$0.00

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

184-132-05	1262	20	0	\$0.00	0	\$0.00	\$0.00
184-132-06	1263	20	0	\$0.00	0	\$0.00	\$0.00
184-132-09	1264	20	1	\$57.28	1	\$58.70	\$115.98
184-132-10	1265	20	1	\$57.28	1	\$58.70	\$115.98
184-132-11	1266	20	1	\$57.28	1	\$58.70	\$115.98
184-132-12	1267	20	1	\$57.28	1	\$58.70	\$115.98
184-132-13	1268	20	1	\$57.28	1	\$58.70	\$115.98
184-132-14	1269	20	1	\$57.28	1	\$58.70	\$115.98
184-132-15	1270	20	1	\$57.28	1	\$58.70	\$115.98
184-132-16	1271	20	1	\$57.28	1	\$58.70	\$115.98
184-132-17	1272	20	1	\$57.28	1	\$58.70	\$115.98
184-132-18	1273	20	1	\$57.28	1	\$58.70	\$115.98
184-132-19	1274	20	1	\$57.28	1	\$58.70	\$115.98
184-132-20	1275	20	1	\$57.28	1	\$58.70	\$115.98
184-132-21	1276	20	1	\$57.28	1	\$58.70	\$115.98
184-132-22	1277	20	1	\$57.28	1	\$58.70	\$115.98
184-132-23	1278	20	1	\$57.28	1	\$58.70	\$115.98
184-132-24	1279	20	1	\$57.28	1	\$58.70	\$115.98
184-132-25	1280	20	1	\$57.28	1	\$58.70	\$115.98
184-132-26	1281	20	1	\$57.28	1	\$58.70	\$115.98
184-132-27	1282	20	1	\$57.28	1	\$58.70	\$115.98
184-132-28	1283	20	1	\$57.28	1	\$58.70	\$115.98
184-133-01	1284	20	1	\$57.28	1	\$58.70	\$115.98
184-133-02	1285	20	1	\$57.28	1	\$58.70	\$115.98
184-133-03	1286	20	1	\$57.28	0	\$0.00	\$57.28
184-133-04	1287	20	0	\$0.00	0	\$0.00	\$0.00
184-133-05	1288	20	1	\$57.28	1	\$58.70	\$115.98
184-133-06	1289	20	1	\$57.28	1	\$58.70	\$115.98
184-141-01	1290	23	1	\$57.28	1	\$58.70	\$115.98
184-141-02	1291	23	1	\$57.28	0	\$0.00	\$57.28
184-141-03	1292	23	1	\$57.28	1	\$58.70	\$115.98
184-141-04	1293	23	1	\$57.28	1	\$58.70	\$115.98
184-141-05	1294	23	1	\$57.28	1	\$58.70	\$115.98
184-141-06	1295	23	1	\$57.28	1	\$58.70	\$115.98
184-141-07	1296	23	1	\$57.28	1	\$58.70	\$115.98
184-141-08	1297	20	1	\$57.28	1	\$58.70	\$115.98
184-141-09	1298	20	1	\$57.28	1	\$58.70	\$115.98
184-142-01	1299	23	1	\$57.28	1	\$58.70	\$115.98
184-142-02	1300	23	1	\$57.28	1	\$58.70	\$115.98
184-142-03	1301	23	1	\$57.28	1	\$58.70	\$115.98
184-142-04	1302	23	1	\$57.28	1	\$58.70	\$115.98
184-142-05	1303	23	1	\$57.28	1	\$58.70	\$115.98
184-142-06	1304	23	1	\$57.28	0	\$0.00	\$57.28
184-142-07	1305	23	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

184-142-08	1306	23	1	\$57.28	1	\$58.70	\$115.98
184-142-09	1307	23	1	\$57.28	1	\$58.70	\$115.98
184-142-10	1308	23	1	\$57.28	1	\$58.70	\$115.98
184-142-11	1309	23	1	\$57.28	1	\$58.70	\$115.98
184-142-12	1310	23	1	\$57.28	1	\$58.70	\$115.98
184-142-13	1311	23	1	\$57.28	1	\$58.70	\$115.98
184-142-14	1312	23	1	\$57.28	1	\$58.70	\$115.98
184-142-15	1313	23	1	\$57.28	1	\$58.70	\$115.98
184-142-16	1314	23	1	\$57.28	1	\$58.70	\$115.98
184-142-17	1315	23	1	\$57.28	1	\$58.70	\$115.98
184-142-18	1316	23	1	\$57.28	1	\$58.70	\$115.98
184-142-19	1317	23	1	\$57.28	1	\$58.70	\$115.98
184-142-20	1318	23	1	\$57.28	1	\$58.70	\$115.98
184-142-21	1319	20	1	\$57.28	1	\$58.70	\$115.98
184-142-22	1320	23	1	\$57.28	1	\$58.70	\$115.98
184-142-23	1321	23	1	\$57.28	1	\$58.70	\$115.98
184-142-24	1322	23	1	\$57.28	1	\$58.70	\$115.98
184-142-25	1323	23	1	\$57.28	1	\$58.70	\$115.98
184-142-26	1324	23	1	\$57.28	1	\$58.70	\$115.98
184-142-27	1325	23	1	\$57.28	1	\$58.70	\$115.98
184-142-28	1326	23	1	\$57.28	1	\$58.70	\$115.98
184-142-29	1327	23	1	\$57.28	0	\$0.00	\$57.28
184-142-30	1328	23	1	\$57.28	1	\$58.70	\$115.98
184-142-31	1329	23	1	\$57.28	1	\$58.70	\$115.98
184-142-32	1330	23	1	\$57.28	1	\$58.70	\$115.98
184-142-33	1331	23	1	\$57.28	1	\$58.70	\$115.98
184-143-01	1332	23	0	\$0.00	0	\$0.00	\$0.00
184-143-02	1333	23	1	\$57.28	1	\$58.70	\$115.98
184-143-03	1334	23	1	\$57.28	1	\$58.70	\$115.98
184-143-04	1335	23	1	\$57.28	1	\$58.70	\$115.98
184-143-07	1336M	#N/A	1	\$57.28	1	\$58.70	\$115.98
184-144-01	1338	23	1	\$57.28	1	\$58.70	\$115.98
184-144-03	1339	23	1	\$57.28	1	\$58.70	\$115.98
184-144-04	1340	23	1	\$57.28	1	\$58.70	\$115.98
184-144-12	1341M	23	1	\$57.28	1	\$58.70	\$115.98
184-144-06	1342	23	1	\$57.28	1	\$58.70	\$115.98
184-144-07	1343	23	0	\$0.00	0	\$0.00	\$0.00
184-144-10	1345	23	0	\$0.00	0	\$0.00	\$0.00
184-144-11	1346	23	1	\$57.28	1	\$58.70	\$115.98
184-151-01	1347	23	1	\$57.28	1	\$58.70	\$115.98
184-151-02	1348	23	1	\$57.28	1	\$58.70	\$115.98
184-151-03	1349	23	1	\$57.28	1	\$58.70	\$115.98
184-151-04	1350	23	1	\$57.28	1	\$58.70	\$115.98
184-151-05	1351	23	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

184-151-06	1352	23	1	\$57.28	0	\$0.00	\$57.28
184-151-07	1353	23	1	\$57.28	1	\$58.70	\$115.98
184-151-08	1354	21	1	\$57.28	1	\$58.70	\$115.98
184-151-09	1355	21	1	\$57.28	1	\$58.70	\$115.98
184-151-10	1356	21	1	\$57.28	0	\$0.00	\$57.28
184-151-11	1357	21	1	\$57.28	1	\$58.70	\$115.98
184-151-12	1358	21	1	\$57.28	1	\$58.70	\$115.98
184-151-13	1359	21	1	\$57.28	1	\$58.70	\$115.98
184-151-14	1360	21	1	\$57.28	1	\$58.70	\$115.98
184-151-15	1361	21	1	\$57.28	1	\$58.70	\$115.98
184-151-16	1362	21	1	\$57.28	1	\$58.70	\$115.98
184-151-17	1363	21	1	\$57.28	1	\$58.70	\$115.98
184-151-18	1364	21	1	\$57.28	1	\$58.70	\$115.98
184-151-19	1365	21	1	\$57.28	1	\$58.70	\$115.98
184-151-22	1366	21	1	\$57.28	1	\$58.70	\$115.98
184-151-23	1367	21	1	\$57.28	1	\$58.70	\$115.98
184-151-24	1368	21	1	\$57.28	1	\$58.70	\$115.98
184-151-26	1369	21	1	\$57.28	1	\$58.70	\$115.98
184-151-27	1370	21	1	\$57.28	1	\$58.70	\$115.98
184-152-01	1371	21	1	\$57.28	0	\$0.00	\$57.28
184-152-02	1372	21	1	\$57.28	1	\$58.70	\$115.98
184-152-03	1373	21	1	\$57.28	1	\$58.70	\$115.98
184-152-04	1374	21	1	\$57.28	0	\$0.00	\$57.28
184-152-05	1375	21	1	\$57.28	0	\$0.00	\$57.28
184-152-06	1376	21	1	\$57.28	0	\$0.00	\$57.28
184-152-07	1377	21	1	\$57.28	1	\$58.70	\$115.98
184-152-08	1378	21	1	\$57.28	1	\$58.70	\$115.98
184-152-09	1379	21	1	\$57.28	1	\$58.70	\$115.98
184-152-10	1380	21	1	\$57.28	0	\$0.00	\$57.28
184-152-11	1381	21	1	\$57.28	1	\$58.70	\$115.98
184-152-13	1382	21	1	\$57.28	1	\$58.70	\$115.98
184-152-15	1383	21	1	\$57.28	1	\$58.70	\$115.98
184-152-16	1384	23	1	\$57.28	0	\$0.00	\$57.28
184-152-38	1385M	#N/A	1	\$57.28	1	\$58.70	\$115.98
184-152-37	1386M	#N/A	1	\$57.28	1	\$58.70	\$115.98
184-152-21	1387	23	1	\$57.28	1	\$58.70	\$115.98
184-152-22	1388	23	1	\$57.28	1	\$58.70	\$115.98
184-152-23	1389	23	0	\$0.00	0	\$0.00	\$0.00
184-152-24	1390	23	0	\$0.00	0	\$0.00	\$0.00
184-152-29	1393	21	0	\$0.00	0	\$0.00	\$0.00
184-152-31	1394	21	0	\$0.00	0	\$0.00	\$0.00
184-152-33	1395	21	1	\$57.28	1	\$58.70	\$115.98
184-152-34	1396	23	1	\$57.28	0	\$0.00	\$57.28
184-152-35	1397	23	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

184-152-36	1398	21	1	\$57.28	1	\$58.70	\$115.98
184-161-01	1399	21	1	\$57.28	1	\$58.70	\$115.98
184-161-02	1400	21	1	\$57.28	1	\$58.70	\$115.98
184-161-03	1401	21	1	\$57.28	1	\$58.70	\$115.98
184-161-04	1402	21	1	\$57.28	1	\$58.70	\$115.98
184-161-05	1403	21	1	\$57.28	0	\$0.00	\$57.28
184-161-06	1404	21	1	\$57.28	1	\$58.70	\$115.98
184-161-07	1405	21	1	\$57.28	1	\$58.70	\$115.98
184-161-08	1406	21	1	\$57.28	1	\$58.70	\$115.98
184-161-09	1407	21	1	\$57.28	1	\$58.70	\$115.98
184-161-10	1408	21	1	\$57.28	1	\$58.70	\$115.98
184-161-11	1409	21	1	\$57.28	1	\$58.70	\$115.98
184-161-12	1410	21	1	\$57.28	1	\$58.70	\$115.98
184-162-01	1411	21	1	\$57.28	1	\$58.70	\$115.98
184-162-02	1412	21	1	\$57.28	1	\$58.70	\$115.98
184-162-03	1413	21	1	\$57.28	1	\$58.70	\$115.98
184-162-04	1414	21	1	\$57.28	1	\$58.70	\$115.98
184-162-05	1415	21	1	\$57.28	0	\$0.00	\$57.28
184-162-06	1416	21	1	\$57.28	1	\$58.70	\$115.98
184-162-07	1417	21	1	\$57.28	1	\$58.70	\$115.98
184-162-08	1418	21	1	\$57.28	1	\$58.70	\$115.98
184-162-09	1419	21	1	\$57.28	1	\$58.70	\$115.98
184-162-10	1420	21	1	\$57.28	1	\$58.70	\$115.98
184-162-11	1421	21	1	\$57.28	1	\$58.70	\$115.98
184-162-12	1422	21	1	\$57.28	1	\$58.70	\$115.98
184-162-13	1423	21	1	\$57.28	1	\$58.70	\$115.98
184-162-14	1424	21	1	\$57.28	1	\$58.70	\$115.98
184-162-15	1425	21	1	\$57.28	1	\$58.70	\$115.98
184-162-16	1426	21	1	\$57.28	1	\$58.70	\$115.98
184-162-17	1427	21	1	\$57.28	1	\$58.70	\$115.98
184-162-18	1428	21	1	\$57.28	1	\$58.70	\$115.98
184-162-19	1429	21	1	\$57.28	1	\$58.70	\$115.98
184-162-20	1430	21	1	\$57.28	1	\$58.70	\$115.98
184-162-21	1431	21	1	\$57.28	1	\$58.70	\$115.98
184-163-01	1432	21	1	\$57.28	1	\$58.70	\$115.98
184-163-02	1433	21	1	\$57.28	1	\$58.70	\$115.98
184-163-03	1434	21	1	\$57.28	0	\$0.00	\$57.28
184-163-04	1435	21	1	\$57.28	1	\$58.70	\$115.98
184-163-05	1436	21	1	\$57.28	1	\$58.70	\$115.98
184-163-06	1437	21	1	\$57.28	1	\$58.70	\$115.98
184-163-07	1438	21	1	\$57.28	1	\$58.70	\$115.98
184-163-08	1439	21	1	\$57.28	1	\$58.70	\$115.98
184-163-09	1440	21	1	\$57.28	1	\$58.70	\$115.98
184-163-10	1441	21	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

184-163-11	1442	21	1	\$57.28	1	\$58.70	\$115.98
184-163-12	1443	21	1	\$57.28	1	\$58.70	\$115.98
184-163-13	1444	21	1	\$57.28	1	\$58.70	\$115.98
184-163-14	1445	21	1	\$57.28	1	\$58.70	\$115.98
184-164-02	1446	21	1	\$57.28	1	\$58.70	\$115.98
184-164-03	1447	21	1	\$57.28	1	\$58.70	\$115.98
184-164-04	1448	21	1	\$57.28	1	\$58.70	\$115.98
184-164-10	1449	21	1	\$57.28	1	\$58.70	\$115.98
184-164-11	1450	21	0	\$0.00	0	\$0.00	\$0.00
184-171-01	1451	23	1	\$57.28	1	\$58.70	\$115.98
184-171-02	1452	23	1	\$57.28	1	\$58.70	\$115.98
184-171-03	1453	23	1	\$57.28	1	\$58.70	\$115.98
184-171-04	1454	23	1	\$57.28	1	\$58.70	\$115.98
184-171-05	1455	23	1	\$57.28	1	\$58.70	\$115.98
184-171-06	1456	23	1	\$57.28	1	\$58.70	\$115.98
184-171-07	1457	23	1	\$57.28	1	\$58.70	\$115.98
184-171-08	1458	23	1	\$57.28	1	\$58.70	\$115.98
184-171-09	1459	23	1	\$57.28	1	\$58.70	\$115.98
184-171-10	1460	23	0	\$0.00	0	\$0.00	\$0.00
184-171-11	1461	23	1	\$57.28	1	\$58.70	\$115.98
184-171-12	1462	23	1	\$57.28	1	\$58.70	\$115.98
184-171-13	1463	23	1	\$57.28	1	\$58.70	\$115.98
184-171-14	1464	23	1	\$57.28	1	\$58.70	\$115.98
184-171-15	1465	23	1	\$57.28	1	\$58.70	\$115.98
184-171-16	1466	23	1	\$57.28	1	\$58.70	\$115.98
184-171-17	1467	21	1	\$57.28	1	\$58.70	\$115.98
184-171-18	1468	21	1	\$57.28	1	\$58.70	\$115.98
184-172-01	1469	21	1	\$57.28	1	\$58.70	\$115.98
184-172-02	1470	21	1	\$57.28	0	\$0.00	\$57.28
184-172-03	1471	21	1	\$57.28	1	\$58.70	\$115.98
184-172-04	1472	21	1	\$57.28	1	\$58.70	\$115.98
184-172-05	1473	21	1	\$57.28	1	\$58.70	\$115.98
184-172-06	1474	21	1	\$57.28	1	\$58.70	\$115.98
184-172-07	1475	21	1	\$57.28	0	\$0.00	\$57.28
184-172-08	1476	21	1	\$57.28	1	\$58.70	\$115.98
184-172-09	1477	21	1	\$57.28	1	\$58.70	\$115.98
184-172-10	1478	21	1	\$57.28	1	\$58.70	\$115.98
184-172-11	1479	21	1	\$57.28	1	\$58.70	\$115.98
184-172-12	1480	21	1	\$57.28	1	\$58.70	\$115.98
184-172-13	1481	21	1	\$57.28	1	\$58.70	\$115.98
184-172-14	1482	21	1	\$57.28	1	\$58.70	\$115.98
184-172-15	1483	21	1	\$57.28	1	\$58.70	\$115.98
184-172-16	1484	21	1	\$57.28	1	\$58.70	\$115.98
184-172-17	1485	21	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

184-172-18	1486	21	1	\$57.28	1	\$58.70	\$115.98
184-172-19	1487	21	1	\$57.28	1	\$58.70	\$115.98
184-172-22	1488	23	1	\$57.28	1	\$58.70	\$115.98
184-172-23	1489	23	1	\$57.28	1	\$58.70	\$115.98
184-172-24	1490	23	1	\$57.28	1	\$58.70	\$115.98
184-172-25	1491	23	1	\$57.28	1	\$58.70	\$115.98
184-172-26	1492	23	1	\$57.28	1	\$58.70	\$115.98
184-172-27	1493	23	1	\$57.28	1	\$58.70	\$115.98
184-172-28	1494	23	1	\$57.28	1	\$58.70	\$115.98
184-172-29	1495	23	1	\$57.28	0	\$0.00	\$57.28
184-172-30	1496	23	1	\$57.28	1	\$58.70	\$115.98
184-172-31	1497	23	1	\$57.28	1	\$58.70	\$115.98
184-172-32	1498	23	1	\$57.28	1	\$58.70	\$115.98
184-172-33	1499	23	1	\$57.28	1	\$58.70	\$115.98
184-172-34	1500	23	1	\$57.28	1	\$58.70	\$115.98
184-172-35	1501	23	1	\$57.28	1	\$58.70	\$115.98
184-180-01	1502	20	1	\$57.28	1	\$58.70	\$115.98
184-180-02	1503	20	1	\$57.28	1	\$58.70	\$115.98
184-180-03	1504	20	1	\$57.28	1	\$58.70	\$115.98
184-180-04	1505	20	1	\$57.28	1	\$58.70	\$115.98
184-180-05	1506	20	1	\$57.28	1	\$58.70	\$115.98
184-180-06	1507	20	1	\$57.28	1	\$58.70	\$115.98
184-180-07	1508	20	1	\$57.28	1	\$58.70	\$115.98
184-180-08	1509	20	1	\$57.28	1	\$58.70	\$115.98
184-180-09	1510	20	1	\$57.28	0	\$0.00	\$57.28
184-180-10	1511	20	1	\$57.28	1	\$58.70	\$115.98
184-180-11	1512	20	1	\$57.28	1	\$58.70	\$115.98
184-180-12	1513	20	1	\$57.28	1	\$58.70	\$115.98
184-180-13	1514	20	1	\$57.28	1	\$58.70	\$115.98
184-180-14	1515	20	1	\$57.28	1	\$58.70	\$115.98
184-190-01	1516	20	1	\$57.28	1	\$58.70	\$115.98
184-190-02	1517	20	1	\$57.28	1	\$58.70	\$115.98
184-190-03	1518	20	1	\$57.28	0	\$0.00	\$57.28
184-190-04	1519	20	1	\$57.28	1	\$58.70	\$115.98
184-190-05	1520	20	1	\$57.28	1	\$58.70	\$115.98
184-190-06	1521	20	1	\$57.28	1	\$58.70	\$115.98
184-190-07	1522	20	1	\$57.28	0	\$0.00	\$57.28
184-190-08	1523	20	1	\$57.28	1	\$58.70	\$115.98
184-190-09	1524	20	1	\$57.28	1	\$58.70	\$115.98
184-190-10	1525	20	1	\$57.28	1	\$58.70	\$115.98
184-190-11	1526	20	1	\$57.28	1	\$58.70	\$115.98
184-190-12	1527	20	1	\$57.28	1	\$58.70	\$115.98
184-190-13	1528	20	1	\$57.28	1	\$58.70	\$115.98
184-190-14	1529	20	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

184-190-15	1530	20	1	\$57.28	1	\$58.70	\$115.98
184-190-16	1531	20	1	\$57.28	1	\$58.70	\$115.98
184-200-01	1532	20	1	\$57.28	1	\$58.70	\$115.98
184-200-02	1533	20	1	\$57.28	1	\$58.70	\$115.98
184-200-03	1534	20	1	\$57.28	1	\$58.70	\$115.98
184-200-04	1535	20	1	\$57.28	1	\$58.70	\$115.98
184-200-05	1536	20	1	\$57.28	1	\$58.70	\$115.98
184-200-06	1537	20	1	\$57.28	1	\$58.70	\$115.98
184-200-07	1538	20	1	\$57.28	1	\$58.70	\$115.98
184-200-08	1539	20	1	\$57.28	1	\$58.70	\$115.98
184-200-09	1540	20	1	\$57.28	0	\$0.00	\$57.28
184-200-10	1541	20	1	\$57.28	1	\$58.70	\$115.98
184-200-11	1542	20	1	\$57.28	0	\$0.00	\$57.28
184-200-12	1543	20	1	\$57.28	1	\$58.70	\$115.98
184-200-13	1544	20	1	\$57.28	1	\$58.70	\$115.98
184-200-14	1545	20	1	\$57.28	1	\$58.70	\$115.98
184-200-15	1546	20	1	\$57.28	1	\$58.70	\$115.98
184-200-16	1547	20	1	\$57.28	0	\$0.00	\$57.28
184-200-17	1548	20	1	\$57.28	1	\$58.70	\$115.98
184-200-18	1549	20	1	\$57.28	1	\$58.70	\$115.98
184-200-19	1550	20	1	\$57.28	1	\$58.70	\$115.98
184-200-20	1551	20	1	\$57.28	1	\$58.70	\$115.98
184-200-21	1552	20	1	\$57.28	1	\$58.70	\$115.98
184-200-22	1553	20	1	\$57.28	1	\$58.70	\$115.98
184-200-23	1554	20	1	\$57.28	1	\$58.70	\$115.98
184-200-24	1555	20	1	\$57.28	1	\$58.70	\$115.98
184-200-25	1556	20	1	\$57.28	1	\$58.70	\$115.98
184-200-26	1557	20	1	\$57.28	1	\$58.70	\$115.98
184-200-27	1558	20	1	\$57.28	1	\$58.70	\$115.98
184-200-28	1559	20	1	\$57.28	1	\$58.70	\$115.98
184-200-29	1560	20	1	\$57.28	1	\$58.70	\$115.98
184-200-30	1561	20	1	\$57.28	1	\$58.70	\$115.98
184-200-31	1562	20	0	\$0.00	0	\$0.00	\$0.00
184-210-01	1563	19	20.5	\$1,174.26	0	\$0.00	\$1,174.26
184-220-01	1564	20	1	\$57.28	1	\$58.70	\$115.98
184-220-02	1565	20	1	\$57.28	1	\$58.70	\$115.98
184-220-03	1566	20	1	\$57.28	1	\$58.70	\$115.98
184-220-04	1567	20	1	\$57.28	1	\$58.70	\$115.98
184-220-05	1568	20	1	\$57.28	1	\$58.70	\$115.98
184-220-06	1569	20	1	\$57.28	1	\$58.70	\$115.98
184-220-07	1570	20	1	\$57.28	1	\$58.70	\$115.98
184-220-08	1571	20	1	\$57.28	1	\$58.70	\$115.98
184-220-09	1572	20	1	\$57.28	1	\$58.70	\$115.98
184-220-10	1573	20	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

184-220-11	1574	20	1	\$57.28	1	\$58.70	\$115.98
184-220-12	1575	20	1	\$57.28	1	\$58.70	\$115.98
184-220-13	1576	20	1	\$57.28	1	\$58.70	\$115.98
184-220-14	1577	20	1	\$57.28	1	\$58.70	\$115.98
184-220-15	1578	20	1	\$57.28	0	\$0.00	\$57.28
184-220-16	1579	20	1	\$57.28	1	\$58.70	\$115.98
184-220-17	1580	20	1	\$57.28	1	\$58.70	\$115.98
184-220-18	1581	20	1	\$57.28	1	\$58.70	\$115.98
184-220-19	1582	20	1	\$57.28	1	\$58.70	\$115.98
184-220-20	1583	20	1	\$57.28	1	\$58.70	\$115.98
184-220-21	1584	20	1	\$57.28	1	\$58.70	\$115.98
184-220-22	1585	20	1	\$57.28	1	\$58.70	\$115.98
184-220-23	1586	20	1	\$57.28	1	\$58.70	\$115.98
184-220-24	1587	20	1	\$57.28	1	\$58.70	\$115.98
184-220-25	1588	20	1	\$57.28	1	\$58.70	\$115.98
184-220-26	1589	20	1	\$57.28	1	\$58.70	\$115.98
184-220-27	1590	20	1	\$57.28	1	\$58.70	\$115.98
184-220-28	1591	20	1	\$57.28	1	\$58.70	\$115.98
184-220-29	1592	20	1	\$57.28	1	\$58.70	\$115.98
184-220-30	1593	20	1	\$57.28	1	\$58.70	\$115.98
184-220-31	1594	20	1	\$57.28	1	\$58.70	\$115.98
184-220-32	1595	20	1	\$57.28	0	\$0.00	\$57.28
184-220-33	1596	20	1	\$57.28	1	\$58.70	\$115.98
184-220-34	1597	20	1	\$57.28	1	\$58.70	\$115.98
184-220-35	1598	20	1	\$57.28	1	\$58.70	\$115.98
184-220-36	1599	20	1	\$57.28	1	\$58.70	\$115.98
184-220-37	1600	20	1	\$57.28	1	\$58.70	\$115.98
184-220-38	1601	20	1	\$57.28	1	\$58.70	\$115.98
184-220-39	1602	20	1	\$57.28	1	\$58.70	\$115.98
184-220-40	1603	20	1	\$57.28	1	\$58.70	\$115.98
184-220-41	1604	20	1	\$57.28	1	\$58.70	\$115.98
184-220-42	1605	20	1	\$57.28	0	\$0.00	\$57.28
184-220-43	1606	20	1	\$57.28	1	\$58.70	\$115.98
184-220-44	1607	20	1	\$57.28	1	\$58.70	\$115.98
184-220-45	1608	20	1	\$57.28	1	\$58.70	\$115.98
184-220-46	1609	20	1	\$57.28	1	\$58.70	\$115.98
184-220-47	1610	20	1	\$57.28	1	\$58.70	\$115.98
184-220-48	1611	20	1	\$57.28	0	\$0.00	\$57.28
184-220-49	1612	20	1	\$57.28	1	\$58.70	\$115.98
184-220-50	1613	20	1	\$57.28	1	\$58.70	\$115.98
184-220-51	1614	20	1	\$57.28	1	\$58.70	\$115.98
184-220-52	1615	20	1	\$57.28	1	\$58.70	\$115.98
184-230-01	1616	19	1	\$57.28	1	\$58.70	\$115.98
184-230-02	1617	19	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

184-230-03	1618	19	1	\$57.28	1	\$58.70	\$115.98
184-230-04	1619	19	1	\$57.28	1	\$58.70	\$115.98
184-230-05	1620	19	1	\$57.28	1	\$58.70	\$115.98
184-230-06	1621	19	1	\$57.28	1	\$58.70	\$115.98
184-230-07	1622	19	1	\$57.28	1	\$58.70	\$115.98
184-230-08	1623	19	1	\$57.28	1	\$58.70	\$115.98
184-230-09	1624	19	1	\$57.28	1	\$58.70	\$115.98
184-230-10	1625	19	1	\$57.28	1	\$58.70	\$115.98
184-230-11	1626	19	1	\$57.28	1	\$58.70	\$115.98
184-230-12	1627	19	1	\$57.28	1	\$58.70	\$115.98
184-230-13	1628	19	1	\$57.28	1	\$58.70	\$115.98
184-230-14	1629	19	1	\$57.28	1	\$58.70	\$115.98
184-230-15	1630	19	1	\$57.28	0	\$0.00	\$57.28
184-230-16	1631	19	0	\$0.00	0	\$0.00	\$0.00
184-230-17	1632	19	0	\$0.00	0	\$0.00	\$0.00
184-230-18	1633	19	0	\$0.00	0	\$0.00	\$0.00
184-240-02	1634	19	0	\$0.00	0	\$0.00	\$0.00
184-240-03	1635	19	1	\$57.28	1	\$58.70	\$115.98
184-240-04	1636	19	1	\$57.28	1	\$58.70	\$115.98
184-240-05	1637	19	1	\$57.28	1	\$58.70	\$115.98
184-240-06	1638	19	1	\$57.28	0	\$0.00	\$57.28
184-240-07	1639	19	1	\$57.28	1	\$58.70	\$115.98
184-240-08	1640	19	1	\$57.28	1	\$58.70	\$115.98
184-240-09	1641	19	1	\$57.28	1	\$58.70	\$115.98
184-240-10	1642	19	1	\$57.28	1	\$58.70	\$115.98
184-240-11	1643	19	1	\$57.28	1	\$58.70	\$115.98
184-240-12	1644	19	1	\$57.28	1	\$58.70	\$115.98
184-240-14	1645	19	0	\$0.00	0	\$0.00	\$0.00
184-240-15	1646	19	1	\$57.28	1	\$58.70	\$115.98
184-250-01	1647	24	1	\$57.28	1	\$58.70	\$115.98
184-250-02	1648	24	1	\$57.28	1	\$58.70	\$115.98
184-250-03	1649	24	1	\$57.28	1	\$58.70	\$115.98
184-250-04	1650	24	1	\$57.28	1	\$58.70	\$115.98
184-250-05	1651	24	1	\$57.28	1	\$58.70	\$115.98
184-250-06	1652	24	1	\$57.28	1	\$58.70	\$115.98
184-250-07	1653	24	1	\$57.28	1	\$58.70	\$115.98
184-250-08	1654	24	1	\$57.28	1	\$58.70	\$115.98
184-250-09	1655	24	1	\$57.28	0	\$0.00	\$57.28
184-250-10	1656	24	1	\$57.28	0	\$0.00	\$57.28
184-250-11	1657	24	1	\$57.28	1	\$58.70	\$115.98
184-250-12	1658	24	1	\$57.28	1	\$58.70	\$115.98
184-250-13	1659	24	1	\$57.28	1	\$58.70	\$115.98
184-250-14	1660	24	1	\$57.28	1	\$58.70	\$115.98
184-250-15	1661	24	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

184-250-16	1662	24	1	\$57.28	1	\$58.70	\$115.98
184-250-17	1663	24	1	\$57.28	1	\$58.70	\$115.98
184-250-18	1664	24	1	\$57.28	1	\$58.70	\$115.98
184-250-19	1665	24	1	\$57.28	1	\$58.70	\$115.98
184-250-20	1666	24	1	\$57.28	1	\$58.70	\$115.98
184-250-21	1667	24	1	\$57.28	1	\$58.70	\$115.98
184-250-22	1668	24	1	\$57.28	1	\$58.70	\$115.98
184-250-23	1669	24	1	\$57.28	1	\$58.70	\$115.98
184-250-24	1670	24	1	\$57.28	0	\$0.00	\$57.28
184-250-25	1671	24	1	\$57.28	1	\$58.70	\$115.98
184-250-26	1672	24	1	\$57.28	1	\$58.70	\$115.98
184-250-27	1673	24	1	\$57.28	1	\$58.70	\$115.98
184-250-28	1674	24	1	\$57.28	1	\$58.70	\$115.98
184-250-29	1675	24	1	\$57.28	1	\$58.70	\$115.98
184-250-30	1676	24	1	\$57.28	1	\$58.70	\$115.98
184-250-31	1677	24	1	\$57.28	1	\$58.70	\$115.98
184-250-32	1678	24	1	\$57.28	1	\$58.70	\$115.98
184-250-33	1679	24	1	\$57.28	1	\$58.70	\$115.98
184-250-34	1680	24	1	\$57.28	1	\$58.70	\$115.98
184-250-35	1681	24	1	\$57.28	1	\$58.70	\$115.98
184-250-36	1682	24	1	\$57.28	1	\$58.70	\$115.98
184-250-37	1683	24	1	\$57.28	1	\$58.70	\$115.98
184-250-38	1684	24	1	\$57.28	1	\$58.70	\$115.98
184-250-39	1685	24	1	\$57.28	1	\$58.70	\$115.98
184-250-40	1686	24	1	\$57.28	1	\$58.70	\$115.98
184-250-41	1687	24	1	\$57.28	1	\$58.70	\$115.98
184-250-42	1688	24	1	\$57.28	1	\$58.70	\$115.98
184-250-43	1689	24	1	\$57.28	1	\$58.70	\$115.98
184-250-44	1690	24	1	\$57.28	1	\$58.70	\$115.98
184-250-45	1691	24	1	\$57.28	1	\$58.70	\$115.98
184-250-46	1692	24	1	\$57.28	1	\$58.70	\$115.98
184-250-47	1693	24	1	\$57.28	1	\$58.70	\$115.98
184-250-48	1694	24	1	\$57.28	1	\$58.70	\$115.98
184-250-49	1695	24	1	\$57.28	1	\$58.70	\$115.98
184-250-50	1696	24	1	\$57.28	1	\$58.70	\$115.98
184-250-51	1697	24	1	\$57.28	0	\$0.00	\$57.28
184-250-52	1698	24	1	\$57.28	1	\$58.70	\$115.98
184-250-53	1699	24	1	\$57.28	1	\$58.70	\$115.98
184-250-54	1700	24	1	\$57.28	1	\$58.70	\$115.98
184-250-55	1701	24	1	\$57.28	1	\$58.70	\$115.98
184-250-56	1702	24	1	\$57.28	1	\$58.70	\$115.98
184-250-57	1703	24	1	\$57.28	1	\$58.70	\$115.98
184-250-58	1704	24	1	\$57.28	1	\$58.70	\$115.98
184-250-59	1705	24	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

184-250-60	1706	24	1	\$57.28	1	\$58.70	\$115.98
184-250-62	1707	19	0	\$0.00	0	\$0.00	\$0.00
184-250-64	1708	19	0	\$0.00	0	\$0.00	\$0.00
184-260-01	1709	21	1.06	\$60.72	1.05	\$61.64	\$122.36
184-260-02	1710	21	1	\$57.28	1	\$58.70	\$115.98
184-260-04	1711	21	1	\$57.28	1	\$58.70	\$115.98
184-260-05	1712	21	1	\$57.28	1	\$58.70	\$115.98
184-260-06	1713	21	1	\$57.28	1	\$58.70	\$115.98
184-260-07	1714	21	1	\$57.28	1	\$58.70	\$115.98
184-260-08	1715	21	1	\$57.28	1	\$58.70	\$115.98
184-260-09	1716	21	0	\$0.00	0	\$0.00	\$0.00
184-260-10	1717	21	1	\$57.28	1	\$58.70	\$115.98
184-260-11	1718	21	1	\$57.28	1	\$58.70	\$115.98
184-260-12	1719	21	0	\$0.00	0	\$0.00	\$0.00
184-260-13	1720	21	1	\$57.28	1	\$58.70	\$115.98
184-260-14	1721	21	1	\$57.28	1	\$58.70	\$115.98
184-260-15	1722	21	1	\$57.28	1	\$58.70	\$115.98
184-260-16	1723	21	1	\$57.28	1	\$58.70	\$115.98
184-260-17	1724	21	1	\$57.28	1	\$58.70	\$115.98
184-260-19	1725	21	1	\$57.28	1	\$58.70	\$115.98
184-260-20	1726	21	1	\$57.28	1	\$58.70	\$115.98
184-260-21	1727	21	1	\$57.28	1	\$58.70	\$115.98
184-260-22	1728	21	0	\$0.00	0	\$0.00	\$0.00
185-010-01	1729	26	0	\$0.00	0	\$0.00	\$0.00
185-010-04	1730	26	0	\$0.00	0	\$0.00	\$0.00
185-010-10	1731	26	0	\$0.00	0	\$0.00	\$0.00
185-010-11	1732	26	1	\$57.28	0	\$0.00	\$57.28
185-010-12	1733	26	1	\$57.28	0	\$0.00	\$57.28
185-010-13	1734	26	1	\$57.28	1	\$58.70	\$115.98
185-010-14	1735	26	1	\$57.28	1	\$58.70	\$115.98
185-010-15	1736	26	1	\$57.28	1	\$58.70	\$115.98
185-010-16	1737	26	1	\$57.28	1	\$58.70	\$115.98
185-010-17	1738	26	1	\$57.28	1	\$58.70	\$115.98
185-010-18	1739	26	1	\$57.28	1	\$58.70	\$115.98
185-010-19	1740	26	1	\$57.28	1	\$58.70	\$115.98
185-010-20	1741	26	1	\$57.28	1	\$58.70	\$115.98
185-020-02	1742	10	16	\$916.50	0	\$0.00	\$916.50
185-020-03	1743	16	0.09	\$5.16	0	\$0.00	\$5.16
185-020-04	1744	16	3.03	\$173.58	0	\$0.00	\$173.58
185-030-02	1745	16	1	\$57.28	1	\$58.70	\$115.98
185-030-04	1746	16	1	\$57.28	1	\$58.70	\$115.98
185-030-05	1747	16	1	\$57.28	1	\$58.70	\$115.98
185-030-06	1748	17	1	\$57.28	1	\$58.70	\$115.98
185-030-07	1749	17	1	\$57.28	0	\$0.00	\$57.28

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

185-030-08	1750	16	1	\$57.28	1	\$58.70	\$115.98
185-030-09	1751	17	1	\$57.28	1	\$58.70	\$115.98
185-041-01	1752	15	1	\$57.28	1	\$58.70	\$115.98
185-041-02	1753	15	1	\$57.28	0	\$0.00	\$57.28
185-041-03	1754	15	1	\$57.28	1	\$58.70	\$115.98
185-041-04	1755	15	1	\$57.28	1	\$58.70	\$115.98
185-041-05	1756	15	1	\$57.28	1	\$58.70	\$115.98
185-041-06	1757	15	1	\$57.28	1	\$58.70	\$115.98
185-041-07	1758	15	1	\$57.28	1	\$58.70	\$115.98
185-041-08	1759	15	1	\$57.28	1	\$58.70	\$115.98
185-041-09	1760	15	1	\$57.28	1	\$58.70	\$115.98
185-041-10	1761	15	1	\$57.28	1	\$58.70	\$115.98
185-041-11	1762	15	1	\$57.28	1	\$58.70	\$115.98
185-041-12	1763	15	1	\$57.28	1	\$58.70	\$115.98
185-041-13	1764	15	1	\$57.28	1	\$58.70	\$115.98
185-041-14	1765	15	1	\$57.28	1	\$58.70	\$115.98
185-041-15	1766	15	1	\$57.28	1	\$58.70	\$115.98
185-041-16	1767	15	1	\$57.28	0	\$0.00	\$57.28
185-041-17	1768	15	1	\$57.28	1	\$58.70	\$115.98
185-041-18	1769	15	1	\$57.28	1	\$58.70	\$115.98
185-041-19	1770	15	1	\$57.28	1	\$58.70	\$115.98
185-041-20	1771	15	1	\$57.28	1	\$58.70	\$115.98
185-041-21	1772	15	1	\$57.28	1	\$58.70	\$115.98
185-041-22	1773	15	1	\$57.28	1	\$58.70	\$115.98
185-041-23	1774	15	1	\$57.28	1	\$58.70	\$115.98
185-041-24	1775	15	1	\$57.28	1	\$58.70	\$115.98
185-041-25	1776	15	1	\$57.28	1	\$58.70	\$115.98
185-041-26	1777	15	1	\$57.28	1	\$58.70	\$115.98
185-041-27	1778	15	1	\$57.28	1	\$58.70	\$115.98
185-041-28	1779	15	1	\$57.28	1	\$58.70	\$115.98
185-041-29	1780	15	1	\$57.28	1	\$58.70	\$115.98
185-041-32	1781	15	0	\$0.00	0	\$0.00	\$0.00
185-041-33	1782	15	0	\$0.00	0	\$0.00	\$0.00
185-041-34	1783	15	1	\$57.28	0	\$0.00	\$57.28
185-041-35	1784	15	1	\$57.28	1	\$58.70	\$115.98
185-042-01	1785	15	1	\$57.28	1	\$58.70	\$115.98
185-042-02	1786	15	1	\$57.28	1	\$58.70	\$115.98
185-042-03	1787	15	1	\$57.28	1	\$58.70	\$115.98
185-042-04	1788	15	1	\$57.28	1	\$58.70	\$115.98
185-042-05	1789	15	1	\$57.28	1	\$58.70	\$115.98
185-042-06	1790	15	1	\$57.28	1	\$58.70	\$115.98
185-042-07	1791	15	1	\$57.28	1	\$58.70	\$115.98
185-042-08	1792	15	1	\$57.28	1	\$58.70	\$115.98
185-042-09	1793	15	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

185-042-10	1794	15	1	\$57.28	1	\$58.70	\$115.98
185-051-01	1795	16	1	\$57.28	1	\$58.70	\$115.98
185-051-02	1796	16	1	\$57.28	1	\$58.70	\$115.98
185-051-03	1797	16	1	\$57.28	1	\$58.70	\$115.98
185-051-04	1798	16	1	\$57.28	1	\$58.70	\$115.98
185-051-05	1799	16	1	\$57.28	1	\$58.70	\$115.98
185-051-06	1800	16	1	\$57.28	1	\$58.70	\$115.98
185-051-07	1801	16	1	\$57.28	1	\$58.70	\$115.98
185-051-08	1802	16	1	\$57.28	1	\$58.70	\$115.98
185-051-09	1803	16	1	\$57.28	1	\$58.70	\$115.98
185-051-10	1804	16	1	\$57.28	1	\$58.70	\$115.98
185-051-11	1805	16	1	\$57.28	1	\$58.70	\$115.98
185-051-12	1806	16	1	\$57.28	1	\$58.70	\$115.98
185-052-02	1807	16	1	\$57.28	1	\$58.70	\$115.98
185-052-03	1808	16	1	\$57.28	1	\$58.70	\$115.98
185-052-04	1809	16	1	\$57.28	1	\$58.70	\$115.98
185-052-05	1810	16	1	\$57.28	0	\$0.00	\$57.28
185-052-06	1811	16	1	\$57.28	1	\$58.70	\$115.98
185-052-07	1812	16	1	\$57.28	1	\$58.70	\$115.98
185-052-08	1813	16	1	\$57.28	1	\$58.70	\$115.98
185-052-09	1814	16	1	\$57.28	0	\$0.00	\$57.28
185-052-10	1815	16	1	\$57.28	1	\$58.70	\$115.98
185-052-11	1816	16	1	\$57.28	1	\$58.70	\$115.98
185-052-12	1817	16	1	\$57.28	1	\$58.70	\$115.98
185-052-13	1818	16	1	\$57.28	1	\$58.70	\$115.98
185-052-14	1819	16	1	\$57.28	0	\$0.00	\$57.28
185-052-15	1820	16	1	\$57.28	0	\$0.00	\$57.28
185-052-16	1821	16	1	\$57.28	1	\$58.70	\$115.98
185-052-17	1822	16	1	\$57.28	1	\$58.70	\$115.98
185-052-18	1823	16	1	\$57.28	1	\$58.70	\$115.98
185-053-01	1824	16	1	\$57.28	1	\$58.70	\$115.98
185-053-02	1825	16	1	\$57.28	1	\$58.70	\$115.98
185-053-03	1826	16	1	\$57.28	1	\$58.70	\$115.98
185-053-04	1827	16	1	\$57.28	0	\$0.00	\$57.28
185-053-05	1828	16	1	\$57.28	1	\$58.70	\$115.98
185-053-06	1829	16	1	\$57.28	1	\$58.70	\$115.98
185-053-07	1830	16	1	\$57.28	1	\$58.70	\$115.98
185-053-08	1831	16	1	\$57.28	1	\$58.70	\$115.98
185-053-09	1832	16	1	\$57.28	1	\$58.70	\$115.98
185-061-03	1833	16	1	\$57.28	0	\$0.00	\$57.28
185-061-04	1834	16	0.65	\$37.24	0	\$0.00	\$37.24
185-061-05	1835	16	0.23	\$13.18	0	\$0.00	\$13.18
185-061-06	1836	16	0.14	\$8.02	0	\$0.00	\$8.02
185-061-07	1837	16	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

185-061-08	1838	16	1	\$57.28	1	\$58.70	\$115.98
185-061-09	1839	16	1	\$57.28	1	\$58.70	\$115.98
185-061-10	1840	16	1	\$57.28	1	\$58.70	\$115.98
185-061-11	1841	16	1	\$57.28	1	\$58.70	\$115.98
185-061-12	1842	16	1	\$57.28	1	\$58.70	\$115.98
185-061-13	1843	16	1	\$57.28	0	\$0.00	\$57.28
185-061-14	1844	16	1	\$57.28	0	\$0.00	\$57.28
185-061-15	1845	16	1	\$57.28	1	\$58.70	\$115.98
185-061-16	1846	16	1	\$57.28	1	\$58.70	\$115.98
185-061-17	1847	16	1	\$57.28	1	\$58.70	\$115.98
185-061-18	1848	16	1	\$57.28	0	\$0.00	\$57.28
185-061-19	1849	16	1	\$57.28	1	\$58.70	\$115.98
185-061-20	1850	16	1	\$57.28	1	\$58.70	\$115.98
185-061-22	1851	16	1	\$57.28	1	\$58.70	\$115.98
185-061-23	1852	16	1	\$57.28	1	\$58.70	\$115.98
185-062-01	1853	16	1	\$57.28	1	\$58.70	\$115.98
185-062-02	1854	16	1	\$57.28	1	\$58.70	\$115.98
185-062-03	1855	16	1	\$57.28	1	\$58.70	\$115.98
185-062-04	1856	16	1	\$57.28	1	\$58.70	\$115.98
185-062-05	1857	16	1	\$57.28	1	\$58.70	\$115.98
185-062-06	1858	16	1	\$57.28	1	\$58.70	\$115.98
185-062-07	1859	16	1	\$57.28	1	\$58.70	\$115.98
185-063-01	1860	16	1	\$57.28	1	\$58.70	\$115.98
185-071-01	1861	16	1	\$57.28	1	\$58.70	\$115.98
185-071-02	1862	16	1	\$57.28	1	\$58.70	\$115.98
185-071-03	1863	16	1	\$57.28	1	\$58.70	\$115.98
185-071-04	1864	16	1	\$57.28	1	\$58.70	\$115.98
185-071-05	1865	16	1	\$57.28	1	\$58.70	\$115.98
185-071-06	1866	16	1	\$57.28	0	\$0.00	\$57.28
185-071-07	1867	16	1	\$57.28	1	\$58.70	\$115.98
185-071-08	1868	16	1	\$57.28	1	\$58.70	\$115.98
185-071-09	1869	16	1	\$57.28	1	\$58.70	\$115.98
185-071-10	1870	16	0	\$0.00	0	\$0.00	\$0.00
185-071-11	1871	16	0	\$0.00	0	\$0.00	\$0.00
185-072-01	1872	16	1	\$57.28	1	\$58.70	\$115.98
185-072-02	1873	16	1	\$57.28	1	\$58.70	\$115.98
185-072-03	1874	16	1	\$57.28	1	\$58.70	\$115.98
185-072-04	1875	16	1	\$57.28	1	\$58.70	\$115.98
185-072-05	1876	16	1	\$57.28	1	\$58.70	\$115.98
185-072-06	1877	16	1	\$57.28	1	\$58.70	\$115.98
185-072-07	1878	16	1	\$57.28	1	\$58.70	\$115.98
185-072-08	1879	16	1	\$57.28	1	\$58.70	\$115.98
185-072-09	1880	16	1	\$57.28	1	\$58.70	\$115.98
185-072-10	1881	16	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

185-072-11	1882	16	1	\$57.28	1	\$58.70	\$115.98
185-072-12	1883	16	1	\$57.28	1	\$58.70	\$115.98
185-072-13	1884	16	1	\$57.28	0	\$0.00	\$57.28
185-072-14	1885	16	1	\$57.28	1	\$58.70	\$115.98
185-072-15	1886	16	1	\$57.28	1	\$58.70	\$115.98
185-072-16	1887	16	1	\$57.28	1	\$58.70	\$115.98
185-072-17	1888	16	1	\$57.28	1	\$58.70	\$115.98
185-072-18	1889	16	1	\$57.28	1	\$58.70	\$115.98
185-073-01	1890	16	1	\$57.28	1	\$58.70	\$115.98
185-073-02	1891	16	1	\$57.28	1	\$58.70	\$115.98
185-073-03	1892	16	1	\$57.28	1	\$58.70	\$115.98
185-073-04	1893	16	1	\$57.28	1	\$58.70	\$115.98
185-073-05	1894	16	1	\$57.28	1	\$58.70	\$115.98
185-073-06	1895	16	1	\$57.28	1	\$58.70	\$115.98
185-073-07	1896	16	1	\$57.28	1	\$58.70	\$115.98
185-081-01	1897	10	1	\$57.28	1	\$58.70	\$115.98
185-081-02	1898	10	1	\$57.28	1	\$58.70	\$115.98
185-081-03	1899	10	1	\$57.28	1	\$58.70	\$115.98
185-081-04	1900	10	1	\$57.28	1	\$58.70	\$115.98
185-081-05	1901	10	1	\$57.28	1	\$58.70	\$115.98
185-082-03	1902	16	1	\$57.28	1	\$58.70	\$115.98
185-082-04	1903	16	1	\$57.28	1	\$58.70	\$115.98
185-082-05	1904	16	1	\$57.28	1	\$58.70	\$115.98
185-082-06	1905	17	2.6	\$148.92	2.61	\$153.22	\$302.14
185-082-07	1906	16	1	\$57.28	1	\$58.70	\$115.98
185-083-01	1907	16	1	\$57.28	1	\$58.70	\$115.98
185-083-02	1908	16	1	\$57.28	1	\$58.70	\$115.98
185-083-03	1909	16	1	\$57.28	1	\$58.70	\$115.98
185-084-01	1910	16	1	\$57.28	1	\$58.70	\$115.98
185-084-02	1911	16	1	\$57.28	1	\$58.70	\$115.98
185-085-01	1912	17	1	\$57.28	1	\$58.70	\$115.98
185-085-02	1913	17	1	\$57.28	1	\$58.70	\$115.98
185-085-03	1914	17	1	\$57.28	1	\$58.70	\$115.98
185-085-04	1915	16	1	\$57.28	1	\$58.70	\$115.98
185-085-05	1916	16	1	\$57.28	1	\$58.70	\$115.98
185-086-01	1917	16	1	\$57.28	1	\$58.70	\$115.98
185-086-02	1918	16	1	\$57.28	1	\$58.70	\$115.98
185-086-03	1919	16	1	\$57.28	1	\$58.70	\$115.98
185-087-01	1920	16	1	\$57.28	0	\$0.00	\$57.28
185-087-02	1921	16	1	\$57.28	1	\$58.70	\$115.98
185-087-03	1922	16	1	\$57.28	1	\$58.70	\$115.98
185-087-04	1923	16	1	\$57.28	1	\$58.70	\$115.98
185-087-05	1924	16	1	\$57.28	1	\$58.70	\$115.98
185-087-06	1925	16	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

185-091-01	1926	17	1	\$57.28	1	\$58.70	\$115.98
185-092-01	1927	17	1	\$57.28	1	\$58.70	\$115.98
185-092-02	1928	16	1	\$57.28	1	\$58.70	\$115.98
185-092-03	1929	16	1	\$57.28	1	\$58.70	\$115.98
185-093-01	1930	17	1	\$57.28	1	\$58.70	\$115.98
185-093-02	1931	17	1	\$57.28	1	\$58.70	\$115.98
185-093-03	1932	17	1	\$57.28	1	\$58.70	\$115.98
185-093-04	1933	17	1	\$57.28	1	\$58.70	\$115.98
185-093-05	1934	17	1	\$57.28	1	\$58.70	\$115.98
185-093-06	1935	17	1	\$57.28	1	\$58.70	\$115.98
185-093-07	1936	17	1	\$57.28	1	\$58.70	\$115.98
185-093-08	1937	17	0	\$0.00	0	\$0.00	\$0.00
185-093-09	1938	17	1	\$57.28	1	\$58.70	\$115.98
185-093-10	1939	17	1	\$57.28	1	\$58.70	\$115.98
185-093-11	1940	17	1	\$57.28	0	\$0.00	\$57.28
185-094-01	1941	17	1	\$57.28	1	\$58.70	\$115.98
185-094-02	1942	17	1	\$57.28	1	\$58.70	\$115.98
185-094-03	1943	17	1	\$57.28	1	\$58.70	\$115.98
185-094-04	1944	17	1	\$57.28	1	\$58.70	\$115.98
185-094-05	1945	17	1	\$57.28	1	\$58.70	\$115.98
185-094-06	1946	17	1	\$57.28	1	\$58.70	\$115.98
185-094-07	1947	16	1	\$57.28	1	\$58.70	\$115.98
185-094-08	1948	16	1	\$57.28	1	\$58.70	\$115.98
185-094-09	1949	16	1	\$57.28	1	\$58.70	\$115.98
185-094-10	1950	16	1	\$57.28	1	\$58.70	\$115.98
185-094-11	1951	16	1	\$57.28	1	\$58.70	\$115.98
185-095-01	1952	17	1	\$57.28	1	\$58.70	\$115.98
185-095-02	1953	17	1	\$57.28	0	\$0.00	\$57.28
185-095-03	1954	17	1	\$57.28	1	\$58.70	\$115.98
185-101-01	1955	21	1	\$57.28	1	\$58.70	\$115.98
185-101-02	1956	21	1	\$57.28	1	\$58.70	\$115.98
185-101-03	1957	21	1	\$57.28	0	\$0.00	\$57.28
185-101-04	1958	21	1	\$57.28	1	\$58.70	\$115.98
185-101-05	1959	21	1	\$57.28	1	\$58.70	\$115.98
185-101-06	1960	21	1	\$57.28	1	\$58.70	\$115.98
185-101-07	1961	21	1	\$57.28	1	\$58.70	\$115.98
185-101-08	1962	21	1	\$57.28	1	\$58.70	\$115.98
185-101-09	1963	21	1	\$57.28	1	\$58.70	\$115.98
185-101-10	1964	21	1	\$57.28	1	\$58.70	\$115.98
185-101-11	1965	21	1	\$57.28	1	\$58.70	\$115.98
185-101-12	1966	21	1	\$57.28	1	\$58.70	\$115.98
185-101-13	1967	21	1	\$57.28	1	\$58.70	\$115.98
185-101-14	1968	21	1	\$57.28	1	\$58.70	\$115.98
185-101-15	1969	21	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

185-101-16	1970	21	1	\$57.28	1	\$58.70	\$115.98
185-101-17	1971	21	1	\$57.28	0	\$0.00	\$57.28
185-101-18	1972	21	1	\$57.28	1	\$58.70	\$115.98
185-101-19	1973	21	1	\$57.28	0	\$0.00	\$57.28
185-101-20	1974	21	1	\$57.28	1	\$58.70	\$115.98
185-101-21	1975	21	1	\$57.28	1	\$58.70	\$115.98
185-101-22	1976	21	1	\$57.28	1	\$58.70	\$115.98
185-101-23	1977	21	1	\$57.28	1	\$58.70	\$115.98
185-101-24	1978	21	1	\$57.28	1	\$58.70	\$115.98
185-102-01	1979	21	1	\$57.28	0	\$0.00	\$57.28
185-102-02	1980	21	1	\$57.28	1	\$58.70	\$115.98
185-102-03	1981	21	1	\$57.28	1	\$58.70	\$115.98
185-102-04	1982	21	1	\$57.28	1	\$58.70	\$115.98
185-102-05	1983	21	1	\$57.28	1	\$58.70	\$115.98
185-102-06	1984	21	1	\$57.28	1	\$58.70	\$115.98
185-102-07	1985	21	1	\$57.28	1	\$58.70	\$115.98
185-102-08	1986	21	1	\$57.28	1	\$58.70	\$115.98
185-102-09	1987	21	1	\$57.28	1	\$58.70	\$115.98
185-102-10	1988	21	1	\$57.28	0	\$0.00	\$57.28
185-102-11	1989	21	1	\$57.28	0	\$0.00	\$57.28
185-111-01	1990	21	1	\$57.28	1	\$58.70	\$115.98
185-111-02	1991	21	1	\$57.28	1	\$58.70	\$115.98
185-111-03	1992	21	1	\$57.28	1	\$58.70	\$115.98
185-111-04	1993	21	1	\$57.28	0	\$0.00	\$57.28
185-111-05	1994	21	1	\$57.28	0	\$0.00	\$57.28
185-111-06	1995	21	1	\$57.28	0	\$0.00	\$57.28
185-111-07	1996	21	1	\$57.28	0	\$0.00	\$57.28
185-111-08	1997	21	1	\$57.28	1	\$58.70	\$115.98
185-111-09	1998	21	1	\$57.28	1	\$58.70	\$115.98
185-111-12	1999	21	1	\$57.28	1	\$58.70	\$115.98
185-111-13	2000	21	1	\$57.28	1	\$58.70	\$115.98
185-111-14	2001	21	1	\$57.28	1	\$58.70	\$115.98
185-111-15	2002	21	1	\$57.28	1	\$58.70	\$115.98
185-111-16	2003	21	1	\$57.28	1	\$58.70	\$115.98
185-111-17	2004	21	1	\$57.28	1	\$58.70	\$115.98
185-111-18	2005	21	1	\$57.28	1	\$58.70	\$115.98
185-111-19	2006	21	1	\$57.28	1	\$58.70	\$115.98
185-111-20	2007	21	1	\$57.28	0	\$0.00	\$57.28
185-111-21	2008	21	1	\$57.28	1	\$58.70	\$115.98
185-111-22	2009	21	1	\$57.28	1	\$58.70	\$115.98
185-111-23	2010	21	1	\$57.28	1	\$58.70	\$115.98
185-111-24	2011	21	1	\$57.28	1	\$58.70	\$115.98
185-111-25	2012	21	1	\$57.28	1	\$58.70	\$115.98
185-111-26	2013	21	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

185-111-27	2014	21	1	\$57.28	0	\$0.00	\$57.28
185-111-28	2015	21	1	\$57.28	1	\$58.70	\$115.98
185-111-29	2016	21	1	\$57.28	0	\$0.00	\$57.28
185-111-30	2017	21	1	\$57.28	1	\$58.70	\$115.98
185-111-31	2018	21	1	\$57.28	1	\$58.70	\$115.98
185-111-32	2019	21	1	\$57.28	1	\$58.70	\$115.98
185-111-33	2020	21	1	\$57.28	0	\$0.00	\$57.28
185-111-36	2021	21	1	\$57.28	1	\$58.70	\$115.98
185-111-37	2022	21	1	\$57.28	1	\$58.70	\$115.98
185-111-38	2023	21	1	\$57.28	0	\$0.00	\$57.28
185-111-39	2024	21	1	\$57.28	1	\$58.70	\$115.98
185-111-40	2025	21	1	\$57.28	1	\$58.70	\$115.98
185-111-41	2026	21	1	\$57.28	1	\$58.70	\$115.98
185-111-42	2027	21	1	\$57.28	1	\$58.70	\$115.98
185-111-43	2028	21	1	\$57.28	1	\$58.70	\$115.98
185-111-44	2029	21	1	\$57.28	0	\$0.00	\$57.28
185-111-45	2030	21	1	\$57.28	0	\$0.00	\$57.28
185-112-01	2031	21	1	\$57.28	1	\$58.70	\$115.98
185-112-02	2032	21	1	\$57.28	1	\$58.70	\$115.98
185-112-03	2033	21	1	\$57.28	1	\$58.70	\$115.98
185-112-04	2034	21	1	\$57.28	1	\$58.70	\$115.98
185-112-05	2035	21	1	\$57.28	1	\$58.70	\$115.98
185-112-06	2036	21	1	\$57.28	1	\$58.70	\$115.98
185-112-07	2037	21	1	\$57.28	1	\$58.70	\$115.98
185-112-08	2038	21	1	\$57.28	1	\$58.70	\$115.98
185-112-09	2039	21	0	\$0.00	0	\$0.00	\$0.00
185-121-01	2040	21	0	\$0.00	0	\$0.00	\$0.00
185-121-02	2041	21	1	\$57.28	1	\$58.70	\$115.98
185-121-03	2042	21	1	\$57.28	1	\$58.70	\$115.98
185-121-04	2043	21	1	\$57.28	1	\$58.70	\$115.98
185-121-05	2044	21	1	\$57.28	1	\$58.70	\$115.98
185-121-06	2045	21	1	\$57.28	1	\$58.70	\$115.98
185-121-07	2046	21	1	\$57.28	1	\$58.70	\$115.98
185-121-08	2047	21	1	\$57.28	1	\$58.70	\$115.98
185-121-09	2048	21	1	\$57.28	1	\$58.70	\$115.98
185-121-10	2049	21	1	\$57.28	1	\$58.70	\$115.98
185-121-11	2050	21	1	\$57.28	1	\$58.70	\$115.98
185-121-12	2051	21	1	\$57.28	1	\$58.70	\$115.98
185-121-13	2052	21	1	\$57.28	0	\$0.00	\$57.28
185-121-14	2053	21	0	\$0.00	0	\$0.00	\$0.00
185-131-01	2054	21	1	\$57.28	1	\$58.70	\$115.98
185-131-02	2055	21	1	\$57.28	1	\$58.70	\$115.98
185-131-03	2056	21	1	\$57.28	1	\$58.70	\$115.98
185-131-04	2057	21	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

185-131-05	2058	21	1	\$57.28	1	\$58.70	\$115.98
185-131-06	2059	21	1	\$57.28	1	\$58.70	\$115.98
185-131-07	2060	21	1	\$57.28	1	\$58.70	\$115.98
185-131-08	2061	21	1	\$57.28	1	\$58.70	\$115.98
185-131-09	2062	21	1	\$57.28	1	\$58.70	\$115.98
185-131-10	2063	21	1	\$57.28	1	\$58.70	\$115.98
185-131-11	2064	21	1	\$57.28	1	\$58.70	\$115.98
185-131-12	2065	21	1	\$57.28	1	\$58.70	\$115.98
185-131-13	2066	21	1	\$57.28	1	\$58.70	\$115.98
185-131-14	2067	21	1	\$57.28	1	\$58.70	\$115.98
185-131-15	2068	21	1	\$57.28	1	\$58.70	\$115.98
185-132-01	2069	21	1	\$57.28	1	\$58.70	\$115.98
185-132-02	2070	21	1	\$57.28	1	\$58.70	\$115.98
185-132-03	2071	21	1	\$57.28	1	\$58.70	\$115.98
185-132-04	2072	21	1	\$57.28	1	\$58.70	\$115.98
185-132-05	2073	21	1	\$57.28	1	\$58.70	\$115.98
185-132-06	2074	21	1	\$57.28	1	\$58.70	\$115.98
185-132-07	2075	21	1	\$57.28	1	\$58.70	\$115.98
185-132-08	2076	21	1	\$57.28	1	\$58.70	\$115.98
185-132-09	2077	21	1	\$57.28	1	\$58.70	\$115.98
185-132-10	2078	21	1	\$57.28	1	\$58.70	\$115.98
185-132-11	2079	21	1	\$57.28	1	\$58.70	\$115.98
185-132-12	2080	21	1	\$57.28	1	\$58.70	\$115.98
185-132-13	2081	21	1	\$57.28	1	\$58.70	\$115.98
185-132-14	2082	21	1	\$57.28	1	\$58.70	\$115.98
185-132-15	2083	21	1	\$57.28	1	\$58.70	\$115.98
185-132-16	2084	21	1	\$57.28	1	\$58.70	\$115.98
185-132-17	2085	21	1	\$57.28	1	\$58.70	\$115.98
185-132-18	2086	21	1	\$57.28	1	\$58.70	\$115.98
185-132-19	2087	21	1	\$57.28	1	\$58.70	\$115.98
185-132-20	2088	21	1	\$57.28	1	\$58.70	\$115.98
185-132-21	2089	21	1	\$57.28	1	\$58.70	\$115.98
185-133-02	2090	21	1	\$57.28	1	\$58.70	\$115.98
185-133-03	2091	21	1	\$57.28	1	\$58.70	\$115.98
185-133-04	2092	21	1	\$57.28	0	\$0.00	\$57.28
185-133-05	2093	21	1	\$57.28	0	\$0.00	\$57.28
185-133-06	2094	21	1	\$57.28	1	\$58.70	\$115.98
185-133-07	2095	21	1	\$57.28	1	\$58.70	\$115.98
185-133-08	2096	21	1	\$57.28	1	\$58.70	\$115.98
185-133-09	2097	21	1	\$57.28	1	\$58.70	\$115.98
185-133-10	2098	21	1	\$57.28	1	\$58.70	\$115.98
185-133-11	2099	21	1	\$57.28	1	\$58.70	\$115.98
185-133-12	2100	21	1	\$57.28	1	\$58.70	\$115.98
185-133-13	2101	21	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

185-133-14	2102	21	1	\$57.28	1	\$58.70	\$115.98
185-141-01	2103	21	1	\$57.28	1	\$58.70	\$115.98
185-141-02	2104	21	1	\$57.28	1	\$58.70	\$115.98
185-142-01	2105	21	1	\$57.28	1	\$58.70	\$115.98
185-142-02	2106	21	1	\$57.28	1	\$58.70	\$115.98
185-142-03	2107	21	1	\$57.28	1	\$58.70	\$115.98
185-142-04	2108	21	1	\$57.28	1	\$58.70	\$115.98
185-142-05	2109	21	1	\$57.28	1	\$58.70	\$115.98
185-142-06	2110	21	1	\$57.28	1	\$58.70	\$115.98
185-142-07	2111	21	1	\$57.28	1	\$58.70	\$115.98
185-142-08	2112	21	1	\$57.28	1	\$58.70	\$115.98
185-142-09	2113	21	1	\$57.28	1	\$58.70	\$115.98
185-142-10	2114	21	1	\$57.28	1	\$58.70	\$115.98
185-143-01	2115	21	1	\$57.28	1	\$58.70	\$115.98
185-143-02	2116	21	1	\$57.28	1	\$58.70	\$115.98
185-143-03	2117	21	1	\$57.28	1	\$58.70	\$115.98
185-143-04	2118	21	1	\$57.28	1	\$58.70	\$115.98
185-143-05	2119	21	1	\$57.28	1	\$58.70	\$115.98
185-143-06	2120	21	1	\$57.28	1	\$58.70	\$115.98
185-143-07	2121	21	1	\$57.28	1	\$58.70	\$115.98
185-143-08	2122	21	1	\$57.28	1	\$58.70	\$115.98
185-143-09	2123	21	1	\$57.28	1	\$58.70	\$115.98
185-143-10	2124	21	1	\$57.28	1	\$58.70	\$115.98
185-143-11	2125	21	1	\$57.28	1	\$58.70	\$115.98
185-143-12	2126	21	1	\$57.28	1	\$58.70	\$115.98
185-143-13	2127	21	1	\$57.28	1	\$58.70	\$115.98
185-143-14	2128	21	1	\$57.28	1	\$58.70	\$115.98
185-143-15	2129	21	1	\$57.28	1	\$58.70	\$115.98
185-143-16	2130	21	1	\$57.28	1	\$58.70	\$115.98
185-143-17	2131	21	1	\$57.28	1	\$58.70	\$115.98
185-143-18	2132	21	1	\$57.28	1	\$58.70	\$115.98
185-143-19	2133	21	1	\$57.28	1	\$58.70	\$115.98
185-143-20	2134	21	1	\$57.28	1	\$58.70	\$115.98
185-143-21	2135	21	1	\$57.28	1	\$58.70	\$115.98
185-143-22	2136	21	1	\$57.28	1	\$58.70	\$115.98
185-143-23	2137	21	1	\$57.28	1	\$58.70	\$115.98
185-143-24	2138	21	1	\$57.28	1	\$58.70	\$115.98
185-143-25	2139	21	1	\$57.28	1	\$58.70	\$115.98
185-144-01	2140	21	1	\$57.28	1	\$58.70	\$115.98
185-144-02	2141	21	1	\$57.28	1	\$58.70	\$115.98
185-144-03	2142	21	1	\$57.28	1	\$58.70	\$115.98
185-144-04	2143	21	1	\$57.28	0	\$0.00	\$57.28
185-144-05	2144	21	1	\$57.28	1	\$58.70	\$115.98
185-144-06	2145	21	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

185-144-07	2146	21	1	\$57.28	1	\$58.70	\$115.98
185-144-08	2147	21	1	\$57.28	1	\$58.70	\$115.98
185-144-09	2148	21	1	\$57.28	1	\$58.70	\$115.98
185-144-10	2149	21	1	\$57.28	1	\$58.70	\$115.98
185-144-11	2150	21	1	\$57.28	1	\$58.70	\$115.98
185-144-12	2151	21	1	\$57.28	1	\$58.70	\$115.98
185-144-13	2152	21	1	\$57.28	1	\$58.70	\$115.98
185-144-14	2153	21	1	\$57.28	1	\$58.70	\$115.98
185-144-15	2154	21	1	\$57.28	1	\$58.70	\$115.98
185-145-01	2155	21	1	\$57.28	1	\$58.70	\$115.98
185-145-02	2156	21	1	\$57.28	1	\$58.70	\$115.98
185-145-03	2157	21	1	\$57.28	1	\$58.70	\$115.98
185-145-04	2158	21	1	\$57.28	1	\$58.70	\$115.98
185-145-05	2159	21	1	\$57.28	1	\$58.70	\$115.98
185-145-06	2160	21	1	\$57.28	1	\$58.70	\$115.98
185-145-07	2161	21	1	\$57.28	1	\$58.70	\$115.98
185-145-08	2162	21	1	\$57.28	1	\$58.70	\$115.98
185-145-09	2163	21	1	\$57.28	1	\$58.70	\$115.98
185-145-10	2164	21	1	\$57.28	1	\$58.70	\$115.98
185-145-11	2165	21	1	\$57.28	1	\$58.70	\$115.98
185-146-01	2166	21	1	\$57.28	1	\$58.70	\$115.98
185-146-02	2167	21	1	\$57.28	1	\$58.70	\$115.98
185-146-03	2168	21	1	\$57.28	1	\$58.70	\$115.98
185-146-04	2169	21	1	\$57.28	1	\$58.70	\$115.98
185-146-05	2170	21	1	\$57.28	1	\$58.70	\$115.98
185-146-06	2171	21	1	\$57.28	1	\$58.70	\$115.98
185-146-07	2172	21	1	\$57.28	1	\$58.70	\$115.98
185-146-08	2173	21	1	\$57.28	0	\$0.00	\$57.28
185-146-09	2174	21	1	\$57.28	0	\$0.00	\$57.28
185-151-01	2175	21	1	\$57.28	1	\$58.70	\$115.98
185-151-02	2176	21	1	\$57.28	1	\$58.70	\$115.98
185-152-01	2177	21	1	\$57.28	1	\$58.70	\$115.98
185-152-04	2178	21	1	\$57.28	1	\$58.70	\$115.98
185-153-01	2179	21	1	\$57.28	1	\$58.70	\$115.98
185-153-02	2180	21	1	\$57.28	1	\$58.70	\$115.98
185-153-03	2181	21	1	\$57.28	0	\$0.00	\$57.28
185-153-04	2182	21	1	\$57.28	1	\$58.70	\$115.98
185-153-05	2183	21	1	\$57.28	1	\$58.70	\$115.98
185-153-06	2184	21	1	\$57.28	1	\$58.70	\$115.98
185-153-07	2185	21	1	\$57.28	1	\$58.70	\$115.98
185-153-08	2186	21	1	\$57.28	1	\$58.70	\$115.98
185-153-09	2187	21	1	\$57.28	1	\$58.70	\$115.98
185-153-10	2188	21	1	\$57.28	1	\$58.70	\$115.98
185-153-11	2189	21	1	\$57.28	0	\$0.00	\$57.28

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

185-153-12	2190	21	1	\$57.28	1	\$58.70	\$115.98
185-153-13	2191	21	1	\$57.28	1	\$58.70	\$115.98
185-153-14	2192	21	1	\$57.28	1	\$58.70	\$115.98
185-153-15	2193	21	1	\$57.28	0	\$0.00	\$57.28
185-153-16	2194	21	1	\$57.28	0	\$0.00	\$57.28
185-153-17	2195	21	1	\$57.28	1	\$58.70	\$115.98
185-153-18	2196	21	1	\$57.28	1	\$58.70	\$115.98
185-153-19	2197	21	1	\$57.28	1	\$58.70	\$115.98
185-153-20	2198	21	1	\$57.28	1	\$58.70	\$115.98
185-153-21	2199	21	1	\$57.28	1	\$58.70	\$115.98
185-154-01	2200	21	1	\$57.28	0	\$0.00	\$57.28
185-154-02	2201	21	1	\$57.28	1	\$58.70	\$115.98
185-154-03	2202	21	1	\$57.28	1	\$58.70	\$115.98
185-154-04	2203	21	1	\$57.28	1	\$58.70	\$115.98
185-154-05	2204	21	1	\$57.28	1	\$58.70	\$115.98
185-154-06	2205	21	1	\$57.28	1	\$58.70	\$115.98
185-154-07	2206	21	1	\$57.28	1	\$58.70	\$115.98
185-154-08	2207	21	1	\$57.28	1	\$58.70	\$115.98
185-154-11	2208	21	1	\$57.28	1	\$58.70	\$115.98
185-154-12	2209	21	1	\$57.28	1	\$58.70	\$115.98
185-154-13	2210	21	1	\$57.28	1	\$58.70	\$115.98
185-154-14	2211	21	1	\$57.28	1	\$58.70	\$115.98
185-154-15	2212	21	1	\$57.28	1	\$58.70	\$115.98
185-154-16	2213	21	1	\$57.28	1	\$58.70	\$115.98
185-154-17	2214	21	1	\$57.28	1	\$58.70	\$115.98
185-154-18	2215	21	1	\$57.28	1	\$58.70	\$115.98
185-154-19	2216	21	1	\$57.28	1	\$58.70	\$115.98
185-154-20	2217	21	1	\$57.28	1	\$58.70	\$115.98
185-154-21	2218	21	1	\$57.28	1	\$58.70	\$115.98
185-154-23	2219	21	1	\$57.28	0	\$0.00	\$57.28
185-155-01	2220	21	1	\$57.28	0	\$0.00	\$57.28
185-155-02	2221	21	1	\$57.28	1	\$58.70	\$115.98
185-155-03	2222	21	1	\$57.28	1	\$58.70	\$115.98
185-156-01	2223	21	1	\$57.28	1	\$58.70	\$115.98
185-156-02	2224	21	1	\$57.28	1	\$58.70	\$115.98
185-156-03	2225	21	1	\$57.28	1	\$58.70	\$115.98
185-156-04	2226	21	1	\$57.28	1	\$58.70	\$115.98
185-156-05	2227	21	1	\$57.28	0	\$0.00	\$57.28
185-156-06	2228	21	1	\$57.28	0	\$0.00	\$57.28
185-157-01	2229	21	1	\$57.28	0	\$0.00	\$57.28
185-157-02	2230	21	1	\$57.28	1	\$58.70	\$115.98
185-157-03	2231	21	1	\$57.28	0	\$0.00	\$57.28
185-157-04	2232	21	1	\$57.28	1	\$58.70	\$115.98
185-157-05	2233	21	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

185-157-06	2234	21	1	\$57.28	1	\$58.70	\$115.98
185-157-07	2235	21	1	\$57.28	1	\$58.70	\$115.98
185-157-08	2236	21	1	\$57.28	1	\$58.70	\$115.98
185-158-01	2237	21	1	\$57.28	1	\$58.70	\$115.98
185-158-02	2238	21	1	\$57.28	0	\$0.00	\$57.28
185-161-01	2239	21	1	\$57.28	0	\$0.00	\$57.28
185-161-02	2240	21	1	\$57.28	1	\$58.70	\$115.98
185-161-03	2241	21	1	\$57.28	1	\$58.70	\$115.98
185-161-04	2242	21	1	\$57.28	1	\$58.70	\$115.98
185-161-05	2243	21	1	\$57.28	1	\$58.70	\$115.98
185-161-06	2244	21	1	\$57.28	1	\$58.70	\$115.98
185-161-07	2245	21	1	\$57.28	1	\$58.70	\$115.98
185-161-08	2246	21	1	\$57.28	1	\$58.70	\$115.98
185-161-09	2247	21	1	\$57.28	1	\$58.70	\$115.98
185-161-10	2248	21	1	\$57.28	1	\$58.70	\$115.98
185-161-11	2249	21	1	\$57.28	1	\$58.70	\$115.98
185-161-12	2250	21	1	\$57.28	1	\$58.70	\$115.98
185-161-13	2251	21	1	\$57.28	1	\$58.70	\$115.98
185-161-14	2252	21	1	\$57.28	1	\$58.70	\$115.98
185-161-15	2253	21	1	\$57.28	1	\$58.70	\$115.98
185-161-16	2254	21	1	\$57.28	0	\$0.00	\$57.28
185-161-17	2255	21	1	\$57.28	0	\$0.00	\$57.28
185-161-18	2256	21	1	\$57.28	0	\$0.00	\$57.28
185-162-01	2257	21	1	\$57.28	1	\$58.70	\$115.98
185-162-02	2258	21	1	\$57.28	1	\$58.70	\$115.98
185-162-03	2259	21	1	\$57.28	1	\$58.70	\$115.98
185-162-04	2260	21	1	\$57.28	0	\$0.00	\$57.28
185-162-05	2261	21	1	\$57.28	1	\$58.70	\$115.98
185-162-06	2262	21	1	\$57.28	1	\$58.70	\$115.98
185-162-07	2263	21	1	\$57.28	1	\$58.70	\$115.98
185-162-08	2264	21	1	\$57.28	1	\$58.70	\$115.98
185-163-01	2265	21	1	\$57.28	1	\$58.70	\$115.98
185-163-02	2266	21	1	\$57.28	1	\$58.70	\$115.98
185-163-03	2267	21	1	\$57.28	1	\$58.70	\$115.98
185-163-04	2268	21	1	\$57.28	1	\$58.70	\$115.98
185-163-05	2269	21	1	\$57.28	0	\$0.00	\$57.28
185-163-06	2270	21	1	\$57.28	1	\$58.70	\$115.98
185-163-07	2271	21	1	\$57.28	1	\$58.70	\$115.98
185-163-08	2272	21	1	\$57.28	0	\$0.00	\$57.28
185-163-09	2273	21	1	\$57.28	1	\$58.70	\$115.98
185-163-10	2274	21	1	\$57.28	1	\$58.70	\$115.98
185-163-11	2275	21	1	\$57.28	1	\$58.70	\$115.98
185-163-12	2276	21	1	\$57.28	1	\$58.70	\$115.98
185-163-13	2277	21	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

185-163-16	2278	21	1	\$57.28	0	\$0.00	\$57.28
185-163-17	2279	21	1	\$57.28	1	\$58.70	\$115.98
185-163-18	2280	21	1	\$57.28	1	\$58.70	\$115.98
185-163-19	2281	26	1	\$57.28	1	\$58.70	\$115.98
185-163-20	2282	26	1	\$57.28	1	\$58.70	\$115.98
185-164-01	2283	26	1	\$57.28	1	\$58.70	\$115.98
185-164-02	2284	26	0	\$0.00	0	\$0.00	\$0.00
185-171-01	2285	26	1	\$57.28	1	\$58.70	\$115.98
185-171-02	2286	26	1	\$57.28	1	\$58.70	\$115.98
185-171-03	2287	26	1	\$57.28	1	\$58.70	\$115.98
185-171-04	2288	26	1	\$57.28	1	\$58.70	\$115.98
185-171-05	2289	26	1	\$57.28	1	\$58.70	\$115.98
185-171-06	2290	26	1	\$57.28	1	\$58.70	\$115.98
185-172-01	2291	26	1	\$57.28	1	\$58.70	\$115.98
185-172-02	2292	26	1	\$57.28	1	\$58.70	\$115.98
185-172-03	2293	26	1	\$57.28	1	\$58.70	\$115.98
185-172-04	2294	26	1	\$57.28	1	\$58.70	\$115.98
185-172-05	2295	26	1	\$57.28	1	\$58.70	\$115.98
185-173-01	2296	26	1	\$57.28	1	\$58.70	\$115.98
185-173-02	2297	26	1	\$57.28	1	\$58.70	\$115.98
185-173-03	2298	26	1	\$57.28	1	\$58.70	\$115.98
185-173-04	2299	26	1	\$57.28	1	\$58.70	\$115.98
185-173-05	2300	26	1	\$57.28	1	\$58.70	\$115.98
185-173-06	2301	26	1	\$57.28	1	\$58.70	\$115.98
185-173-07	2302	26	1	\$57.28	1	\$58.70	\$115.98
185-173-08	2303	26	1	\$57.28	1	\$58.70	\$115.98
185-173-09	2304	26	1	\$57.28	1	\$58.70	\$115.98
185-173-10	2305	26	1	\$57.28	1	\$58.70	\$115.98
185-173-14	2306	26	1	\$57.28	1	\$58.70	\$115.98
185-173-18	2307	26	1	\$57.28	0	\$0.00	\$57.28
185-173-19	2308	26	1	\$57.28	0	\$0.00	\$57.28
185-174-01	2309	26	1	\$57.28	1	\$58.70	\$115.98
185-174-02	2310	26	1	\$57.28	1	\$58.70	\$115.98
185-174-03	2311	26	1	\$57.28	1	\$58.70	\$115.98
185-174-04	2312	26	1	\$57.28	1	\$58.70	\$115.98
185-191-01	2313	22	1	\$57.28	0	\$0.00	\$57.28
185-191-02	2314	22	1	\$57.28	1	\$58.70	\$115.98
185-192-01	2315	22	1	\$57.28	1	\$58.70	\$115.98
185-192-02	2316	22	1	\$57.28	1	\$58.70	\$115.98
185-192-03	2317	22	1	\$57.28	1	\$58.70	\$115.98
185-192-04	2318	22	1	\$57.28	0	\$0.00	\$57.28
185-192-05	2319	22	1	\$57.28	0	\$0.00	\$57.28
185-193-01	2320	22	1	\$57.28	1	\$58.70	\$115.98
185-193-02	2321	22	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

185-193-03	2322	22	1	\$57.28	0	\$0.00	\$57.28
185-193-04	2323	22	1	\$57.28	1	\$58.70	\$115.98
185-193-05	2324	22	1	\$57.28	0	\$0.00	\$57.28
185-193-06	2325	22	1	\$57.28	1	\$58.70	\$115.98
185-193-07	2326	22	1	\$57.28	0	\$0.00	\$57.28
185-193-08	2327	22	1	\$57.28	1	\$58.70	\$115.98
185-193-09	2328	22	1	\$57.28	1	\$58.70	\$115.98
185-193-10	2329	22	1	\$57.28	1	\$58.70	\$115.98
185-193-11	2330	22	1	\$57.28	1	\$58.70	\$115.98
185-193-14	2331	22	1	\$57.28	1	\$58.70	\$115.98
185-193-15	2332	22	1	\$57.28	1	\$58.70	\$115.98
185-193-16	2333	22	1	\$57.28	1	\$58.70	\$115.98
185-193-17	2334	22	1	\$57.28	1	\$58.70	\$115.98
185-193-19	2335	22	1	\$57.28	1	\$58.70	\$115.98
185-194-01	2336	22	1	\$57.28	1	\$58.70	\$115.98
185-194-02	2337	22	1	\$57.28	0	\$0.00	\$57.28
185-194-03	2338	22	1	\$57.28	1	\$58.70	\$115.98
185-194-04	2339	22	1	\$57.28	1	\$58.70	\$115.98
185-194-05	2340	22	1	\$57.28	1	\$58.70	\$115.98
185-194-06	2341	22	1	\$57.28	0	\$0.00	\$57.28
185-194-07	2342	22	1	\$57.28	1	\$58.70	\$115.98
185-194-08	2343	22	1	\$57.28	1	\$58.70	\$115.98
185-194-09	2344	22	1	\$57.28	1	\$58.70	\$115.98
185-194-10	2345	22	1	\$57.28	1	\$58.70	\$115.98
185-194-11	2346	22	1	\$57.28	1	\$58.70	\$115.98
185-194-12	2347	22	1	\$57.28	1	\$58.70	\$115.98
185-194-13	2348	22	1	\$57.28	0	\$0.00	\$57.28
185-194-14	2349	22	1	\$57.28	1	\$58.70	\$115.98
185-195-01	2350	22	1	\$57.28	1	\$58.70	\$115.98
185-195-02	2351	22	1	\$57.28	1	\$58.70	\$115.98
185-195-03	2352	22	1	\$57.28	1	\$58.70	\$115.98
185-195-04	2353	22	1	\$57.28	1	\$58.70	\$115.98
185-195-05	2354	22	1	\$57.28	1	\$58.70	\$115.98
185-195-06	2355	22	1	\$57.28	1	\$58.70	\$115.98
185-195-07	2356	22	1	\$57.28	1	\$58.70	\$115.98
185-195-08	2357	22	1	\$57.28	1	\$58.70	\$115.98
185-195-09	2358	22	1	\$57.28	1	\$58.70	\$115.98
185-195-10	2359	22	1	\$57.28	1	\$58.70	\$115.98
185-195-11	2360	22	1	\$57.28	1	\$58.70	\$115.98
185-195-12	2361	22	1	\$57.28	1	\$58.70	\$115.98
185-195-13	2362	22	1	\$57.28	1	\$58.70	\$115.98
185-195-14	2363	22	1	\$57.28	1	\$58.70	\$115.98
185-195-15	2364	22	1	\$57.28	1	\$58.70	\$115.98
185-195-16	2365	22	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

185-195-17	2366	22	1	\$57.28	1	\$58.70	\$115.98
185-195-18	2367	22	1	\$57.28	1	\$58.70	\$115.98
185-195-19	2368	22	1	\$57.28	1	\$58.70	\$115.98
185-196-01	2369	22	1	\$57.28	1	\$58.70	\$115.98
185-196-02	2370	22	1	\$57.28	1	\$58.70	\$115.98
185-196-03	2371	22	1	\$57.28	1	\$58.70	\$115.98
185-196-06	2372	22	1	\$57.28	1	\$58.70	\$115.98
185-196-07	2373	22	1	\$57.28	1	\$58.70	\$115.98
185-196-08	2374	22	1	\$57.28	1	\$58.70	\$115.98
185-196-09	2375	22	1	\$57.28	1	\$58.70	\$115.98
185-196-10	2376	22	1	\$57.28	1	\$58.70	\$115.98
185-197-01	2377	22	1	\$57.28	1	\$58.70	\$115.98
185-197-02	2378	22	1	\$57.28	1	\$58.70	\$115.98
185-197-03	2379	22	1	\$57.28	0	\$0.00	\$57.28
185-197-04	2380	22	1	\$57.28	1	\$58.70	\$115.98
185-201-01	2381	22	1	\$57.28	1	\$58.70	\$115.98
185-201-02	2382	22	1	\$57.28	1	\$58.70	\$115.98
185-201-04	2383	22	1	\$57.28	1	\$58.70	\$115.98
185-201-06	2384	22	1	\$57.28	1	\$58.70	\$115.98
185-201-07	2385	22	1	\$57.28	1	\$58.70	\$115.98
185-201-08	2386	22	1	\$57.28	1	\$58.70	\$115.98
185-201-09	2387	22	1	\$57.28	1	\$58.70	\$115.98
185-201-10	2388	22	1	\$57.28	1	\$58.70	\$115.98
185-201-11	2389	22	1	\$57.28	1	\$58.70	\$115.98
185-201-12	2390	22	1	\$57.28	1	\$58.70	\$115.98
185-201-13	2391	22	1	\$57.28	1	\$58.70	\$115.98
185-201-14	2392	22	0	\$0.00	0	\$0.00	\$0.00
185-201-15	2393	22	1	\$57.28	1	\$58.70	\$115.98
185-201-16	2394	22	1	\$57.28	1	\$58.70	\$115.98
185-201-17	2395	22	1	\$57.28	1	\$58.70	\$115.98
185-221-01	2396	22	1	\$57.28	1	\$58.70	\$115.98
185-221-02	2397	22	1	\$57.28	0	\$0.00	\$57.28
185-221-03	2398	22	1	\$57.28	1	\$58.70	\$115.98
185-221-04	2399	22	1	\$57.28	1	\$58.70	\$115.98
185-221-05	2400	22	1	\$57.28	1	\$58.70	\$115.98
185-221-06	2401	22	1	\$57.28	1	\$58.70	\$115.98
185-221-07	2402	22	1	\$57.28	1	\$58.70	\$115.98
185-221-09	2403	22	1	\$57.28	1	\$58.70	\$115.98
185-221-10	2404	22	1	\$57.28	1	\$58.70	\$115.98
185-221-13	2405	22	1	\$57.28	1	\$58.70	\$115.98
185-221-15	2406	22	1	\$57.28	1	\$58.70	\$115.98
185-221-16	2407	22	1	\$57.28	0	\$0.00	\$57.28
185-221-17	2408	22	1	\$57.28	0	\$0.00	\$57.28
185-221-18	2409	22	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

185-221-19	2410	22	1	\$57.28	1	\$58.70	\$115.98
185-221-20	2411	22	1	\$57.28	1	\$58.70	\$115.98
185-221-21	2412	22	1	\$57.28	1	\$58.70	\$115.98
185-221-22	2413	22	1	\$57.28	1	\$58.70	\$115.98
185-221-23	2414	22	1	\$57.28	0	\$0.00	\$57.28
185-221-25	2415	22	1	\$57.28	1	\$58.70	\$115.98
185-221-28	2416	22	1	\$57.28	0	\$0.00	\$57.28
185-221-30	2417	22	1	\$57.28	1	\$58.70	\$115.98
185-221-31	2418	22	1	\$57.28	1	\$58.70	\$115.98
185-222-01	2419	22	1	\$57.28	1	\$58.70	\$115.98
185-222-02	2420	22	1	\$57.28	1	\$58.70	\$115.98
185-222-03	2421	22	1	\$57.28	1	\$58.70	\$115.98
185-222-04	2422	22	1	\$57.28	1	\$58.70	\$115.98
185-222-05	2423	22	1	\$57.28	1	\$58.70	\$115.98
185-222-06	2424	22	1	\$57.28	1	\$58.70	\$115.98
185-222-07	2425	22	1	\$57.28	1	\$58.70	\$115.98
185-222-08	2426	22	1	\$57.28	1	\$58.70	\$115.98
185-222-09	2427	22	0	\$0.00	0	\$0.00	\$0.00
185-251-01	2428	22	1	\$57.28	1	\$58.70	\$115.98
185-251-02	2429	22	1	\$57.28	1	\$58.70	\$115.98
185-251-03	2430	22	1	\$57.28	1	\$58.70	\$115.98
185-251-04	2431	22	1	\$57.28	1	\$58.70	\$115.98
185-251-05	2432	22	1	\$57.28	0	\$0.00	\$57.28
185-251-06	2433	22	1	\$57.28	1	\$58.70	\$115.98
185-252-01	2434	22	1	\$57.28	1	\$58.70	\$115.98
185-252-02	2435	22	1	\$57.28	1	\$58.70	\$115.98
185-253-01	2436	22	1	\$57.28	0	\$0.00	\$57.28
185-253-02	2437	22	1	\$57.28	0	\$0.00	\$57.28
185-253-03	2438	22	1	\$57.28	1	\$58.70	\$115.98
185-253-04	2439	22	1	\$57.28	1	\$58.70	\$115.98
185-253-05	2440	22	1	\$57.28	1	\$58.70	\$115.98
185-253-06	2441	22	1	\$57.28	0	\$0.00	\$57.28
185-253-07	2442	22	1	\$57.28	1	\$58.70	\$115.98
185-254-01	2443	22	1	\$57.28	1	\$58.70	\$115.98
185-254-02	2444	22	1	\$57.28	1	\$58.70	\$115.98
185-254-03	2445	22	1	\$57.28	1	\$58.70	\$115.98
185-254-04	2446	22	1	\$57.28	1	\$58.70	\$115.98
185-254-05	2447	22	1	\$57.28	1	\$58.70	\$115.98
185-255-01	2448	22	1	\$57.28	1	\$58.70	\$115.98
185-255-02	2449	22	1	\$57.28	1	\$58.70	\$115.98
185-255-03	2450	22	1	\$57.28	1	\$58.70	\$115.98
185-255-04	2451	22	1	\$57.28	1	\$58.70	\$115.98
185-255-05	2452	22	1	\$57.28	1	\$58.70	\$115.98
185-255-06	2453	22	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

185-255-07	2454	22	1	\$57.28	1	\$58.70	\$115.98
185-255-08	2455	22	1	\$57.28	1	\$58.70	\$115.98
185-255-09	2456	22	1	\$57.28	1	\$58.70	\$115.98
185-255-10	2457	22	1	\$57.28	1	\$58.70	\$115.98
185-255-11	2458	22	1	\$57.28	1	\$58.70	\$115.98
185-255-12	2459	22	1	\$57.28	1	\$58.70	\$115.98
185-255-13	2460	22	1	\$57.28	1	\$58.70	\$115.98
185-256-01	2461	22	1	\$57.28	1	\$58.70	\$115.98
185-256-02	2462	22	1	\$57.28	1	\$58.70	\$115.98
185-256-03	2463	22	1	\$57.28	1	\$58.70	\$115.98
185-256-04	2464	22	1	\$57.28	1	\$58.70	\$115.98
185-256-05	2465	22	1	\$57.28	1	\$58.70	\$115.98
185-271-01	2466	22	1	\$57.28	1	\$58.70	\$115.98
185-271-02	2467	22	1	\$57.28	1	\$58.70	\$115.98
185-271-03	2468	22	1	\$57.28	1	\$58.70	\$115.98
185-271-04	2469	22	1	\$57.28	0	\$0.00	\$57.28
185-271-05	2470	22	1	\$57.28	1	\$58.70	\$115.98
185-271-06	2471	22	1	\$57.28	0	\$0.00	\$57.28
185-271-07	2472	22	1	\$57.28	1	\$58.70	\$115.98
185-271-08	2473	22	1	\$57.28	1	\$58.70	\$115.98
185-271-09	2474	22	1	\$57.28	0	\$0.00	\$57.28
185-271-10	2475	22	1	\$57.28	1	\$58.70	\$115.98
185-271-11	2476	22	1	\$57.28	0	\$0.00	\$57.28
185-271-12	2477	22	1	\$57.28	1	\$58.70	\$115.98
185-271-13	2478	22	1	\$57.28	0	\$0.00	\$57.28
185-271-14	2479	22	1	\$57.28	1	\$58.70	\$115.98
185-271-15	2480	22	1	\$57.28	1	\$58.70	\$115.98
185-271-16	2481	22	0	\$0.00	0	\$0.00	\$0.00
185-272-01	2482	22	1	\$57.28	1	\$58.70	\$115.98
185-272-02	2483	22	1	\$57.28	1	\$58.70	\$115.98
185-272-03	2484	22	1	\$57.28	1	\$58.70	\$115.98
185-272-04	2485	22	1	\$57.28	1	\$58.70	\$115.98
185-272-05	2486	22	1	\$57.28	1	\$58.70	\$115.98
185-272-06	2487	22	1	\$57.28	1	\$58.70	\$115.98
185-272-07	2488	22	1	\$57.28	1	\$58.70	\$115.98
185-273-01	2489	22	1	\$57.28	1	\$58.70	\$115.98
185-273-02	2490	22	1	\$57.28	1	\$58.70	\$115.98
186-041-02	2491	10	1.455	\$83.34	1.45	\$85.12	\$168.46
186-041-03	2492	10	1.905	\$109.12	1.91	\$112.12	\$221.24
186-042-02	2493	10	1	\$57.28	1	\$58.70	\$115.98
186-042-03	2494	10	1	\$57.28	1	\$58.70	\$115.98
186-051-05	2495	10	1	\$57.28	1	\$58.70	\$115.98
186-051-06	2496	10	1	\$57.28	1	\$58.70	\$115.98
186-051-07	2497	10	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

186-051-08	2498	10	1	\$57.28	1	\$58.70	\$115.98
186-051-09	2499	10	1	\$57.28	0	\$0.00	\$57.28
186-051-10	2500	10	0	\$0.00	0	\$0.00	\$0.00
186-051-11	2501	10	1	\$57.28	1	\$58.70	\$115.98
186-051-12	2502	10	1	\$57.28	1	\$58.70	\$115.98
186-051-13	2503	10	1	\$57.28	1	\$58.70	\$115.98
186-071-03	2504	13	1	\$57.28	1	\$58.70	\$115.98
186-071-04	2505	10	1.455	\$83.34	1.46	\$85.70	\$169.04
186-071-05	2506	10	1	\$57.28	1	\$58.70	\$115.98
186-071-09	2507	10	1	\$57.28	1	\$58.70	\$115.98
186-072-01	2508	10	1	\$57.28	0	\$0.00	\$57.28
186-072-09	2509	10	0	\$0.00	0	\$0.00	\$0.00
186-072-10	2510	10	1	\$57.28	1	\$58.70	\$115.98
186-072-16	2511	10	1	\$57.28	1	\$58.70	\$115.98
186-072-17	2512	10	1	\$57.28	1	\$58.70	\$115.98
186-081-05	2513	10	1	\$57.28	0	\$0.00	\$57.28
186-081-07	2514	10	1	\$57.28	1	\$58.70	\$115.98
186-081-08	2515	10	1	\$57.28	1	\$58.70	\$115.98
186-081-09	2516	10	1	\$57.28	0	\$0.00	\$57.28
186-081-10	2517	10	1	\$57.28	1	\$58.70	\$115.98
186-081-15	2518	10	1	\$57.28	1	\$58.70	\$115.98
186-081-16	2519	10	1	\$57.28	1	\$58.70	\$115.98
186-081-17	2520	10	1	\$57.28	1	\$58.70	\$115.98
186-081-18	2521	10	1	\$57.28	1	\$58.70	\$115.98
186-081-19	2522	10	1	\$57.28	1	\$58.70	\$115.98
186-081-20	2523	10	1	\$57.28	1	\$58.70	\$115.98
186-081-21	2524	10	1	\$57.28	0	\$0.00	\$57.28
186-082-01	2525	10	1	\$57.28	1	\$58.70	\$115.98
186-082-02	2526	10	1	\$57.28	0	\$0.00	\$57.28
186-091-01	2527	13	1	\$57.28	0	\$0.00	\$57.28
186-091-02	2528	13	1	\$57.28	1	\$58.70	\$115.98
186-091-08	2529	13	1	\$57.28	0	\$0.00	\$57.28
186-091-10	2530	13	1	\$57.28	1	\$58.70	\$115.98
186-092-01	2531	10	1.5	\$85.94	1.5	\$88.06	\$174.00
186-092-02	2532	10	1	\$57.28	1	\$58.70	\$115.98
186-092-04	2533	10	1	\$57.28	1	\$58.70	\$115.98
186-092-05	2534	10	1	\$57.28	1	\$58.70	\$115.98
186-092-06	2535	10	1	\$57.28	1	\$58.70	\$115.98
186-092-08	2536	10	1	\$57.28	1	\$58.70	\$115.98
186-092-09	2537	10	1	\$57.28	0	\$0.00	\$57.28
186-092-10	2538	10	1	\$57.28	0	\$0.00	\$57.28
186-092-11	2539	10	1	\$57.28	1	\$58.70	\$115.98
186-092-12	2540	10	1	\$57.28	1	\$58.70	\$115.98
186-092-14	2541	10	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

186-101-02	2542	10	1	\$57.28	1	\$58.70	\$115.98
186-101-03	2543	10	1	\$57.28	1	\$58.70	\$115.98
186-101-04	2544	10	1	\$57.28	1	\$58.70	\$115.98
186-101-05	2545	10	1	\$57.28	1	\$58.70	\$115.98
186-101-06	2546	15	1	\$57.28	1	\$58.70	\$115.98
186-101-08	2547	15	1	\$57.28	1	\$58.70	\$115.98
186-101-09	2548	15	0	\$0.00	0	\$0.00	\$0.00
186-101-10	2549	15	1	\$57.28	1	\$58.70	\$115.98
186-101-13	2550	10	1	\$57.28	1	\$58.70	\$115.98
186-101-14	2551	10	1	\$57.28	1	\$58.70	\$115.98
186-101-15	2552	10	1	\$57.28	1	\$58.70	\$115.98
186-101-16	2553	10	1	\$57.28	1	\$58.70	\$115.98
186-101-17	2554	10	0	\$0.00	0	\$0.00	\$0.00
186-111-01	2555	13	1	\$57.28	1	\$58.70	\$115.98
186-111-02	2556	13	1	\$57.28	0	\$0.00	\$57.28
186-112-01	2557	13	1.5	\$85.94	1.5	\$88.06	\$174.00
186-112-02	2558	13	1	\$57.28	1	\$58.70	\$115.98
186-112-23	2559M	8	1	\$57.28	1	\$58.70	\$115.98
186-112-07	2560	15	1	\$57.28	1	\$58.70	\$115.98
186-112-08	2561	15	1	\$57.28	1	\$58.70	\$115.98
186-112-14	2562	14	1	\$57.28	1	\$58.70	\$115.98
186-112-15	2563	15	1	\$57.28	1	\$58.70	\$115.98
186-112-16	2564	14	1	\$57.28	1	\$58.70	\$115.98
186-112-18	2565	15	1	\$57.28	1	\$58.70	\$115.98
186-112-21	2568	15	5.4	\$309.32	0	\$0.00	\$309.32
186-112-22	2569	15	1	\$57.28	1	\$58.70	\$115.98
186-121-14	2570	15	1	\$57.28	0	\$0.00	\$57.28
186-121-17	2571	15	1	\$57.28	1	\$58.70	\$115.98
186-121-18	2572	15	1	\$57.28	1	\$58.70	\$115.98
186-121-21	2573	15	1	\$57.28	0	\$0.00	\$57.28
186-121-24	2574	14	1	\$57.28	1	\$58.70	\$115.98
186-121-25	2575	14	1	\$57.28	1	\$58.70	\$115.98
186-121-28	2576	14	1	\$57.28	1	\$58.70	\$115.98
186-121-29	2577	14	1	\$57.28	1	\$58.70	\$115.98
186-121-30	2578	14	0	\$0.00	0	\$0.00	\$0.00
186-121-31	2579	14	1	\$57.28	1	\$58.70	\$115.98
186-121-37	2580M	14	1	\$57.28	1	\$58.70	\$115.98
186-121-36	2582	14	1	\$57.28	1	\$58.70	\$115.98
186-122-07	2583	14	0	\$0.00	0	\$0.00	\$0.00
186-122-08	2584	14	1	\$57.28	1	\$58.70	\$115.98
186-131-03	2585	8	1	\$57.28	1	\$58.70	\$115.98
186-131-04	2586	8	1	\$57.28	1	\$58.70	\$115.98
186-132-04	2587	14	0	\$0.00	0	\$0.00	\$0.00
186-132-14	2588	14	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

186-132-15	2589	14	1	\$57.28	0	\$0.00	\$57.28
186-132-18	2590	14	0	\$0.00	0	\$0.00	\$0.00
186-132-22	2591	14	1	\$57.28	0	\$0.00	\$57.28
186-132-23	2592	14	1	\$57.28	1	\$58.70	\$115.98
186-132-24	2593	14	1	\$57.28	0	\$0.00	\$57.28
186-132-25	2594	14	1	\$57.28	1	\$58.70	\$115.98
186-132-26	2595	14	4.78	\$273.80	4.79	\$281.18	\$554.98
186-132-27	2596	14	1	\$57.28	1	\$58.70	\$115.98
186-132-40	2597	14	1	\$57.28	1	\$58.70	\$115.98
186-132-41	2598	14	1	\$57.28	1	\$58.70	\$115.98
186-132-42	2599	14	1	\$57.28	0	\$0.00	\$57.28
186-141-01	2600	27	0	\$0.00	0	\$0.00	\$0.00
186-141-02	2601	27	1	\$57.28	1	\$58.70	\$115.98
186-141-03	2602	27	1	\$57.28	1	\$58.70	\$115.98
186-141-04	2603	27	1	\$57.28	0	\$0.00	\$57.28
186-141-05	2604	27	1	\$57.28	1	\$58.70	\$115.98
186-141-06	2605	27	1	\$57.28	1	\$58.70	\$115.98
186-141-07	2606	27	1	\$57.28	1	\$58.70	\$115.98
186-141-09	2607	27	1	\$57.28	1	\$58.70	\$115.98
186-141-10	2608	27	1	\$57.28	0	\$0.00	\$57.28
186-141-11	2609	27	1	\$57.28	1	\$58.70	\$115.98
186-141-15	2610	27	1	\$57.28	0	\$0.00	\$57.28
186-141-16	2611	27	1	\$57.28	1	\$58.70	\$115.98
186-141-17	2612	27	1	\$57.28	1	\$58.70	\$115.98
186-141-20	2613	27	0	\$0.00	0	\$0.00	\$0.00
186-141-22	2614	27	1	\$57.28	1	\$58.70	\$115.98
186-141-23	2615	27	1	\$57.28	1	\$58.70	\$115.98
186-141-24	2616	27	1	\$57.28	1	\$58.70	\$115.98
186-141-26	2617	27	1	\$57.28	1	\$58.70	\$115.98
186-141-30	2618	27	0	\$0.00	0	\$0.00	\$0.00
186-141-31	2619	27	0	\$0.00	0	\$0.00	\$0.00
186-141-32	2620	27	0	\$0.00	0	\$0.00	\$0.00
186-141-33	2621	27	1	\$57.28	1	\$58.70	\$115.98
186-141-34	2622	27	1	\$57.28	1	\$58.70	\$115.98
186-142-01	2623	27	1	\$57.28	1	\$58.70	\$115.98
186-142-02	2624	27	1	\$57.28	1	\$58.70	\$115.98
186-142-37	2625M	27	1	\$57.28	1	\$58.70	\$115.98
186-142-05	2626	27	1	\$57.28	1	\$58.70	\$115.98
186-142-06	2627	27	1	\$57.28	1	\$58.70	\$115.98
186-142-07	2628	27	1	\$57.28	1	\$58.70	\$115.98
186-142-14	2630	27	1	\$57.28	0	\$0.00	\$57.28
186-142-15	2631	27	0	\$0.00	0	\$0.00	\$0.00
186-142-16	2632	27	1	\$57.28	1	\$58.70	\$115.98
186-142-17	2633	27	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

186-142-18	2634	27	1	\$57.28	1	\$58.70	\$115.98
186-142-19	2635	27	1	\$57.28	1	\$58.70	\$115.98
186-142-20	2636	27	1	\$57.28	1	\$58.70	\$115.98
186-142-25	2637	27	1	\$57.28	0	\$0.00	\$57.28
186-142-26	2638	27	1	\$57.28	0	\$0.00	\$57.28
186-142-27	2639	27	1	\$57.28	1	\$58.70	\$115.98
186-142-30	2640	27	0	\$0.00	0	\$0.00	\$0.00
186-142-32	2642	27	1	\$57.28	1	\$58.70	\$115.98
186-142-33	2643	27	0	\$0.00	0	\$0.00	\$0.00
186-142-34	2644	27	1	\$57.28	1	\$58.70	\$115.98
186-142-35	2645	27	1	\$57.28	1	\$58.70	\$115.98
186-142-36	2646	27	1	\$57.28	1	\$58.70	\$115.98
186-152-02	2647	14	1	\$57.28	1	\$58.70	\$115.98
186-152-03	2648	14	1	\$57.28	1	\$58.70	\$115.98
186-152-10	2649	14	1	\$57.28	1	\$58.70	\$115.98
186-152-11	2650	14	1	\$57.28	1	\$58.70	\$115.98
186-153-01	2651	27	1	\$57.28	1	\$58.70	\$115.98
186-153-02	2652	27	1	\$57.28	1	\$58.70	\$115.98
186-153-03	2653	27	1	\$57.28	0	\$0.00	\$57.28
186-153-04	2654	27	1	\$57.28	1	\$58.70	\$115.98
186-153-05	2655	14	1	\$57.28	1	\$58.70	\$115.98
186-153-06	2656	14	1	\$57.28	1	\$58.70	\$115.98
186-153-71	2657M	14	1	\$57.28	1	\$58.70	\$115.98
186-153-21	2658	14	1.5	\$85.92	1.5	\$88.06	\$173.98
186-153-22	2659	14	1	\$57.28	1	\$58.70	\$115.98
186-153-23	2660	14	1	\$57.28	1	\$58.70	\$115.98
186-153-24	2661	14	0	\$0.00	0	\$0.00	\$0.00
186-153-26	2662	14	1	\$57.28	1	\$58.70	\$115.98
186-153-35	2663	14	1	\$57.28	1	\$58.70	\$115.98
186-153-36	2664	14	1	\$57.28	1	\$58.70	\$115.98
186-153-37	2665	14	1	\$57.28	1	\$58.70	\$115.98
186-153-38	2666	14	0	\$0.00	0	\$0.00	\$0.00
186-153-44	2667	14	1	\$57.28	0	\$0.00	\$57.28
186-153-45	2668	14	1	\$57.28	1	\$58.70	\$115.98
186-153-48	2669	14	1	\$57.28	1	\$58.70	\$115.98
186-153-49	2670	14	0	\$0.00	0	\$0.00	\$0.00
186-153-51	2671	14	1	\$57.28	1	\$58.70	\$115.98
186-153-52	2672	14	1	\$57.28	1	\$58.70	\$115.98
186-153-53	2673	14	1	\$57.28	1	\$58.70	\$115.98
186-153-55	2674	14	1	\$57.28	1	\$58.70	\$115.98
186-153-56	2675	14	1	\$57.28	1	\$58.70	\$115.98
186-153-57	2676	14	1	\$57.28	1	\$58.70	\$115.98
186-153-58	2677	14	1	\$57.28	1	\$58.70	\$115.98
186-153-59	2678	14	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

186-153-60	2679	14	1	\$57.28	1	\$58.70	\$115.98
186-153-61	2680	14	1	\$57.28	1	\$58.70	\$115.98
186-153-62	2681	14	1	\$57.28	1	\$58.70	\$115.98
186-153-69	2683	14	1	\$57.28	1	\$58.70	\$115.98
186-153-70	2684	14	1	\$57.28	1	\$58.70	\$115.98
186-470-65	2685	26	0	\$0.00	0	\$0.00	\$0.00
186-470-66	2686	26	0	\$0.00	0	\$0.00	\$0.00
186-470-81	2687	19	0	\$0.00	0	\$0.00	\$0.00
186-470-85	2688	22	1	\$57.28	1	\$58.70	\$115.98
186-470-87	2689	22	1	\$57.28	1	\$58.70	\$115.98
186-470-90	2690	19	0	\$0.00	0	\$0.00	\$0.00
186-470-91	2691	25	0	\$0.00	0	\$0.00	\$0.00
186-470-93	2692	19	0	\$0.00	0	\$0.00	\$0.00
186-470-99	2693	17	1	\$57.28	1	\$58.70	\$115.98
186-491-01	2694	22	1	\$57.28	1	\$58.70	\$115.98
186-491-02	2695	22	1	\$57.28	1	\$58.70	\$115.98
186-491-03	2696	22	1	\$57.28	1	\$58.70	\$115.98
186-491-04	2697	22	1	\$57.28	1	\$58.70	\$115.98
186-491-05	2698	22	1	\$57.28	1	\$58.70	\$115.98
186-491-06	2699	22	1	\$57.28	1	\$58.70	\$115.98
186-491-07	2700	22	1	\$57.28	1	\$58.70	\$115.98
186-492-01	2701	26	1	\$57.28	1	\$58.70	\$115.98
186-492-02	2702	26	1	\$57.28	1	\$58.70	\$115.98
186-492-03	2703	22	1	\$57.28	1	\$58.70	\$115.98
186-492-04	2704	22	1	\$57.28	1	\$58.70	\$115.98
186-492-05	2705	22	1	\$57.28	1	\$58.70	\$115.98
186-492-06	2706	22	1	\$57.28	1	\$58.70	\$115.98
186-492-07	2707	22	1	\$57.28	1	\$58.70	\$115.98
186-492-08	2708	22	1	\$57.28	1	\$58.70	\$115.98
186-492-09	2709	22	1	\$57.28	1	\$58.70	\$115.98
186-492-10	2710	22	1	\$57.28	1	\$58.70	\$115.98
186-492-11	2711	22	1	\$57.28	1	\$58.70	\$115.98
186-492-12	2712	26	1	\$57.28	1	\$58.70	\$115.98
186-492-13	2713	26	1	\$57.28	1	\$58.70	\$115.98
186-492-14	2714	26	1	\$57.28	1	\$58.70	\$115.98
186-493-01	2715	26	1	\$57.28	1	\$58.70	\$115.98
186-493-02	2716	26	1	\$57.28	1	\$58.70	\$115.98
186-493-03	2717	26	1	\$57.28	1	\$58.70	\$115.98
186-493-05	2718	26	1	\$57.28	1	\$58.70	\$115.98
186-493-06	2719	26	1	\$57.28	1	\$58.70	\$115.98
186-493-07	2720	26	1	\$57.28	1	\$58.70	\$115.98
186-493-08	2721	22	1	\$57.28	1	\$58.70	\$115.98
186-493-09	2722	22	1	\$57.28	1	\$58.70	\$115.98
186-493-10	2723	22	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

186-493-11	2724	22	1	\$57.28	1	\$58.70	\$115.98
186-493-12	2725	22	1	\$57.28	1	\$58.70	\$115.98
186-493-13	2726	22	1	\$57.28	1	\$58.70	\$115.98
186-493-14	2727	22	1	\$57.28	1	\$58.70	\$115.98
186-493-15	2728	22	1	\$57.28	1	\$58.70	\$115.98
186-493-16	2729	22	1	\$57.28	1	\$58.70	\$115.98
186-493-17	2730	22	1	\$57.28	1	\$58.70	\$115.98
186-493-18	2731	22	1	\$57.28	1	\$58.70	\$115.98
186-493-19	2732	22	1	\$57.28	0	\$0.00	\$57.28
186-493-21	2733	26	1	\$57.28	1	\$58.70	\$115.98
186-493-22	2734	26	1	\$57.28	1	\$58.70	\$115.98
186-493-23	2735	26	1	\$57.28	1	\$58.70	\$115.98
186-493-24	2736	26	1	\$57.28	1	\$58.70	\$115.98
186-493-25	2737	26	1	\$57.28	1	\$58.70	\$115.98
186-493-26	2738	26	1	\$57.28	1	\$58.70	\$115.98
186-493-27	2739	26	1	\$57.28	1	\$58.70	\$115.98
186-493-28	2740	26	1	\$57.28	1	\$58.70	\$115.98
186-493-29	2741	26	0	\$0.00	0	\$0.00	\$0.00
186-493-30	2742	26	1	\$57.28	1	\$58.70	\$115.98
186-494-01	2743	26	1	\$57.28	1	\$58.70	\$115.98
186-494-02	2744	26	1	\$57.28	1	\$58.70	\$115.98
186-494-03	2745	26	1	\$57.28	1	\$58.70	\$115.98
186-494-04	2746	26	1	\$57.28	1	\$58.70	\$115.98
186-494-05	2747	26	1	\$57.28	1	\$58.70	\$115.98
186-495-01	2748	26	1	\$57.28	1	\$58.70	\$115.98
186-495-02	2749	26	1	\$57.28	1	\$58.70	\$115.98
186-495-03	2750	22	1	\$57.28	1	\$58.70	\$115.98
186-495-04	2751	22	1	\$57.28	1	\$58.70	\$115.98
186-495-05	2752	22	1	\$57.28	0	\$0.00	\$57.28
186-501-01	2753	22	1	\$57.28	1	\$58.70	\$115.98
186-501-02	2754	22	1	\$57.28	1	\$58.70	\$115.98
186-502-01	2755	22	1	\$57.28	1	\$58.70	\$115.98
186-502-02	2756	22	1	\$57.28	1	\$58.70	\$115.98
186-502-03	2757	22	1	\$57.28	0	\$0.00	\$57.28
186-502-06	2758	22	1	\$57.28	1	\$58.70	\$115.98
186-502-08	2759	22	1	\$57.28	1	\$58.70	\$115.98
186-502-09	2760	22	1	\$57.28	1	\$58.70	\$115.98
186-502-10	2761	22	1	\$57.28	0	\$0.00	\$57.28
186-502-11	2762	22	1	\$57.28	1	\$58.70	\$115.98
186-502-12	2763	22	1	\$57.28	1	\$58.70	\$115.98
186-502-13	2764	22	1	\$57.28	1	\$58.70	\$115.98
186-502-14	2765	22	1	\$57.28	1	\$58.70	\$115.98
186-502-15	2766	22	1	\$57.28	1	\$58.70	\$115.98
186-502-16	2767	22	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

186-502-17	2768	22	1	\$57.28	1	\$58.70	\$115.98
186-502-18	2769	22	1	\$57.28	0	\$0.00	\$57.28
186-502-19	2770	22	1	\$57.28	1	\$58.70	\$115.98
186-502-20	2771	22	1	\$57.28	1	\$58.70	\$115.98
186-502-22	2772	22	1	\$57.28	1	\$58.70	\$115.98
186-502-23	2773	22	1	\$57.28	1	\$58.70	\$115.98
186-502-25	2774	22	1	\$57.28	1	\$58.70	\$115.98
186-503-01	2775	22	1	\$57.28	1	\$58.70	\$115.98
186-503-02	2776	22	1	\$57.28	1	\$58.70	\$115.98
186-503-03	2777	22	1	\$57.28	1	\$58.70	\$115.98
186-503-04	2778	22	1	\$57.28	1	\$58.70	\$115.98
186-503-05	2779	22	1	\$57.28	1	\$58.70	\$115.98
186-503-06	2780	22	1	\$57.28	1	\$58.70	\$115.98
186-503-07	2781	22	1	\$57.28	1	\$58.70	\$115.98
186-504-02	2782	22	1	\$57.28	1	\$58.70	\$115.98
186-504-03	2783	22	1	\$57.28	1	\$58.70	\$115.98
186-504-04	2784	22	1	\$57.28	1	\$58.70	\$115.98
186-504-05	2785	22	1	\$57.28	1	\$58.70	\$115.98
186-504-06	2786	22	1	\$57.28	1	\$58.70	\$115.98
186-504-08	2787	22	1	\$57.28	1	\$58.70	\$115.98
186-510-01	2788	22	1	\$57.28	0	\$0.00	\$57.28
186-510-02	2789	22	1	\$57.28	0	\$0.00	\$57.28
186-510-03	2790	22	1	\$57.28	1	\$58.70	\$115.98
186-510-04	2791	22	1	\$57.28	1	\$58.70	\$115.98
186-510-05	2792	22	1	\$57.28	1	\$58.70	\$115.98
186-520-01	2793	9	1	\$57.28	1	\$58.70	\$115.98
186-520-02	2794	9	1	\$57.28	1	\$58.70	\$115.98
186-520-03	2795	10	1	\$57.28	1	\$58.70	\$115.98
186-520-06	2796	10	8	\$458.26	0	\$0.00	\$458.26
186-520-09	2797	10	1.5	\$85.92	0	\$0.00	\$85.92
186-520-10	2798	10	0	\$0.00	0	\$0.00	\$0.00
186-520-11	2799	10	8	\$458.26	0	\$0.00	\$458.26
186-520-12	2800	10	1	\$57.28	1	\$58.70	\$115.98
186-520-13	2801	10	1	\$57.28	1	\$58.70	\$115.98
186-520-14	2802	10	1	\$57.28	0	\$0.00	\$57.28
186-520-15	2803	10	0	\$0.00	0	\$0.00	\$0.00
186-520-16	2804	10	0	\$0.00	0	\$0.00	\$0.00
186-520-19	2805	10	0	\$0.00	0	\$0.00	\$0.00
186-520-20	2806	10	0	\$0.00	0	\$0.00	\$0.00
186-530-01	2807	22	1	\$57.28	1	\$58.70	\$115.98
186-530-02	2808	22	1	\$57.28	1	\$58.70	\$115.98
186-530-03	2809	22	1	\$57.28	1	\$58.70	\$115.98
186-530-06	2810	22	1	\$57.28	1	\$58.70	\$115.98
186-530-07	2811	22	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

186-530-08	2812	22	1	\$57.28	1	\$58.70	\$115.98
186-530-09	2813	22	1	\$57.28	1	\$58.70	\$115.98
186-530-10	2814	22	1	\$57.28	1	\$58.70	\$115.98
186-530-11	2815	22	1	\$57.28	1	\$58.70	\$115.98
186-530-12	2816	22	1	\$57.28	1	\$58.70	\$115.98
186-530-13	2817	22	1	\$57.28	1	\$58.70	\$115.98
186-530-14	2818	22	1	\$57.28	1	\$58.70	\$115.98
186-530-15	2819	22	1	\$57.28	1	\$58.70	\$115.98
186-530-16	2820	22	1	\$57.28	1	\$58.70	\$115.98
186-530-17	2821	22	1	\$57.28	1	\$58.70	\$115.98
186-530-18	2822	22	1	\$57.28	1	\$58.70	\$115.98
186-530-19	2823	22	1	\$57.28	1	\$58.70	\$115.98
186-530-20	2824	22	1	\$57.28	1	\$58.70	\$115.98
186-530-21	2825	22	1	\$57.28	1	\$58.70	\$115.98
186-530-22	2826	22	1	\$57.28	1	\$58.70	\$115.98
186-530-23	2827	22	1	\$57.28	1	\$58.70	\$115.98
186-530-24	2828	22	1	\$57.28	1	\$58.70	\$115.98
186-530-25	2829	22	1	\$57.28	0	\$0.00	\$57.28
186-530-26	2830	22	1	\$57.28	1	\$58.70	\$115.98
186-530-27	2831	22	1	\$57.28	1	\$58.70	\$115.98
186-530-28	2832	22	1	\$57.28	1	\$58.70	\$115.98
186-530-29	2833	22	1	\$57.28	1	\$58.70	\$115.98
186-530-30	2834	22	1	\$57.28	1	\$58.70	\$115.98
186-530-31	2835	22	1	\$57.28	1	\$58.70	\$115.98
186-530-32	2836	22	1	\$57.28	1	\$58.70	\$115.98
186-530-33	2837	22	1	\$57.28	1	\$58.70	\$115.98
186-530-34	2838	22	1	\$57.28	1	\$58.70	\$115.98
186-530-35	2839	22	1	\$57.28	1	\$58.70	\$115.98
186-530-36	2840	22	1	\$57.28	1	\$58.70	\$115.98
186-530-37	2841	22	1	\$57.28	1	\$58.70	\$115.98
186-530-38	2842	22	1	\$57.28	1	\$58.70	\$115.98
186-530-39	2843	22	1	\$57.28	1	\$58.70	\$115.98
186-530-40	2844	21	1	\$57.28	1	\$58.70	\$115.98
186-530-41	2845	21	1	\$57.28	1	\$58.70	\$115.98
186-530-42	2846	22	1	\$57.28	1	\$58.70	\$115.98
186-530-43	2847	22	1	\$57.28	1	\$58.70	\$115.98
186-530-44	2848	22	1	\$57.28	1	\$58.70	\$115.98
186-530-45	2849	22	1	\$57.28	1	\$58.70	\$115.98
186-530-46	2850	21	1	\$57.28	1	\$58.70	\$115.98
186-530-47	2851	21	1	\$57.28	0	\$0.00	\$57.28
186-530-48	2852	21	1	\$57.28	1	\$58.70	\$115.98
186-530-49	2853	21	1	\$57.28	1	\$58.70	\$115.98
186-530-50	2854	21	1	\$57.28	0	\$0.00	\$57.28
186-530-51	2855	21	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

186-530-52	2856	22	1	\$57.28	1	\$58.70	\$115.98
186-530-53	2857	22	1	\$57.28	1	\$58.70	\$115.98
186-530-54	2858	22	1	\$57.28	1	\$58.70	\$115.98
186-530-55	2859	22	1	\$57.28	1	\$58.70	\$115.98
186-530-56	2860	22	1	\$57.28	1	\$58.70	\$115.98
186-530-57	2861	22	1	\$57.28	1	\$58.70	\$115.98
186-530-58	2862	22	1	\$57.28	1	\$58.70	\$115.98
186-530-59	2863	22	1	\$57.28	1	\$58.70	\$115.98
186-530-60	2864	22	1	\$57.28	1	\$58.70	\$115.98
186-530-61	2865	22	1	\$57.28	1	\$58.70	\$115.98
186-530-64	2866	17	0	\$0.00	0	\$0.00	\$0.00
186-530-66	2867	22	1	\$57.28	1	\$58.70	\$115.98
186-530-67	2868	22	1	\$57.28	1	\$58.70	\$115.98
186-530-68	2869	19	0	\$0.00	0	\$0.00	\$0.00
186-540-01	2870	25	1	\$57.28	1	\$58.70	\$115.98
186-540-02	2871	25	1	\$57.28	1	\$58.70	\$115.98
186-540-03	2872	25	1	\$57.28	1	\$58.70	\$115.98
186-540-04	2873	25	1	\$57.28	1	\$58.70	\$115.98
186-540-05	2874	25	1	\$57.28	1	\$58.70	\$115.98
186-540-06	2875	25	1	\$57.28	1	\$58.70	\$115.98
186-540-07	2876	25	1	\$57.28	1	\$58.70	\$115.98
186-540-08	2877	25	1	\$57.28	1	\$58.70	\$115.98
186-540-09	2878	25	1	\$57.28	1	\$58.70	\$115.98
186-540-10	2879	25	1	\$57.28	1	\$58.70	\$115.98
186-540-11	2880	25	1	\$57.28	0	\$0.00	\$57.28
186-540-12	2881	25	1	\$57.28	1	\$58.70	\$115.98
186-540-13	2882	25	1	\$57.28	1	\$58.70	\$115.98
186-540-14	2883	25	1	\$57.28	1	\$58.70	\$115.98
186-540-15	2884	25	1	\$57.28	1	\$58.70	\$115.98
186-540-16	2885	25	1	\$57.28	1	\$58.70	\$115.98
186-540-17	2886	25	1	\$57.28	1	\$58.70	\$115.98
186-540-18	2887	25	1	\$57.28	1	\$58.70	\$115.98
186-540-19	2888	25	1	\$57.28	1	\$58.70	\$115.98
186-540-20	2889	25	1	\$57.28	1	\$58.70	\$115.98
186-540-21	2890	25	1	\$57.28	1	\$58.70	\$115.98
186-540-22	2891	25	1	\$57.28	1	\$58.70	\$115.98
186-540-23	2892	25	1	\$57.28	1	\$58.70	\$115.98
186-540-24	2893	25	1	\$57.28	0	\$0.00	\$57.28
186-540-25	2894	25	1	\$57.28	0	\$0.00	\$57.28
186-540-26	2895	25	1	\$57.28	1	\$58.70	\$115.98
186-540-27	2896	25	1	\$57.28	1	\$58.70	\$115.98
186-540-28	2897	25	1	\$57.28	1	\$58.70	\$115.98
186-540-29	2898	25	1	\$57.28	1	\$58.70	\$115.98
186-540-30	2899	25	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

186-540-31	2900	25	1	\$57.28	0	\$0.00	\$57.28
186-540-32	2901	25	1	\$57.28	1	\$58.70	\$115.98
186-540-33	2902	25	1	\$57.28	1	\$58.70	\$115.98
186-540-34	2903	25	1	\$57.28	1	\$58.70	\$115.98
186-540-35	2904	25	1	\$57.28	0	\$0.00	\$57.28
186-540-36	2905	25	1	\$57.28	1	\$58.70	\$115.98
186-540-37	2906	25	1	\$57.28	1	\$58.70	\$115.98
186-540-38	2907	25	1	\$57.28	1	\$58.70	\$115.98
186-540-39	2908	25	1	\$57.28	1	\$58.70	\$115.98
186-540-40	2909	25	1	\$57.28	1	\$58.70	\$115.98
186-540-41	2910	25	1	\$57.28	1	\$58.70	\$115.98
186-540-42	2911	25	1	\$57.28	1	\$58.70	\$115.98
186-540-43	2912	25	1	\$57.28	1	\$58.70	\$115.98
186-540-44	2913	25	1	\$57.28	1	\$58.70	\$115.98
186-540-45	2914	25	1	\$57.28	1	\$58.70	\$115.98
186-540-46	2915	25	1	\$57.28	1	\$58.70	\$115.98
186-540-47	2916	25	1	\$57.28	1	\$58.70	\$115.98
186-540-48	2917	25	1	\$57.28	1	\$58.70	\$115.98
186-540-49	2918	25	1	\$57.28	1	\$58.70	\$115.98
186-540-50	2919	25	1	\$57.28	1	\$58.70	\$115.98
186-540-51	2920	25	0	\$0.00	0	\$0.00	\$0.00
186-540-52	2921	25	0	\$0.00	0	\$0.00	\$0.00
186-551-01	2922	25	1	\$57.28	1	\$58.70	\$115.98
186-551-02	2923	25	1	\$57.28	1	\$58.70	\$115.98
186-551-03	2924	25	1	\$57.28	1	\$58.70	\$115.98
186-551-04	2925	25	1	\$57.28	1	\$58.70	\$115.98
186-551-05	2926	25	1	\$57.28	0	\$0.00	\$57.28
186-551-08	2927	25	1	\$57.28	1	\$58.70	\$115.98
186-551-09	2928	25	1	\$57.28	1	\$58.70	\$115.98
186-551-10	2929	25	1	\$57.28	1	\$58.70	\$115.98
186-551-12	2930	25	1	\$57.28	1	\$58.70	\$115.98
186-551-14	2931	25	1	\$57.28	1	\$58.70	\$115.98
186-551-15	2932	25	1	\$57.28	1	\$58.70	\$115.98
186-551-16	2933	25	1	\$57.28	0	\$0.00	\$57.28
186-551-20	2934	19	1	\$57.28	1	\$58.70	\$115.98
186-551-21	2935	19	1	\$57.28	0	\$0.00	\$57.28
186-551-22	2936	19	1	\$57.28	1	\$58.70	\$115.98
186-551-23	2937	19	1	\$57.28	1	\$58.70	\$115.98
186-551-24	2938	25	1	\$57.28	1	\$58.70	\$115.98
186-551-25	2939	25	1	\$57.28	1	\$58.70	\$115.98
186-551-26	2940	25	1	\$57.28	0	\$0.00	\$57.28
186-551-27	2941	25	1	\$57.28	1	\$58.70	\$115.98
186-551-28	2942	25	1	\$57.28	1	\$58.70	\$115.98
186-551-29	2943	25	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

186-551-30	2944	25	1	\$57.28	1	\$58.70	\$115.98
186-551-31	2945	25	1	\$57.28	1	\$58.70	\$115.98
186-551-32	2946	25	1	\$57.28	0	\$0.00	\$57.28
186-551-33	2947	25	1	\$57.28	1	\$58.70	\$115.98
186-551-34	2948	25	1	\$57.28	0	\$0.00	\$57.28
186-551-35	2949	25	1	\$57.28	1	\$58.70	\$115.98
186-551-36	2950	25	1	\$57.28	0	\$0.00	\$57.28
186-551-37	2951	25	0	\$0.00	0	\$0.00	\$0.00
186-551-38	2952	19	1	\$57.28	0	\$0.00	\$57.28
186-551-42	2953	19	1	\$57.28	1	\$58.70	\$115.98
186-551-43	2954	19	1	\$57.28	1	\$58.70	\$115.98
186-551-45	2955	25	1	\$57.28	1	\$58.70	\$115.98
186-551-47	2956	25	1	\$57.28	1	\$58.70	\$115.98
186-551-48	2957	25	1	\$57.28	1	\$58.70	\$115.98
186-551-49	2958	25	1	\$57.28	1	\$58.70	\$115.98
186-552-01	2959	25	0	\$0.00	0	\$0.00	\$0.00
186-552-02	2960	25	1	\$57.28	1	\$58.70	\$115.98
186-552-03	2961	25	0	\$0.00	0	\$0.00	\$0.00
186-552-05	2962	25	1	\$57.28	1	\$58.70	\$115.98
186-552-06	2963	25	1	\$57.28	1	\$58.70	\$115.98
186-552-07	2964	25	1	\$57.28	1	\$58.70	\$115.98
186-552-08	2965	25	1	\$57.28	1	\$58.70	\$115.98
186-560-01	2966	20	1	\$57.28	1	\$58.70	\$115.98
186-560-02	2967	20	1	\$57.28	1	\$58.70	\$115.98
186-560-03	2968	20	1	\$57.28	1	\$58.70	\$115.98
186-560-04	2969	20	1	\$57.28	1	\$58.70	\$115.98
186-560-05	2970	20	1	\$57.28	0	\$0.00	\$57.28
186-560-06	2971	20	1	\$57.28	1	\$58.70	\$115.98
186-560-07	2972	20	1	\$57.28	1	\$58.70	\$115.98
186-560-08	2973	20	1	\$57.28	0	\$0.00	\$57.28
186-560-09	2974	20	1	\$57.28	1	\$58.70	\$115.98
186-560-10	2975	20	1	\$57.28	1	\$58.70	\$115.98
186-560-11	2976	20	1	\$57.28	1	\$58.70	\$115.98
186-560-12	2977	20	1	\$57.28	1	\$58.70	\$115.98
186-560-13	2978	20	1	\$57.28	1	\$58.70	\$115.98
186-560-14	2979	20	1	\$57.28	1	\$58.70	\$115.98
186-560-15	2980	20	1	\$57.28	1	\$58.70	\$115.98
186-560-16	2981	20	1	\$57.28	1	\$58.70	\$115.98
186-560-17	2982	20	1	\$57.28	1	\$58.70	\$115.98
186-560-18	2983	20	1	\$57.28	1	\$58.70	\$115.98
186-560-19	2984	20	1	\$57.28	1	\$58.70	\$115.98
186-560-20	2985	20	1	\$57.28	1	\$58.70	\$115.98
186-560-21	2986	20	1	\$57.28	1	\$58.70	\$115.98
186-560-22	2987	20	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

186-560-23	2988	20	1	\$57.28	1	\$58.70	\$115.98
186-560-24	2989	20	1	\$57.28	1	\$58.70	\$115.98
186-560-25	2990	20	1	\$57.28	1	\$58.70	\$115.98
186-560-26	2991	20	1	\$57.28	1	\$58.70	\$115.98
186-560-27	2992	20	1	\$57.28	1	\$58.70	\$115.98
186-560-28	2993	19	0	\$0.00	0	\$0.00	\$0.00
186-571-01	2994	25	1	\$57.28	1	\$58.70	\$115.98
186-571-02	2995	25	1	\$57.28	1	\$58.70	\$115.98
186-571-03	2996	25	1	\$57.28	1	\$58.70	\$115.98
186-571-04	2997	25	1	\$57.28	0	\$0.00	\$57.28
186-571-09	2998	25	1	\$57.28	1	\$58.70	\$115.98
186-571-10	2999	25	1	\$57.28	1	\$58.70	\$115.98
186-571-11	3000	25	1	\$57.28	1	\$58.70	\$115.98
186-571-12	3001	25	1	\$57.28	1	\$58.70	\$115.98
186-571-22	3002	25	0	\$0.00	0	\$0.00	\$0.00
186-571-23	3003	25	1	\$57.28	1	\$58.70	\$115.98
186-571-24	3004	25	1	\$57.28	1	\$58.70	\$115.98
186-571-25	3005	25	1	\$57.28	1	\$58.70	\$115.98
186-571-26	3006	25	1	\$57.28	1	\$58.70	\$115.98
016-070-09	545-09	28	42	\$2,405.78	42	\$2,465.40	\$4,871.18
016-070-10	545-10	28	0	\$0.00	0	\$0.00	\$0.00
016-070-12	545-12	28	0	\$0.00	0	\$0.00	\$0.00
016-070-13	545-13	28	0	\$0.00	0	\$0.00	\$0.00
016-070-14	545-14	28	2.12	\$121.42	2.12	\$124.44	\$245.86
016-070-16	545-16	28	2.16	\$123.72	2.16	\$126.80	\$250.52
016-070-15	545-15	28	1	\$57.28	1	\$58.70	\$115.98
016-070-17	545-17	28	1	\$57.28	1	\$58.70	\$115.98
016-070-18	545-18	28	0	\$0.00	0	\$0.00	\$0.00
016-070-19	545-19	28	0	\$0.00	0	\$0.00	\$0.00
016-070-20	545-20	28	0	\$0.00	0	\$0.00	\$0.00
016-070-21	545-21	28	0	\$0.00	0	\$0.00	\$0.00
016-070-22	545-22	28	0	\$0.00	0	\$0.00	\$0.00
016-341-01	549-01	28	1	\$57.28	1	\$58.70	\$115.98
016-341-02	549-02	28	1	\$57.28	1	\$58.70	\$115.98
016-341-03	549-03	28	1	\$57.28	1	\$58.70	\$115.98
016-341-04	549-04	28	1	\$57.28	1	\$58.70	\$115.98
016-341-05	549-05	28	1	\$57.28	1	\$58.70	\$115.98
016-341-06	549-06	28	1	\$57.28	1	\$58.70	\$115.98
016-341-07	549-07	28	1	\$57.28	1	\$58.70	\$115.98
016-341-08	549-08	28	1	\$57.28	1	\$58.70	\$115.98
016-341-09	549-09	28	1	\$57.28	1	\$58.70	\$115.98
016-341-10	549-10	28	1	\$57.28	1	\$58.70	\$115.98
016-341-11	549-11	28	1	\$57.28	1	\$58.70	\$115.98
016-341-12	549-12	28	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

016-341-13	549-13	28	1	\$57.28	1	\$58.70	\$115.98
016-341-14	549-14	28	1	\$57.28	1	\$58.70	\$115.98
016-341-15	549-15	28	1	\$57.28	1	\$58.70	\$115.98
016-341-16	549-16	28	1	\$57.28	1	\$58.70	\$115.98
016-341-17	549-17	28	1	\$57.28	1	\$58.70	\$115.98
016-341-18	549-18	28	1	\$57.28	1	\$58.70	\$115.98
016-341-19	549-19	28	1	\$57.28	1	\$58.70	\$115.98
016-341-20	549-20	28	1	\$57.28	1	\$58.70	\$115.98
016-341-21	549-21	28	1	\$57.28	1	\$58.70	\$115.98
016-341-22	549-22	28	1	\$57.28	1	\$58.70	\$115.98
016-341-23	549-23	28	1	\$57.28	1	\$58.70	\$115.98
016-341-24	549-24	28	1	\$57.28	1	\$58.70	\$115.98
016-341-25	549-25	28	1	\$57.28	1	\$58.70	\$115.98
016-341-26	549-26	28	1	\$57.28	1	\$58.70	\$115.98
016-341-27	549-27	28	1	\$57.28	1	\$58.70	\$115.98
016-341-28	549-28	28	1	\$57.28	1	\$58.70	\$115.98
016-341-29	549-29	28	1	\$57.28	1	\$58.70	\$115.98
016-341-30	549-30	28	1	\$57.28	1	\$58.70	\$115.98
016-341-31	549-31	28	1	\$57.28	1	\$58.70	\$115.98
016-341-32	549-32	28	1	\$57.28	1	\$58.70	\$115.98
016-341-33	549-33	28	1	\$57.28	1	\$58.70	\$115.98
016-341-34	549-34	28	1	\$57.28	1	\$58.70	\$115.98
016-341-35	549-35	28	1	\$57.28	1	\$58.70	\$115.98
016-341-36	549-36	28	1	\$57.28	1	\$58.70	\$115.98
016-341-37	549-37	28	1	\$57.28	1	\$58.70	\$115.98
016-341-38	549-38	28	1	\$57.28	1	\$58.70	\$115.98
016-341-39	549-39	28	1	\$57.28	1	\$58.70	\$115.98
016-341-40	549-40	28	1	\$57.28	1	\$58.70	\$115.98
016-341-41	549-41	28	1	\$57.28	1	\$58.70	\$115.98
016-341-42	549-42	28	1	\$57.28	1	\$58.70	\$115.98
016-341-43	549-43	28	1	\$57.28	1	\$58.70	\$115.98
016-341-44	549-44	28	1	\$57.28	1	\$58.70	\$115.98
016-341-45	549-45	28	1	\$57.28	1	\$58.70	\$115.98
016-341-46	549-46	28	1	\$57.28	1	\$58.70	\$115.98
016-341-47	549-47	28	1	\$57.28	1	\$58.70	\$115.98
016-341-48	549-48	28	1	\$57.28	1	\$58.70	\$115.98
016-341-49	549-49	28	1	\$57.28	1	\$58.70	\$115.98
016-341-50	549-50	28	1	\$57.28	1	\$58.70	\$115.98
016-341-51	549-51	28	1	\$57.28	1	\$58.70	\$115.98
016-341-52	549-52	28	1	\$57.28	1	\$58.70	\$115.98
016-341-53	549-53	28	1	\$57.28	1	\$58.70	\$115.98
016-341-54	549-54	28	1	\$57.28	1	\$58.70	\$115.98
016-341-55	549-55	28	1	\$57.28	1	\$58.70	\$115.98
016-341-56	549-56	28	1	\$57.28	1	\$58.70	\$115.98

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

016-341-57	549-57	28	1	\$57.28	1	\$58.70	\$115.98
016-341-58	549-58	28	1	\$57.28	1	\$58.70	\$115.98
016-341-59	549-59	28	1	\$57.28	1	\$58.70	\$115.98
016-341-60	549-60	28	1	\$57.28	1	\$58.70	\$115.98
016-341-61	549-61	28	1	\$57.28	1	\$58.70	\$115.98
016-341-62	549-62	28	1	\$57.28	1	\$58.70	\$115.98
016-341-63	549-63	28	1	\$57.28	1	\$58.70	\$115.98
016-341-64	549-64	28	1	\$57.28	1	\$58.70	\$115.98
016-341-65	549-65	28	1	\$57.28	1	\$58.70	\$115.98
016-341-66	549-66	28	1	\$57.28	1	\$58.70	\$115.98
016-341-67	549-67	28	1	\$57.28	1	\$58.70	\$115.98
016-341-68	549-68	28	1	\$57.28	1	\$58.70	\$115.98
016-341-69	549-69	28	1	\$57.28	1	\$58.70	\$115.98
016-341-70	549-70	28	1	\$57.28	1	\$58.70	\$115.98
016-341-71	549-71	28	1	\$57.28	1	\$58.70	\$115.98
016-341-72	549-72	28	1	\$57.28	1	\$58.70	\$115.98
016-341-73	549-73	28	1	\$57.28	1	\$58.70	\$115.98
016-341-74	549-74	28	1	\$57.28	1	\$58.70	\$115.98
016-341-75	549-75	28	1	\$57.28	1	\$58.70	\$115.98
016-341-76	549-76	28	1	\$57.28	1	\$58.70	\$115.98
016-341-77	549-77	28	0	\$0.00	0	\$0.00	\$0.00
016-341-78	549-78	28	0	\$0.00	0	\$0.00	\$0.00
016-341-79	549-79	28	0	\$0.00	0	\$0.00	\$0.00
016-341-80	549-80	28	0	\$0.00	0	\$0.00	\$0.00
016-341-81	549-81	28	0	\$0.00	0	\$0.00	\$0.00
016-341-82	549-82	28	0	\$0.00	0	\$0.00	\$0.00
016-341-83	549-83	28	0	\$0.00	0	\$0.00	\$0.00
016-341-84	549-84	28	0	\$0.00	0	\$0.00	\$0.00
016-341-85	549-85	28	0	\$0.00	0	\$0.00	\$0.00
016-341-86	549-86	28	0	\$0.00	0	\$0.00	\$0.00
016-341-87	549-87	28	0	\$0.00	0	\$0.00	\$0.00
016-341-88	549-88	28	0	\$0.00	0	\$0.00	\$0.00
016-341-89	549-89	28	0	\$0.00	0	\$0.00	\$0.00
016-341-90	549-90	28	0	\$0.00	0	\$0.00	\$0.00
016-341-91	549-91	28	0	\$0.00	0	\$0.00	\$0.00
016-341-92	549-92	28	0	\$0.00	0	\$0.00	\$0.00
Total			3,127.64	179,151.38	2,728.81	160,181.30	339,332.68

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

METHOD OF APPORTIONMENT

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements including, the acquisition, construction, installation, maintenance and servicing of landscaping within public right-of-ways such as medians. The 1972 Act requires that the cost of these improvements be levied according to benefit rather than assessed value: “The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.”

The method of apportionment described in this Report for allocation of special benefit assessments utilizes commonly accepted engineering practices and has been established pursuant to the provisions of the 1972 Act and California Constitution. The formulas used for calculating assessments reflect the composition of parcels within the District and the improvements and activities to be provided, and have been designed to fairly apportion costs based on a determination of the proportional special benefits to each parcel.

PROPOSITION 218 BENEFIT ANALYSIS

The estimated annual cost of the improvements have been identified and allocated to properties within the District based on special benefit. The improvements to be provided by this District and for which properties are assessed, have been identified as local amenities that provide a direct reflection and extension of the properties within the District and are considered by many property owners to be an essential component to the overall development and use of properties within the District.

This District was formed to provide and establish a local landscaping enhancement that affects the presentation of the surrounding properties and therefore directly benefit the parcels to be assessed within the District. The assessments and method of apportionment is based on the premise that the assessments will be used to construct and install landscape improvements within the existing Point San Pedro Road Medians as well as provide for the annual maintenance of those improvements, and the assessment revenues generated through the District will be used solely for such purposes.

In conjunction with the provisions of the 1972 Act, the California Constitution Article XIII D addresses several key criteria for the levy of assessments, notably:

Article XIII D Section 2d defines District as follows:

“District means an area determined by an agency to contain all parcels which will receive a special benefit from a proposed public improvement or property-related service”;

Article XIII D Section 2i defines Special Benefit as follows:

“Special benefit” means a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large. General enhancement of property value does not constitute “special benefit”.

Article XIII D Section 4a defines proportional special benefit assessments as follows:

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

“An agency which proposes to levy an assessment shall identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed. The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.”

The method of apportionment (method of assessment) set forth in the Report is based on the premise that each assessed property receives special benefits from the median improvements to be funded by the assessments, and the assessment obligation for each parcel reflects that parcel’s proportional special benefits as compared to other properties that receive special benefits.

To identify and determine the proportional special benefit to each parcel within the District, it is necessary to consider the entire scope of the improvements provided as well as the properties that benefit from those improvements. The improvements and the associated costs described in this Report have been identified and allocated based on a benefit rationale and calculations that proportionally allocate the net cost of only those improvements determined to be of special benefit to properties within the District. The various public improvements and the associated costs have been identified as either “general benefit” (not assessed) or “special benefit”.

General Benefits

Assessments are established on the basis of calculated proportional special benefit to properties within a district. Because general benefits are not assessable, the general benefit costs are excluded from the assessment calculation. With respect to this District, although the various median improvements installed and maintained are located within the street right-of-way that serve as the primary access and entryway to the properties within the District and these improvements are entirely within the proposed boundaries of the District (extending the length of the District), it is also recognized that these medians are certainly visible to the general public and may even be in proximity to and occasionally accessed by properties outside the District boundaries that are not assessed. The fact that these streets are accessible to the general public and maybe in proximity to some properties outside the District boundaries (those properties being the China Camp State Park or other public open space and some residential developments located northwest of the District that could, but would not typically be accessed via Point San Pedro Road) would suggest that at least a portion of the overall cost of these medians is of “General Benefit”, but not necessarily the proposed landscape improvements.

While Point San Pedro Road and Third Street are certainly accessible and may be used by the general public, various traffic circulation studies/evaluations conducted in conjunction with the developments in the area, collectively suggest that approximately ninety percent (90%) of the daily traffic circulation on these streets comes from the properties within the District, meaning that only about ten percent 10% would be considered traffic associated with the general public or properties outside the District. Per an August 2009 Average Daily Trip (“ADT”) study along Point San Pedro Road, while the average daily trips on Point San Pedro Road varies at different locations between Union Street and Biscayne Drive, the ADT on Point San Pedro Road collectively totaled approximately 44,000 trips. Based on the District’s residential density at the time of formation (single and multi-family residential) of approximately 2,743 units, and utilizing trip generation data as outlined by the Institute of Transportation Engineers Informational Report, Seventh Edition, the expected ADT for these residential properties is estimated to be 26,094 (approximately 60%) of the total ADT along Point San

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METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

Pedro Road. An additional 13,340 (approximately 30%) of the total ADT is estimated for the various non-residential properties within the District (commercial, church, non-exempt public owned property), which represent approximately 21% of the District's total acreage. The remaining estimated ADT along Point San Pedro Road (approximately 10%) is reasonably attributed to be generated from external sources. In addition to these studies and analysis, although Point San Pedro Road and Third Street may be considered primary circulation streets for the area, these streets and the associated medians are more isolated than most traditional arterial or collector streets found in the City and County. The north-easterly boundaries of the District abuts the China Camp State Park; the easterly and south-easterly boundaries are adjacent to the San Pablo Bay; and the south-westerly boundary is adjacent to the San Rafael Canal; all of which limits direct access to Point San Rafael Road. Although the western and north-western boundaries of the District are comprised of other developed properties (residential and non-residential), neither Point San Pedro Road or that portion of Third Street within the boundaries of the District would typically be used by these properties as their primary access and certainly not as a direct connection to Highway 101 or the rest of the City.

In review of these facts, it was determined that while the landscape improvements may be visually appealing to the occasional motorist and visitor to the area or the State Park, such benefits are not quantifiable and are considered neither special or general benefit. However, it has also recognized that median islands are constructed for traffic mitigation reasons and as such, there is a measurable general benefit to the public at large and to properties outside the District afforded by the physical existence of these medians, but that benefit is not related to nor extends to the enhancement of those medians by the landscaping within those medians. Therefore, it has been determined that the general benefit to the public at large and properties outside the District is limited to those costs related to and associated with the repair, replacement, rehabilitation and maintenance of the physical median structure and traffic control devices (i.e. curbs, gutters, retaining walls, signage, striping and pavement), but not the actual landscape improvements. Furthermore, it has been determined that only about ten percent 10% of these costs are consider a general benefit to the public at large and properties outside the District.

In addition to the general benefit to properties outside the District and to the public at large noted above, it is reasonable to conclude that the physical medians also provide a general benefit to properties in the District. However, it must also be recognized that these medians were originally constructed and facilitated by the development and planned development of the properties within the District and would otherwise not have been necessary or required for traffic mitigation, and as such these physical medians certainly provide more than just a general benefit to those properties which routinely access Point San Pedro Road and Third Street and these medians, landscaped or not, clearly provide a direct and special benefit to those properties.

Based on the preceding discussion, it has been determined that the general benefit from the medians is limited to those costs related to and associated with the repair, replacement, rehabilitation and maintenance of the physical median structure and traffic control devices within or associated with the medians and not the proposed landscape improvements and amenities themselves. However, it is also recognized that not all costs associated with the renovation and maintenance of these physical medians are considered a general benefit, and although the City and County intend to fund the initial cost of the repair, replacement and rehabilitation of the median islands (curbs, gutters, retaining walls, signage, striping and pavement) in connection with the construction and installation of the landscape improvements, the need for such repairs, replacements, or rehabilitation and the ongoing maintenance of those median islands shall be addressed as part of the ongoing maintenance budgets, which will be addressed as a combination of City, County and assessment funding.

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Special Benefits

The proposed Point San Pedro Road Median landscaping will expand and extend the aesthetic presentation of each property within the District by providing enhanced level of landscaping that is directly associated with each property and development along Point San Pedro Road/Third Street. The proposed landscape improvements will provide a physical extension of each private property's front yard or business frontage and creates an aesthetic continuity and cohesion between the various residential and non-residential properties within the District that could not be accomplished individually. These landscape improvements will create both a visual and physical local beautification and unification of the properties that will directly and proportionately benefit the properties to be assessed. The location and extent of the improvements in relationship to each of the properties in the proposed District clearly makes these improvements a direct and special benefit to these parcels. It has therefore been determined that the proposed improvements and the related cost and expenses to construct and maintain these landscape improvements (excluding those general benefit costs noted above) are entirely special benefits to the properties within the boundaries of the proposed District and the net annual cost to fund such improvements shall be proportionately shared by those properties receiving such special benefits.

METHOD OF ASSESSMENT

The method of apportionment (method of assessment) developed for this District is based on the premise that each of the property to be assessed receives a direct and special benefit from the improvements to be financed by the District assessments.

The total assessment amount for each parcel in the District shall consist of two parts: Each parcel's proportional share of the annual bond debt service that will be established each fiscal year, based on the amount of 1915 Act Bonds issued for the District ("Debt Service - Assessment"); and the parcel's proportional share of additional funding for operation & maintenance and other incidental expenses which have not been financed through the bond issuance ("Non-Bonded-Assessments") that will be collected in annual installments pursuant to the 1972 Act. The combined Debt Service Assessment and Non-Bonded Assessment for each parcel represent the parcel's Maximum Annual Assessment and obligation for the District. Once Bonds are issued, the Debt Service Obligation for a parcel will not change even if the land use of the property changes, and their portion of the annual debt service will be calculated based on the established debt service schedule for the bonds (fixed lien amount). The amount that may be collected for the non-bonded projects and incidental expenses shall not exceed the revenues that maybe levied at the approved Maximum Assessment Rate established in this Report (including the allowable annual inflationary adjustment), less the debt service payment. This calculation will establish the Non-Bonded Assessment Rate for that fiscal year.

The proportionate share and benefit for Non-Bonded Projects are calculated annually for each parcel based on current parcel development. The bonded debt service obligation for each parcel is based on the unpaid lien established at the time the bonds are issued. Parcels that have prepaid or paid off their full assessment lien (bonded obligation) are no longer levied for the Debt Service Assessment, but will continue to pay their proportionate share of the Non-Bonded Assessment at the assessment rate established each fiscal year and the method of apportionment described herein.

Equivalent Benefit Units

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The method of apportionment for this District calculates the receipt of special benefit from the respective improvements based on the actual or proposed land use of the parcels within the District. The special benefit received by each lot or parcel is equated to the overall land use of parcels within the District based on the parcel’s actual land use or proposed development. All costs associated with the improvements are distributed among the parcels based upon a calculation of the proportional special benefit received by each parcel. The benefit formula used to determine the assessment obligation is therefore based upon both the improvements that benefit the parcels within the District as well as the use and relative characteristics of each property as compared to other parcels that benefit from those specific improvements.

The Equivalent Benefit Unit (“EBU”) method of assessment apportionment establishes a basic unit (base value) of benefit and then calculates the benefit derived by each assessed parcel as a multiple (or a fraction) of the basic unit.

For the purposes of this Engineer's Report and proportional annual assessment obligation, an EBU is the quantum of benefit derived from the funded improvements, programs and services by a single-family residential parcel (residential unit). Thus, the "benchmark" property (the single-family residential parcel/unit) derives one (1.0) EBU of benefit. All other land uses are proportionately weighted (assigned an EBU) based on an assessment formula that equates the property’s specific development to that of the benchmark property (single-family residential unit). This proportional weighting may be based on several factors that may include, but are not limited to: the various land uses associated with properties in the District; the estimated daily trips generated associated with these land uses; and the relative size (units or acreage) of each parcel. The following provides a discussion and summary of the EBU calculation and determination of proportional special benefit applicable to the various properties and land uses in the District.

Equivalent Benefit Unit Summary	
Total O&M Equivalent Benefit Units	
Paid Public Property EBU for O&M	44.44
Total EBU Assessed on Tax Rolls for O&M	3,100.48
Total Equivalent Benefit Units (“EBU”) for O&M	3,144.92
Total Debt Service Equivalent Benefit Units	
Prepaid Public Property EBU for Debt Service	44.44
Prepaid Cash Collection EBU for Debt Service	354.40
Total EBU Applied to Tax Roll for Debt Service	2,746.10
Total Equivalent Benefit Units (“EBU”) for Debt Service	3,144.94

Trip Generation Factors

Utilizing trip generation data outlined by the Institute of Transportation Engineers Informational Report (“ITEIR”), Seventh Edition; an initial (baseline) benefit comparison (trip generation ratio) can be established between the various types of land use classifications that are associated with the parcels in this District. While this data provides an overall comparison of typical traffic flow generated by different types of land uses and is certainly a reflection of the direct exposure the property owners, residents, tenants, and patrons of those properties would typically have to the median landscaping, as

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noted above, trip generation is only one indicator considered in developing each property’s proportional benefits. The following table summarizes the average daily weekday trip generation data outlined in the ITEIR and provides a trip ratio using the average trips generated by single-family residential as the base unit:

Land Use	Average Daily	
	Trips	Trip Ratio
Single Family Residential	9.57	1.0
Multi-Family Residential	6.72	0.7
Non-Residential (General Commercial Use)	44.32	4.6

Development Density Factors

Single-family residential properties comprise almost ninety percent (90%) of the parcels within the District (2,727 parcels), with a median development density of approximately three and half (3.5) units per acre, representing approximately forty-nine percent (49%) of the total acreage of the parcels to be assessed. While the specific acreage of an individual residential parcel is not a relevant factor for establishing proportional benefit within this land use (the proportional special benefit to each single-family residential property is considered the same regardless of the size of the parcel), the average number of single-family residential units developed per acre, provides another proportional comparison (nexus) to other land uses including multi-family residential properties, developed non-residential properties and vacant-undeveloped properties. If such properties were developed as single-family residential developments rather than as multi-family residential or non-residential, their proportional benefit would have been between three and four units per acre.

Equivalent Benefit Units by Land Use

Utilizing a combination of trip ratio data, development densities and other property specific factors such as acreage; number of residential units; and development status (developed versus vacant) a fair and reasonable representation of each parcel’s proportional special benefit and Equivalent Benefit Unit (EBU) can be established and ultimately each parcel’s proportional share of the net cost to provide the improvements (assessment amount).

The following outlines the EBU calculations to be applied to each of the various land use classifications identified for this District:

Single-Family Residential Property

A single-family residential property is defined as any lot or property identified by the Marin County Assessor's Office with a residential land use or known by the City to have a residential land use that has been developed or may be developed as a single-family dwelling unit. This land use includes all developed single-family residential detached homes, mobile homes, condominiums/townhouses, residential estates, single-family residential attached homes on separate parcels and subdivided single-family residential lots within an approved residential subdivision whether that parcel is developed or vacant. For purposes of establishing equivalent benefit units for all other land uses in this District, the single-family residential land use is designated as the basic unit of assessment and shall be assigned 1.000 EBU per parcel (unit).

Single-family residential properties that are comprised of two or more individual parcels, but are in actuality a single lot (cannot be developed independently) are identified as either Bifurcated lots and/or Contiguous lots and shall collectively be treated and assessed as one single-family residential property.

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- A Bifurcated lot is defined as one residential lot split into two or more separate parcels by a tax rate area code. For purposes of calculating the assessment obligation, Bifurcated parcels are treated as one residential property, and the entire assessment obligation is apportioned to only one of the parcels (the un-assessed parcel would be identified as exempt).
- A Contiguous lot is defined as two or more adjacent residential parcels with the same owner that together may only be developed as one residential lot due to certain development restrictions such as zoning or topography. For purposes of calculating the assessment obligation, parcels identified as Contiguous properties are treated as one residential property, and the entire assessment obligation is apportioned to only one of the parcels (the un-assessed parcel or parcels would be identified as exempt).

Multi-Family Residential Property

A multi-family residential property is defined as a fully subdivided residential parcel that has more than one residential unit developed on the parcel. (This land use includes apartments, duplexes, triplexes, etc., but does not include condominiums and town-homes which are typically assigned individual Assessor's Parcel Numbers and designated as single-family residential property). This multi-family residential property land use designation may also include properties identified by the County Assessor's Office as mixed use property for which there is more than one residential unit (known number of residential units) associated with the property and for which the parcel's primary use is residential, but may also include a non-residential component or unit.

Although multi-family residential properties receive similar special benefits to that of single-family residential property and an appropriate and comparative calculation of proportional special benefits is reasonably reflected by the parcel's total number of residential units, it would not be reasonable to conclude that on a per unit basis, the benefits are equal. Studies have consistently shown that multi-family units impact public infrastructure at reduced levels compared to a single-family residence, which is reflective of their reduced structure size, development density and trip generation. Furthermore, as the density (number of units per parcel) increase, the average number of vehicular trips generated, tend to decline because the population density per unit tend to decrease (largely because of reduced unit sizes). Based collectively on these considerations, it has been determined that an appropriate weighting of the proportional special benefit per unit for multi-family residential properties as compared to a single-family residential is best represented by the following sliding scale: 0.750 EBU per unit for the first 5 units; plus 0.625 EBU per unit for units 6 through 25; plus 0.500 EBU per unit for units 26 through 50; plus 0.375 EBU per unit for units 51 through 100; plus 0.250 EBU per unit for units 101 and greater.

Developed Non-Residential Property (Commercial/Industrial):

This land use is defined as a developed property with structures or facilities that are used or may be used for commercial or industrial purposes, whether those structures or facilities are occupied or not. This land use designation includes all developed commercial/industrial properties (such as commercial retail; food services; banks; shopping centers; recreational facilities; office buildings; professional buildings; service centers; warehousing and manufacturing); and properties with specific commercial or recreational use, including but not limited to golf courses, marinas and quarries. Based on the trip generation information, these non-residential properties generate approximately 4.6 times more traffic activity than a single-family residential property; and using the median density of single-family residential properties of 3.5 units per acre as an indicator of the potential residential development per acre, non-residential properties would reasonably be assigned 4.00 EBU per Acre.

Although an apportionment of 4.00 EBU per acre is an appropriate representation of the proportional; special benefit for most non-residential properties, because commercial/industrial

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METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

parcels typically represent a separate and independent commercial enterprise or business, it has been determined that the proportional special benefit for any individual non-residential parcel is at least equal to that of a single-family residential property. Therefore, a non-residential parcel that is less than one-quarter of an acre in size shall be assigned 1.00 EBU (minimum EBU). Likewise, it is reasonable to conclude that the special benefit to a non-residential parcel does not proportionately increase as the acreage of that parcel increases. Therefore, non-residential Property is assigned EBU on a decreasing scale, with 4.00 EBU for the first four (4) acres; 3.00 EBU per Acre for the next four (4) acres (acreage between 4 and 8 acres); 2.00 EBU per Acre for the following four (4) acres (acreage between 8 and 12 acres), 1.00 EBU per Acre for the next four (4) acres (acreage between 12 and 16 acres), and 0.00 for acreage above sixteen (16) acres. The tiered EBU assignment reflects the expected decreased benefit derived by the property from the improvements in relation to the property's increase in size, as well as account for decreased development density (such as parking areas, private landscaped areas, outdoor storage, areas with development restrictions etc.) over larger properties. Therefore, a maximum number of assessable acres (benefiting acres) for any given land use has been limited to sixteen (16) acres. Thus, for any one non-residential Property the maximum EBU assigned would be 40.0 EBU

Lastly, for commercial properties consisting of large private recreational areas, such as golf properties, the acreage of outdoor recreation space (such as the golf course itself) will be excluded from the calculation of assessable acreage and the acreage will be limited to the clubhouse area. For mixed-used property (consisting of both residential and non-residential components), the non-residential EBU assignment discussed in the preceding paragraph will be applied for parcels with less than three (3) residential units, as these properties are assumed to function primarily as non-residential property, and the multi-family property EBU assignment (discussed in multi-family residential property section), will be applied for mixed-use properties with three (3) or more residential units as these property are reasonably assumed to be primarily used for residential purposes.

Private Institutional Property

Private institutional properties include those properties identified by the Marin County Assessor's Office or known by the City to be developed properties used for private institutional purposes, such as churches, hospitals, etc. Similar to non-residential properties, the special benefits these properties receive from the improvements are equated to the residential based upon parcel size (net-acreage), however, it is reasonable to conclude that private institutional properties receive less proportional special benefit from the improvements than typical non-residential properties. This conclusion is based on the fewer weekly trip generations and general lower average density of development per acre. Similar to non-residential properties, the maximum number of assessable acres (benefiting acres) for any given parcel has been limited to sixteen (16) acres. Private Institutional Property will be assigned 2.00 EBU for the first four (4) acres with a minimum of 1.00 EBU assignment; 1.50 EBU per Acre for the next four (4) acres (acreage between 4 and 8 acres); 1.00 EBU per Acre for the following four (4) acres (acreage between 8 and 12 acres), 0.50 EBU per Acre for the next four (4) acres (acreage between 12 and 16 acres), and 0.00 for acreage above sixteen (16) acres. Thus, for private institutional properties the maximum EBU assigned to any one parcel is 20.0 EBU.

Developed Public Properties (Public Institutions)

Non-Exempt Public properties are defined as any property identified by the Marin County Assessor's Office which is owned by a public entity and which is not designated as an open space, common area, utility, and/or right-of-way property. Non-exempt public properties include, but are not limited to, schools, fire stations, etc.

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While these developed public properties still generate traffic along the improvement roads, they can reasonably be expected to benefit to a lesser extent than other developed properties. Public schools in particular consist of large open space/recreational area, with only a portion of the property actually consisting of structures. To account for the reduced development density and/or reduced direct trip generation associated with these properties as well as the use of such properties by the general public, the proportional special benefit assigned to this property type is 1.00 EBU per Acre (with a maximum of 16.0 acres assessed).

Most parcels identified as non-exempt public properties are also identified by the County Assessor's Office as non-taxable and the proposed assessments for such properties cannot generally be collected on the tax rolls. Therefore, the proportional capital projects assessment obligation calculate for each of these properties will be prepaid by contributions from the City and County in proportion to the cost sharing agreement identified in the MOU. In addition, the City and County have agreed to contribute funds for some of the costs associated with the annual operation and maintenance the improvements of which a portion is for the calculated annual assessments for these non-exempt public properties.

Vacant-Undeveloped Property

Vacant-undeveloped properties are defined as any property identified by the Marin County Assessor's Office as vacant property with no structural improvements associated with a parcel or known by the City to be vacant, which may be developed for either residential or non-residential use. All vacant-undeveloped land uses are equated to the residential property based upon parcel size (net-acreage). Since the properties are not developed, their special benefit from the improvements is clearly less than that of developed properties and it has been determined that the proportional special benefit to such properties compared to other property uses is reflected by an assignment of 0.5 EBU per acre or fraction thereof, with a minimum of 1.0 EBU per parcel and a maximum of 8.0 EBU per parcel (utilizing the same 16.0 acreage maximum applied to other land uses).

A parcel that is solely considered a parking lot (no commercial structure) that may be used by the general public at no charge is not considered a developed non-residential property, but shall be classified as vacant property.

Exempt Property

Pursuant to the California Constitution Article XIID non-taxable properties (government owned) are not exempt from the assessments unless they derive no special benefit. This land use identifies parcels that for various reasons, it has been determined that the parcel does not and will not receive special benefits from District improvements. This land use classification may include but is not limited to:

- Lots or parcels identified as public streets and other roadways (typically not assigned an APN by the County);
- Dedicated public easements including open space areas, utility rights-of-way, greenbelts, parkways, or other publicly-owned or utility-owned land that serves the community or general public and are not considered or classified as developed public properties;
- Parcels of land that are privately owned, but cannot be developed independently from an adjacent property or is part of a shared interest with other properties, such as common areas, sliver parcels, bifurcated lots or properties with very restrictive development potential or use.

Therefore these parcels shall be exempt from assessment and are assigned 0.00 EBU. However, these properties shall be reviewed annually by the assessment engineer to confirm the parcel's use and/or development status has not changed.

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METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

A summary list of the various land use classifications discussed in the preceding paragraphs and their corresponding EBU calculations are shown in the following table.

Land Use	Equivalent Benefit Unit Formula
Single Family Residential	1.000 EBU per Dwelling Unit or Parcel
Multi-Family Residential	0.750 EBU per Unit for first 5 units (units 1 through 5) 0.625 EBU per Unit for next 20 units (units 6 through 25) 0.500 EBU per Unit for next 25 units (units 26 through 50) 0.375 EBU per Unit for next 50 units (units 51 through 100) 0.250 EBU per Unit for remaining units (units 101 and greater)
Private Institutional	2.000 EBU per Acre for first 4 acres (minimum 1.0 EBU per parcel) 1.500 EBU per Acre for next 4 acres (between 4 and 8 acres) 1.000 EBU per Acre for next 4 acres (between 8 and 12 acres) 0.500 EBU per Acre for next 4 acres (between 12 and 16 acres) 0.000 EBU for remaining Acres (acreage greater than 16 acres)
Developed Non-Residential	4.000 EBU per Acre for first 4 acres (minimum 1.0 EBU per parcel) 3.000 EBU per Acre for next 4 acres (between 4 and 8 acres) 2.000 EBU per Acre for next 4 acres (between 8 and 12 acres) 1.500 EBU per Acre for next 4 acres (between 12 and 16 acres) 0.000 EBU for remaining Acres (acreage greater than 16 acres)
Vacant/Undeveloped	0.500 EBU per Acre (minimum 1.0 EBU per parcel (maximum 16.0 assessed acres)
Public Agency Property	1.000 EBU per Acre (maximum 16.0 assessed acres)

A summary table of the total proportional EBU and assessment revenue for the various land use classifications represented above, is included in Part V (Assessment Roll).

Assessment Calculations

Applying the method of apportionment outlined in Part D of this Report and the budget estimates above results in the following calculation of assessments:

Debt Service Assessment (Not Prepaid):

$$2,728.81 \times 58.70/\text{EBU's} = \$160,181.15$$

Non-Bonded Assessment:

$$3,127.64 \times 57.28/\text{EBU} = \$179,151.22$$

Therefore, a single benefit unit or the Annual Assessment Rate (Applicable to a typical Single-family Dwelling Unit) would be:

$$\$58.70 + \$57.28 = \$115.98(1) \text{ per EBU}$$

(1) To account for normal inflationary increases in the cost of goods and services related to the operation of the improvements and District, the combined annual assessment rate (debt service rate plus non-bonded rate) includes an annual adjustment that is equal to the percentage increase the Consumer Price Index (San Francisco/Oakland Urban Area) or three percent (3%), whichever is greater. The index for February, 2024 is two point seven percent (2.7%). Therefore

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METHOD OF APPORTIONMENT OF ASSESSMENT & ALLOWABLE INCREASES

3% will be used to adjust the rates of assessment for the fiscal year 2024-2025. This results in a maximum rate of \$115.98 for Fiscal Year 2024/2025. The City Council proposes to levy and adopt an assessment rate of \$115.98 for Fiscal Year 2024/2025.

Since the formation of the District two events have occurred which could trigger the Assessment Diagram to be altered. The first is actually a series of events where individual property owners have requested merging of two individual assessor's parcels. The second is the re-subdivision of the Village at Loch Lomond (Assessment Nos. 545, 546, 547, 548, 549, and 2629). While these events have been recognized in prior annual reports, the Assessment Diagrams have not been updated. This report includes Appendix C-1 and C-2, which provide information on the parcels that have been merged and the re-subdivision of the Village at Loch Lomond.

**PART E
LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1	008-010-04					
2	008-010-05					
5	008-010-14					
6	008-010-16					
7	008-010-19					
8	008-010-20					
9	008-010-21					
10	008-010-22					
11	008-010-26					
12	008-010-27					
13	008-010-28					
14	008-010-31					
15	008-010-34					
16	008-010-35					
17	008-010-36					
21	008-010-43					
22	008-010-45					
23	008-010-46					
24	008-010-47					
25	008-010-48					
26	008-010-49					

**PART E
LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
27	008-010-50					
28	008-010-51					
29	008-010-52					
30	008-010-53					
31	008-010-55					
32	008-010-56					
18M	008-010-57					
3M	008-010-58					
33	008-140-01					
34	008-140-02					
35	008-140-03					
36	008-140-04					
37	008-140-05					
38	008-140-06					
39	009-031-09					
40	009-031-11					
41	009-031-12					
42	009-031-13					
43	009-031-14					
44	009-041-03					
45	009-041-04					
46	009-041-06					
47	009-041-07					

**PART E
LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
48	009-041-08					
49	009-042-01					
50	009-042-02					
51	009-042-03					
52	009-042-07					
53	009-042-08					
54	009-042-09					
55	009-042-10					
56	009-042-11					
57	009-042-12					
58	009-042-13					
59	009-042-14					
60	009-042-15					
61	009-042-16					
62	009-042-17					
63	009-042-18					
65M	009-042-21					
66	009-051-01					
67	009-051-02					
68	009-051-03					
69	009-051-04					
70	009-051-05					
71	009-051-06					

**PART E
LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
72	009-051-07					
73	009-051-08					
74	009-052-01					
75	009-052-02					
76	009-052-03					
77	009-052-04					
78	009-052-05					
79	009-052-06					
80	009-052-07					
81	009-052-08					
82	009-052-09					
83	009-052-10					
84	009-052-11					
85	009-052-12					
86	009-052-13					
87	009-052-14					
88	009-052-15					
89	009-052-16					
90	009-061-01					
91	009-061-02					
92	009-061-03					
93	009-061-04					

**PART E
LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
94	009-061-05					
95	009-061-06					
96	009-061-07					
97	009-061-08					
98	009-061-09					
99	009-061-10					
100	009-061-11					
101	009-061-12					
102	009-061-13					
103	009-061-14					
104	009-061-15					
105	009-061-16					
106	009-061-17					
107	009-061-18					
108	009-061-19					
109	009-061-20					
110	009-061-21					
111	009-061-22					
112	009-061-23					
113	009-061-24					
114	009-061-25					
115	009-061-26					
116	009-061-27					
117	009-061-28					
118	009-061-29					
119	009-061-30					

**PART E
LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
120	009-061-31					
121	009-061-32					
122	009-061-33					
123	009-061-34					
124	009-181-01					
125	009-181-02					
126	009-181-03					
127	009-181-04					
128	009-181-05					
129	009-181-06					
130	009-181-07					
131	009-181-08					
132	009-181-09					
133	009-181-10					
134	009-181-11					
135	009-181-12					
136	009-181-13					
137	009-181-14					
138	009-181-15					
139	009-181-16					
140	009-181-17					
141	009-181-18					
142	009-181-19					
#N/A	014-042-01					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
#N/A	014-042-02					
143	014-042-05					
144	014-042-06					
#N/A	014-042-11					
145	014-042-17					
146	014-042-18					
147	014-042-19					
148	014-042-20					
149	014-042-22					
150	014-042-26					
151	014-042-27					
#N/A	014-042-28					
#N/A	014-042-30					
#N/A	014-072-01					
152	014-072-04					
153	014-072-20					
154	014-072-21					
#N/A	014-072-22					
#N/A	014-072-29					
155	014-072-33					
156	014-072-34					
157	014-073-05					
158	014-073-06					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
159	014-073-07					
160	014-073-08					
161	014-073-09					
162	014-073-10					
163	014-101-09					
164	014-101-11					
165	014-111-01					
166	014-111-02					
167	014-111-03					
168	014-111-14					
169	014-111-15					
170	014-111-17					
171	014-111-21					
172	014-111-34					
174	014-151-11					
175	014-151-12					
176	014-151-17					
177	014-161-02					
178	014-161-07					
181	014-161-19					
182	014-161-20					
183	014-161-21					
184	014-161-28					
185	014-161-30					
186	014-161-32					
187	014-161-33					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
179M	014-161-34					
188	014-171-01					
189	014-171-02					
190	014-171-03					
191	014-171-04					
192	014-171-19					
195	014-171-27					
196	014-171-28					
197	014-171-29					
198	014-171-30					
199	014-171-32					
200	014-171-33					
201	014-171-36					
193M	014-171-37					
202	014-172-04					
203	014-172-05					
204	014-172-06					
205	014-172-07					
206	014-172-08					
207	014-172-09					
208	014-172-10					
209	014-172-11					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
210	014-172-12					
211	014-172-13					
214	014-172-16					
215	014-172-17					
216	014-172-18					
212M	014-172-19					
217	014-173-01					
218	014-173-02					
219	014-173-03					
220	014-173-04					
221	014-173-05					
222	014-173-15					
223	014-173-16					
224	014-173-17					
225	014-173-18					
#N/A	015-231-08					
226	015-231-12					
227	015-231-13					
#N/A	015-231-16					
228	015-231-18					
229	015-231-19					
#N/A	015-231-20					
#N/A	015-231-21					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
#N/A	015-231-22					
230	015-241-01					
231	015-241-02					
232	015-241-03					
233	015-241-04					
234	015-241-05					
236	015-241-07					
237	015-241-12					
238	015-241-14					
241	015-241-17					
242	015-241-18					
235M	015-241-21					
239M	015-241-22					
243	016-011-01					
244	016-011-05					
245	016-011-08					
246	016-011-10					
247	016-011-11					
248	016-011-12					
249	016-011-13					
250	016-011-14					
251	016-011-15					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
252	016-011-18					
253	016-011-19					
254	016-011-20					
255	016-011-21					
256	016-011-23					
257	016-011-24					
258	016-011-28					
259	016-011-29					
260	016-011-30					
261	016-012-03					
262	016-012-05					
263	016-012-12					
264	016-012-13					
265	016-012-14					
266	016-012-16					
267	016-012-17					
268	016-012-18					
269	016-012-19					
270	016-012-23					
271	016-012-26					
272	016-012-27					
273	016-012-32					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
274	016-012-33					
275	016-012-34					
276	016-012-37					
277	016-012-38					
278	016-012-46					
279	016-012-54					
280	016-012-55					
281	016-012-59					
282	016-012-64					
283	016-012-65					
284	016-012-67					
285	016-012-68					
286	016-021-01					
287	016-021-02					
289	016-021-10					
290	016-021-11					
292	016-021-15					
293	016-021-16					
294	016-021-20					
295	016-021-22					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
296	016-021-25					
298	016-021-35					
299	016-021-36					
300	016-021-37					
302	016-021-46					
303	016-021-49					
304	016-021-50					
305	016-021-51					
306	016-021-52					
307	016-021-53					
308	016-021-54					
309	016-021-55					
310	016-021-58					
311	016-021-61					
312	016-021-64					
313	016-021-65					
314	016-021-73					
315	016-021-74					
316	016-021-75					
301M	016-021-77					
291	016-021-79					
288M	016-021-80					
317	016-031-01					
318	016-031-02					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
319	016-031-03					
320	016-031-04					
321	016-031-05					
322	016-031-06					
323	016-031-07					
324	016-031-08					
325	016-031-09					
326	016-031-10					
327	016-031-11					
328	016-031-12					
329	016-031-13					
330	016-031-14					
331	016-031-15					
332	016-031-16					
333	016-031-17					
334	016-031-18					
335	016-031-19					
336	016-031-20					
337	016-031-21					
338	016-031-22					
339	016-031-23					
340	016-031-25					
341	016-031-26					
342	016-031-27					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
343	016-031-28					
344	016-031-29					
345	016-031-30					
346	016-031-31					
347	016-031-32					
348	016-031-33					
349	016-031-34					
350	016-031-35					
353	016-031-38					
354	016-031-39					
355	016-031-40					
351M	016-031-41					
356	016-032-02					
357	016-032-03					
358	016-032-05					
359	016-032-06					
360	016-032-09					
361	016-032-10					
362	016-032-11					
363	016-033-01					
364	016-033-02					
365	016-033-03					
366	016-033-04					
367	016-033-05					
368	016-033-06					
369	016-033-07					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
370	016-033-15					
371	016-033-16					
372	016-033-17					
373	016-033-18					
374	016-033-19					
375	016-033-20					
376	016-041-01					
377	016-041-02					
378	016-041-03					
379	016-041-04					
380	016-041-05					
381	016-041-06					
382M	016-041-07					
384	016-041-10					
385	016-041-11					
386	016-041-12					
387	016-041-13					
388	016-041-16					
389	016-041-17					
390	016-041-20					
391	016-041-21					
392	016-041-22					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
393	016-041-23					
394	016-041-24					
395	016-041-25					
396	016-041-26					
397	016-041-27					
398	016-041-28					
399	016-041-29					
400	016-041-31					
401	016-041-33					
402	016-041-34					
403	016-041-46					
404	016-041-51					
405	016-041-52					
406	016-041-61					
407	016-041-62					
408	016-041-63					
409	016-041-64					
410	016-041-65					
411	016-041-67					
412	016-041-68					
413	016-041-69					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
414	016-041-70					
415	016-041-72					
416	016-041-73					
417	016-041-74					
418	016-041-75					
420	016-041-77					
422	016-041-79					
423	016-041-80					
424	016-041-81					
425	016-041-82					
426	016-041-83					
427	016-041-84					
428	016-041-85					
429	016-041-86					
431	016-041-88					
432	016-041-89					
435	016-041-93					
436	016-041-94					
421M	016-041-95					
383M	016-041-96					
433M	016-041-97					
437	016-051-05					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
438	016-051-06					
439	016-052-02					
440	016-052-03					
441	016-052-04					
442	016-052-05					
443	016-052-06					
444	016-052-07					
445	016-052-08					
446	016-052-09					
447	016-052-13					
448	016-052-15					
449	016-052-18					
450	016-052-20					
451	016-052-21					
452	016-052-22					
453	016-052-23					
454	016-052-24					
455	016-052-25					
456	016-052-26					
457	016-052-27					
458	016-052-28					
459	016-052-29					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
460	016-053-01					
461	016-053-02					
462	016-053-03					
463	016-053-06					
464	016-053-07					
465	016-053-08					
466	016-053-09					
467	016-053-10					
468	016-053-12					
469	016-054-02					
470	016-054-08					
471	016-054-10					
472	016-054-12					
473	016-054-13					
474	016-054-14					
475	016-054-15					
476	016-054-16					
477	016-054-17					
478	016-054-18					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
479	016-054-19					
480	016-054-24					
481	016-054-25					
482	016-061-01					
483	016-062-01					
484	016-062-02					
485	016-062-03					
486	016-064-01					
487	016-064-02					
488	016-064-03					
489	016-064-04					
490	016-064-08					
491	016-064-09					
492	016-064-10					
493	016-064-13					
494	016-064-14					
495	016-064-15					
496	016-064-16					
497	016-064-17					
498	016-064-18					
499	016-064-19					
500	016-064-20					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
501	016-064-21					
502	016-064-22					
503	016-064-23					
504	016-064-24					
505	016-064-25					
506	016-064-26					
507	016-064-27					
508	016-064-28					
509	016-064-29					
510	016-064-30					
511	016-064-31					
512	016-064-32					
513	016-064-33					
514	016-064-34					
515	016-064-35					
516	016-064-36					
517	016-064-37					
518	016-064-38					
519	016-064-39					
520	016-064-40					
521	016-064-41					
522	016-064-42					
523	016-064-43					
524	016-064-44					
525	016-064-45					
526	016-064-46					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
527	016-064-47					
528	016-064-48					
529	016-064-49					
530	016-064-50					
531	016-064-51					
532	016-064-52					
533	016-064-53					
534	016-064-54					
535	016-064-55					
536	016-064-56					
537	016-064-57					
538	016-064-58					
539	016-064-59					
540	016-064-60					
541	016-064-61					
542	016-064-68					
543	016-064-69					
544	016-064-70					
545-09	016-070-09					
545-10	016-070-10					
545-12	016-070-12					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
545-13	016-070-13					
545-14	016-070-14					
545-15	016-070-15					
545-16	016-070-16					
545-17	016-070-17					
545-18	016-070-18					
545-19	016-070-19					
545-20	016-070-20					
545-21	016-070-21					
545-22	016-070-22					
550	016-091-12					
551	016-091-13					
552	016-091-14					
553	016-091-15					
554	016-091-16					
555	016-091-17					
556	016-091-18					
557	016-091-23					
558	016-091-25					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
559	016-091-26					
560	016-091-27					
561	016-091-34					
562	016-091-35					
563	016-091-36					
564	016-091-37					
565	016-091-38					
566	016-091-39					
567	016-091-40					
568	016-091-41					
570	016-091-47					
571	016-091-48					
572	016-091-50					
573	016-091-51					
574	016-091-52					
575	016-091-54					
576	016-091-55					
577	016-091-58					
578	016-091-60					
580	016-091-62					
569M	016-091-63					
581	016-092-01					
582	016-092-02					
583	016-093-01					
584	016-093-02					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
585	016-093-04					
586	016-093-05					
587	016-094-01					
588	016-094-02					
589	016-094-04					
590	016-094-05					
591	016-101-12					
592	016-101-13					
593	016-101-15					
594	016-101-16					
595	016-101-23					
596	016-101-28					
597	016-101-30					
598	016-101-32					
599	016-101-33					
600	016-101-34					
601	016-101-35					
602	016-101-36					
603	016-102-02					
604	016-102-03					
605	016-102-04					
606	016-102-05					
607	016-102-06					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
608	016-102-07					
609	016-102-09					
610	016-102-10					
611	016-102-12					
612	016-102-13					
613	016-102-16					
614	016-102-17					
615	016-102-18					
618	016-111-04					
619	016-111-07					
620	016-111-08					
621	016-111-09					
622	016-111-10					
623	016-111-11					
624	016-111-14					
625	016-111-15					
626	016-111-16					
627	016-111-18					
628	016-111-19					
629	016-111-24					
631	016-111-26					
633	016-111-28					
616M	016-111-29					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
630M	016-111-30					
634	016-112-01					
635	016-112-02					
636	016-112-03					
637	016-112-04					
638	016-112-05					
639	016-112-06					
640	016-112-07					
641	016-112-09					
642	016-112-11					
644M	016-112-18					
645	016-113-01					
646	016-113-02					
647	016-113-03					
648	016-113-04					
649	016-113-05					
650	016-113-06					
651	016-113-07					
652	016-113-11					
653	016-113-12					
654	016-113-13					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
655	016-113-14					
656	016-113-15					
657	016-113-20					
658	016-114-01					
659	016-121-04					
660	016-121-06					
661	016-121-07					
662	016-121-08					
663	016-121-10					
664	016-121-11					
665	016-121-12					
666	016-121-17					
667	016-121-18					
668	016-122-01					
669	016-122-02					
670	016-122-03					
671	016-122-04					
672	016-122-05					
673	016-122-06					
674	016-122-07					
675	016-122-08					
676	016-122-09					
677	016-122-11					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
678	016-131-02					
679	016-131-03					
680	016-131-04					
681	016-131-09					
682	016-131-10					
683	016-131-11					
684	016-131-13					
685	016-131-14					
686	016-132-01					
687	016-132-02					
688	016-132-03					
689	016-132-04					
690	016-132-09					
691	016-132-10					
692	016-132-11					
693	016-132-13					
694	016-132-14					
695	016-132-15					
696	016-133-01					
697	016-133-02					
698	016-133-03					
699	016-133-04					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
700	016-133-05					
701	016-133-06					
702	016-133-07					
703	016-133-08					
704	016-134-02					
705	016-134-03					
706	016-134-04					
707	016-134-05					
708	016-134-06					
709	016-134-07					
710	016-134-09					
711	016-134-12					
712	016-141-01					
713	016-141-02					
714	016-141-03					
715	016-141-04					
716	016-141-05					
717	016-141-09					
718	016-141-10					
719	016-141-11					
720	016-141-12					
721	016-141-13					
722	016-141-14					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
723	016-141-15					
724	016-141-18					
725	016-141-21					
726	016-141-22					
727	016-141-24					
728	016-142-03					
729	016-142-04					
730	016-142-05					
731	016-142-11					
732	016-142-12					
733	016-142-13					
734	016-142-15					
735	016-142-16					
736	016-142-17					
737	016-142-18					
738	016-142-19					
739	016-142-20					
741	016-142-23					
740M	016-142-25					
743	016-151-01					
744	016-151-03					
745	016-151-04					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
746	016-151-05					
747	016-151-06					
748	016-151-07					
749	016-151-08					
750	016-152-01					
751	016-152-02					
752	016-152-03					
753	016-152-04					
754	016-152-05					
755	016-152-06					
756	016-152-07					
757	016-152-08					
758	016-152-09					
759	016-152-10					
760	016-152-13					
761	016-152-14					
762	016-152-15					
763	016-152-16					
764	016-152-17					
765	016-152-18					
766	016-152-19					
767	016-152-20					
768	016-152-21					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
769	016-152-22					
770	016-152-23					
771	016-153-01					
772	016-153-02					
773	016-153-03					
774	016-153-04					
775	016-153-05					
776	016-153-06					
777	016-153-07					
778	016-153-08					
779	016-153-09					
780	016-153-10					
781	016-153-11					
782	016-154-04					
783	016-154-05					
784	016-154-06					
785	016-154-07					
786	016-154-08					
787	016-161-01					
789	016-161-07					
790	016-161-15					
791	016-161-16					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
792	016-161-17					
793	016-161-18					
794	016-161-19					
795	016-161-20					
796	016-161-21					
797	016-161-22					
798	016-161-27					
799	016-161-28					
800	016-161-29					
801	016-161-34					
802	016-161-36					
803	016-161-39					
805	016-161-42					
806	016-161-46					
807	016-161-48					
808	016-161-49					
809	016-161-50					
810	016-161-51					
811	016-161-52					
812	016-161-53					
813	016-161-54					
788M	016-161-55					
814	016-162-01					
815	016-162-02					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
816	016-163-01					
817	016-163-02					
818	016-163-03					
819	016-163-04					
820	016-163-05					
821	016-163-06					
822	016-163-07					
823	016-163-08					
824	016-163-09					
825	016-163-10					
826	016-163-11					
827	016-163-12					
828	016-163-13					
829	016-172-01					
830	016-172-02					
831	016-173-01					
832	016-173-02					
833	016-173-03					
834	016-173-04					
835	016-173-05					
836	016-173-06					
837	016-173-07					
838	016-173-08					
839	016-173-09					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
840	016-173-10					
841	016-173-11					
842	016-173-12					
843	016-173-13					
844	016-173-14					
845	016-173-15					
846	016-174-01					
847	016-174-02					
848	016-174-03					
849	016-174-04					
850	016-174-05					
851	016-174-06					
852	016-174-07					
853	016-174-08					
854	016-174-09					
855	016-174-10					
856	016-174-11					
857	016-174-12					
858	016-174-13					
859	016-174-14					
860	016-174-15					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
861	016-174-16					
862	016-174-17					
863	016-174-18					
864	016-174-19					
865	016-174-20					
866	016-175-01					
867	016-175-02					
868	016-175-03					
869	016-181-01					
870	016-181-02					
871	016-181-06					
872	016-181-10					
873	016-181-12					
874	016-181-15					
875	016-181-16					
876	016-181-17					
877	016-181-18					
878	016-181-19					
879	016-181-20					
880	016-181-21					
881	016-181-22					
882	016-181-23					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
883	016-181-25					
884	016-182-01					
885	016-182-02					
886	016-182-03					
887	016-182-04					
888	016-182-05					
889	016-182-06					
890	016-182-07					
891	016-182-08					
892	016-182-10					
893	016-183-01					
894	016-183-02					
895	016-191-09					
896	016-191-10					
897	016-191-13					
898	016-191-14					
899	016-191-15					
900	016-191-16					
901	016-191-17					
902	016-191-18					
903	016-191-19					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
904	016-191-20					
905	016-191-21					
906	016-191-22					
907	016-191-24					
908	016-201-01					
909	016-201-02					
910	016-201-03					
911	016-201-13					
913	016-201-15					
914	016-201-16					
916	016-201-20					
917	016-201-21					
912M	016-201-22					
918	016-202-01					
919	016-202-02					
920	016-202-03					
921	016-203-01					
922	016-203-08					
923	016-203-09					
924	016-203-10					
925	016-203-11					
926	016-203-12					
927	016-203-13					
928	016-203-14					
929	016-203-15					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
930	016-203-16					
931	016-203-18					
932	016-213-03					
933	016-213-05					
934	016-213-06					
935	016-213-07					
938	016-213-12					
939	016-213-13					
940	016-213-14					
941	016-213-15					
942	016-231-05					
943	016-241-06					
945	016-241-09					
949	016-241-21					
944M	016-241-22					
947M	016-241-23					
950	016-242-08					
951	016-242-09					
952	016-242-12					
953	016-242-13					
954	016-242-23					
956	016-242-25					
958	016-242-27					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
959	016-242-28					
960	016-242-30					
961	016-242-31					
955M	016-242-32					
962	016-261-02					
963	016-261-03					
964	016-261-05					
965	016-261-06					
966	016-261-09					
967	016-261-10					
968	016-261-11					
969	016-271-10					
970	016-271-11					
971	016-271-16					
972	016-281-01					
973	016-281-02					
974	016-281-03					
975	016-281-04					
976	016-281-05					
977	016-281-06					
978	016-281-07					
979	016-281-08					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
980	016-281-09					
981	016-281-10					
982	016-281-11					
983	016-281-12					
984	016-281-13					
985	016-281-14					
986	016-281-15					
987	016-281-16					
988	016-281-17					
989	016-281-18					
990	016-281-19					
991	016-281-20					
992	016-281-21					
993	016-281-22					
994	016-281-23					
995	016-281-24					
996	016-281-25					
997	016-281-26					
998	016-281-27					
999	016-281-28					
1000	016-281-29					
1001	016-281-30					
1002	016-281-31					
1003	016-281-32					
1004	016-282-01					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1005	016-282-02					
1006	016-282-03					
1007	016-282-04					
1008	016-282-05					
1009	016-282-06					
1010	016-282-07					
1011	016-282-08					
1012	016-283-01					
1013	016-283-02					
1014	016-283-03					
1015	016-283-04					
1016	016-283-05					
1017	016-283-06					
1018	016-283-07					
1019	016-283-08					
1020	016-283-09					
1021	016-283-10					
1022	016-283-11					
1023	016-291-06					
1024	016-291-07					
1025	016-291-08					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1026	016-291-09					
1027	016-291-10					
1028	016-291-11					
1029	016-291-12					
1030	016-291-13					
1031	016-291-14					
1032	016-291-16					
1033	016-291-17					
1034	016-291-18					
1035	016-291-19					
1036	016-291-20					
1037	016-291-21					
1038	016-291-22					
1039	016-291-23					
1040	016-291-24					
1041	016-291-25					
1042	016-291-29					
1043	016-291-40					
1044	016-291-41					
1045	016-291-43					
1046	016-291-46					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1047	016-291-52					
1048	016-291-54					
1049	016-301-01					
1050	016-301-02					
1051	016-301-03					
1052	016-301-04					
1053	016-301-05					
1054	016-301-06					
1055	016-301-07					
1056	016-301-08					
1057	016-301-09					
1058	016-301-10					
1059	016-301-11					
1060	016-301-12					
1061	016-301-13					
1062	016-301-14					
1063	016-301-15					
1064	016-301-16					
1065	016-301-17					
1066	016-301-18					
1067	016-301-19					
1068	016-301-20					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1069	016-301-22					
1070	016-301-23					
1071	016-302-01					
1072	016-302-02					
1073	016-302-03					
1074	016-302-04					
1075	016-302-05					
1076	016-302-06					
1077	016-302-07					
1078	016-302-08					
1079	016-302-09					
1080	016-302-10					
1081	016-302-11					
1084	016-302-14					
1085	016-302-15					
1086	016-302-20					
1087	016-302-21					
1090	016-302-24					
1091	016-302-25					
1092	016-302-26					
1093	016-302-27					
1094	016-302-28					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1095	016-302-29					
1096	016-302-30					
1082M	016-302-31					
1088M	016-302-32					
1097	016-310-01					
1098	016-310-02					
1099	016-310-03					
1100	016-310-04					
1101	016-310-05					
1102	016-310-06					
1103	016-310-07					
1104	016-310-08					
1105	016-310-09					
1106	016-310-10					
1107	016-310-11					
1108	016-310-12					
1109	016-310-13					
1110	016-310-14					
1111	016-310-15					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1112	016-310-18					
1113	016-310-19					
1114	016-310-20					
1115	016-310-24					
1116	016-310-25					
1117	016-310-26					
1118	016-310-27					
1119	016-310-28					
1120	016-310-29					
1121	016-310-30					
1122	016-310-31					
1123	016-310-32					
1124	016-310-33					
1125	016-310-34					
1126	016-321-01					
1127	016-321-02					
1128	016-321-03					
1129	016-321-04					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1130	016-321-05					
1131	016-321-06					
1132	016-321-07					
1133	016-321-08					
1134	016-321-09					
1135	016-321-10					
#N/A	016-321-11					
1136	016-322-01					
1137	016-322-02					
1138	016-322-03					
1139	016-322-04					
1140	016-322-05					
1141	016-322-06					
1142	016-322-07					
1143	016-330-01					
1144	016-330-02					
1145	016-330-03					
1146	016-330-04					
1147	016-330-05					
1148	016-330-06					
1149	016-330-07					
1150	016-330-08					
1151	016-330-10					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1152	016-330-11					
1153	016-330-12					
1154	016-330-13					
1155	016-330-14					
549-01	016-341-01					
549-02	016-341-02					
549-03	016-341-03					
549-04	016-341-04					
549-05	016-341-05					
549-06	016-341-06					
549-07	016-341-07					
549-08	016-341-08					
549-09	016-341-09					
549-10	016-341-10					
549-11	016-341-11					
549-12	016-341-12					
549-13	016-341-13					
549-14	016-341-14					
549-15	016-341-15					
549-16	016-341-16					
549-17	016-341-17					
549-18	016-341-18					
549-19	016-341-19					
549-20	016-341-20					
549-21	016-341-21					
549-22	016-341-22					
549-23	016-341-23					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
549-24	016-341-24					
549-25	016-341-25					
549-26	016-341-26					
549-27	016-341-27					
549-28	016-341-28					
549-29	016-341-29					
549-30	016-341-30					
549-31	016-341-31					
549-32	016-341-32					
549-33	016-341-33					
549-34	016-341-34					
549-35	016-341-35					
549-36	016-341-36					
549-37	016-341-37					
549-38	016-341-38					
549-39	016-341-39					
549-40	016-341-40					
549-41	016-341-41					
549-42	016-341-42					
549-43	016-341-43					
549-44	016-341-44					
549-45	016-341-45					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
549-46	016-341-46					
549-47	016-341-47					
549-48	016-341-48					
549-49	016-341-49					
549-50	016-341-50					
549-51	016-341-51					
549-52	016-341-52					
549-53	016-341-53					
549-54	016-341-54					
549-55	016-341-55					
549-56	016-341-56					
549-57	016-341-57					
549-58	016-341-58					
549-59	016-341-59					
549-60	016-341-60					
549-61	016-341-61					
549-62	016-341-62					
549-63	016-341-63					
549-64	016-341-64					
549-65	016-341-65					
549-66	016-341-66					
549-67	016-341-67					
549-68	016-341-68					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
549-69	016-341-69					
549-70	016-341-70					
549-71	016-341-71					
549-72	016-341-72					
549-73	016-341-73					
549-74	016-341-74					
549-75	016-341-75					
549-76	016-341-76					
549-77	016-341-77					
549-78	016-341-78					
549-79	016-341-79					
549-80	016-341-80					
549-81	016-341-81					
549-82	016-341-82					
549-83	016-341-83					
549-84	016-341-84					
549-85	016-341-85					
549-86	016-341-86					
549-87	016-341-87					
549-88	016-341-88					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
549-89	016-341-89					
549-90	016-341-90					
549-91	016-341-91					
549-92	016-341-92					
1156	017-181-01					
1157	017-181-08					
1158	017-181-09					
1159	017-181-10					
1160	017-181-11					
1161	017-181-12					
1162	017-181-16					
1163	017-181-34					
1164	017-181-35					
1168	017-181-40					
1169	017-181-41					
1170	017-181-42					
1172	017-181-44					
1166M	017-181-45					
1165M	017-181-46					
1173	184-010-09					
1174	184-010-15					
1175	184-010-16					
1176	184-010-49					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1177	184-010-50					
1178	184-010-51					
1179	184-010-52					
1180	184-010-53					
1181	184-020-03					
1182	184-020-04					
1183	184-020-05					
1184	184-020-06					
1185	184-020-07					
1186	184-030-01					
1187	184-030-04					
1188	184-030-05					
1189	184-030-16					
1190	184-030-17					
1191	184-041-01					
1192	184-041-02					
1193	184-041-03					
1194	184-041-04					
1195	184-041-05					
1196	184-041-06					
1197	184-041-07					
1198	184-041-08					
1199	184-041-09					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1200	184-041-12					
1201	184-041-13					
1202	184-041-14					
1203	184-041-15					
1204	184-041-16					
1205	184-041-17					
1206	184-041-18					
1207	184-041-20					
1208	184-041-21					
1209	184-042-01					
1210	184-042-02					
1211	184-042-03					
1212	184-042-04					
1213	184-042-05					
1214	184-043-01					
1215	184-043-02					
1216	184-043-03					
1217	184-043-04					
1218	184-043-05					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1220	184-043-07					
1221	184-043-08					
1222	184-043-09					
1223	184-043-10					
1224	184-043-11					
1225	184-043-12					
1226	184-043-13					
1228	184-043-16					
1229	184-043-17					
1219M	184-043-18					
1230	184-051-01					
1231	184-051-02					
1232	184-051-03					
1233	184-051-04					
1234	184-051-05					
1235	184-051-06					
1236	184-051-07					
1237	184-052-01					
1238	184-052-02					
1239	184-052-03					
1240	184-052-04					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1241	184-052-05					
1242	184-052-06					
1243	184-052-07					
1244	184-121-01					
1245	184-121-02					
1246	184-121-03					
1247	184-121-04					
1248	184-121-05					
1249	184-121-06					
1250	184-121-07					
1251	184-131-01					
1252	184-131-02					
1253	184-131-03					
1254	184-131-04					
1255	184-131-05					
1256	184-131-06					
1257	184-131-07					
1258	184-131-08					
1259	184-131-09					
1260	184-132-01					
1261	184-132-02					
1262	184-132-05					
1263	184-132-06					
1264	184-132-09					
1265	184-132-10					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1266	184-132-11					
1267	184-132-12					
1268	184-132-13					
1269	184-132-14					
1270	184-132-15					
1271	184-132-16					
1272	184-132-17					
1273	184-132-18					
1274	184-132-19					
1275	184-132-20					
1276	184-132-21					
1277	184-132-22					
1278	184-132-23					
1279	184-132-24					
1280	184-132-25					
1281	184-132-26					
1282	184-132-27					
1283	184-132-28					
1284	184-133-01					
1285	184-133-02					
1286	184-133-03					
1287	184-133-04					
1288	184-133-05					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1289	184-133-06					
1290	184-141-01					
1291	184-141-02					
1292	184-141-03					
1293	184-141-04					
1294	184-141-05					
1295	184-141-06					
1296	184-141-07					
1297	184-141-08					
1298	184-141-09					
1299	184-142-01					
1300	184-142-02					
1301	184-142-03					
1302	184-142-04					
1303	184-142-05					
1304	184-142-06					
1305	184-142-07					
1306	184-142-08					
1307	184-142-09					
1308	184-142-10					
1309	184-142-11					
1310	184-142-12					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1311	184-142-13					
1312	184-142-14					
1313	184-142-15					
1314	184-142-16					
1315	184-142-17					
1316	184-142-18					
1317	184-142-19					
1318	184-142-20					
1319	184-142-21					
1320	184-142-22					
1321	184-142-23					
1322	184-142-24					
1323	184-142-25					
1324	184-142-26					
1325	184-142-27					
1326	184-142-28					
1327	184-142-29					
1328	184-142-30					
1329	184-142-31					
1330	184-142-32					
1331	184-142-33					
1332	184-143-01					
1333	184-143-02					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1334	184-143-03					
1335	184-143-04					
1336M	184-143-07					
1338	184-144-01					
1339	184-144-03					
1340	184-144-04					
1342	184-144-06					
1343	184-144-07					
1345	184-144-10					
1346	184-144-11					
1341M	184-144-12					
1347	184-151-01					
1348	184-151-02					
1349	184-151-03					
1350	184-151-04					
1351	184-151-05					
1352	184-151-06					
1353	184-151-07					
1354	184-151-08					
1355	184-151-09					
1356	184-151-10					
1357	184-151-11					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1358	184-151-12					
1359	184-151-13					
1360	184-151-14					
1361	184-151-15					
1362	184-151-16					
1363	184-151-17					
1364	184-151-18					
1365	184-151-19					
1366	184-151-22					
1367	184-151-23					
1368	184-151-24					
1369	184-151-26					
1370	184-151-27					
1371	184-152-01					
1372	184-152-02					
1373	184-152-03					
1374	184-152-04					
1375	184-152-05					
1376	184-152-06					
1377	184-152-07					
1378	184-152-08					
1379	184-152-09					
1380	184-152-10					
1381	184-152-11					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1382	184-152-13					
1383	184-152-15					
1384	184-152-16					
1387	184-152-21					
1388	184-152-22					
1389	184-152-23					
1390	184-152-24					
1393	184-152-29					
1394	184-152-31					
1395	184-152-33					
1396	184-152-34					
1397	184-152-35					
1398	184-152-36					
1386M	184-152-37					
1385M	184-152-38					
1399	184-161-01					
1400	184-161-02					
1401	184-161-03					
1402	184-161-04					
1403	184-161-05					
1404	184-161-06					
1405	184-161-07					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1406	184-161-08					
1407	184-161-09					
1408	184-161-10					
1409	184-161-11					
1410	184-161-12					
1411	184-162-01					
1412	184-162-02					
1413	184-162-03					
1414	184-162-04					
1415	184-162-05					
1416	184-162-06					
1417	184-162-07					
1418	184-162-08					
1419	184-162-09					
1420	184-162-10					
1421	184-162-11					
1422	184-162-12					
1423	184-162-13					
1424	184-162-14					
1425	184-162-15					
1426	184-162-16					
1427	184-162-17					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1428	184-162-18					
1429	184-162-19					
1430	184-162-20					
1431	184-162-21					
1432	184-163-01					
1433	184-163-02					
1434	184-163-03					
1435	184-163-04					
1436	184-163-05					
1437	184-163-06					
1438	184-163-07					
1439	184-163-08					
1440	184-163-09					
1441	184-163-10					
1442	184-163-11					
1443	184-163-12					
1444	184-163-13					
1445	184-163-14					
1446	184-164-02					
1447	184-164-03					
1448	184-164-04					
1449	184-164-10					
1450	184-164-11					
1451	184-171-01					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1452	184-171-02					
1453	184-171-03					
1454	184-171-04					
1455	184-171-05					
1456	184-171-06					
1457	184-171-07					
1458	184-171-08					
1459	184-171-09					
1460	184-171-10					
1461	184-171-11					
1462	184-171-12					
1463	184-171-13					
1464	184-171-14					
1465	184-171-15					
1466	184-171-16					
1467	184-171-17					
1468	184-171-18					
1469	184-172-01					
1470	184-172-02					
1471	184-172-03					
1472	184-172-04					
1473	184-172-05					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1474	184-172-06					
1475	184-172-07					
1476	184-172-08					
1477	184-172-09					
1478	184-172-10					
1479	184-172-11					
1480	184-172-12					
1481	184-172-13					
1482	184-172-14					
1483	184-172-15					
1484	184-172-16					
1485	184-172-17					
1486	184-172-18					
1487	184-172-19					
1488	184-172-22					
1489	184-172-23					
1490	184-172-24					
1491	184-172-25					
1492	184-172-26					
1493	184-172-27					
1494	184-172-28					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1495	184-172-29					
1496	184-172-30					
1497	184-172-31					
1498	184-172-32					
1499	184-172-33					
1500	184-172-34					
1501	184-172-35					
1502	184-180-01					
1503	184-180-02					
1504	184-180-03					
1505	184-180-04					
1506	184-180-05					
1507	184-180-06					
1508	184-180-07					
1509	184-180-08					
1510	184-180-09					
1511	184-180-10					
1512	184-180-11					
1513	184-180-12					
1514	184-180-13					
1515	184-180-14					
1516	184-190-01					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1517	184-190-02					
1518	184-190-03					
1519	184-190-04					
1520	184-190-05					
1521	184-190-06					
1522	184-190-07					
1523	184-190-08					
1524	184-190-09					
1525	184-190-10					
1526	184-190-11					
1527	184-190-12					
1528	184-190-13					
1529	184-190-14					
1530	184-190-15					
1531	184-190-16					
1532	184-200-01					
1533	184-200-02					
1534	184-200-03					
1535	184-200-04					
1536	184-200-05					
1537	184-200-06					
1538	184-200-07					
1539	184-200-08					
1540	184-200-09					
1541	184-200-10					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1542	184-200-11					
1543	184-200-12					
1544	184-200-13					
1545	184-200-14					
1546	184-200-15					
1547	184-200-16					
1548	184-200-17					
1549	184-200-18					
1550	184-200-19					
1551	184-200-20					
1552	184-200-21					
1553	184-200-22					
1554	184-200-23					
1555	184-200-24					
1556	184-200-25					
1557	184-200-26					
1558	184-200-27					
1559	184-200-28					
1560	184-200-29					
1561	184-200-30					
1562	184-200-31					
1563	184-210-01					
1564	184-220-01					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1565	184-220-02					
1566	184-220-03					
1567	184-220-04					
1568	184-220-05					
1569	184-220-06					
1570	184-220-07					
1571	184-220-08					
1572	184-220-09					
1573	184-220-10					
1574	184-220-11					
1575	184-220-12					
1576	184-220-13					
1577	184-220-14					
1578	184-220-15					
1579	184-220-16					
1580	184-220-17					
1581	184-220-18					
1582	184-220-19					
1583	184-220-20					
1584	184-220-21					
1585	184-220-22					
1586	184-220-23					
1587	184-220-24					
1588	184-220-25					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1589	184-220-26					
1590	184-220-27					
1591	184-220-28					
1592	184-220-29					
1593	184-220-30					
1594	184-220-31					
1595	184-220-32					
1596	184-220-33					
1597	184-220-34					
1598	184-220-35					
1599	184-220-36					
1600	184-220-37					
1601	184-220-38					
1602	184-220-39					
1603	184-220-40					
1604	184-220-41					
1605	184-220-42					
1606	184-220-43					
1607	184-220-44					
1608	184-220-45					
1609	184-220-46					
1610	184-220-47					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1611	184-220-48					
1612	184-220-49					
1613	184-220-50					
1614	184-220-51					
1615	184-220-52					
1616	184-230-01					
1617	184-230-02					
1618	184-230-03					
1619	184-230-04					
1620	184-230-05					
1621	184-230-06					
1622	184-230-07					
1623	184-230-08					
1624	184-230-09					
1625	184-230-10					
1626	184-230-11					
1627	184-230-12					
1628	184-230-13					
1629	184-230-14					
1630	184-230-15					
1631	184-230-16					
1632	184-230-17					
1633	184-230-18					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1634	184-240-02					
1635	184-240-03					
1636	184-240-04					
1637	184-240-05					
1638	184-240-06					
1639	184-240-07					
1640	184-240-08					
1641	184-240-09					
1642	184-240-10					
1643	184-240-11					
1644	184-240-12					
1645	184-240-14					
1646	184-240-15					
1647	184-250-01					
1648	184-250-02					
1649	184-250-03					
1650	184-250-04					
1651	184-250-05					
1652	184-250-06					
1653	184-250-07					
1654	184-250-08					
1655	184-250-09					
1656	184-250-10					
1657	184-250-11					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1658	184-250-12					
1659	184-250-13					
1660	184-250-14					
1661	184-250-15					
1662	184-250-16					
1663	184-250-17					
1664	184-250-18					
1665	184-250-19					
1666	184-250-20					
1667	184-250-21					
1668	184-250-22					
1669	184-250-23					
1670	184-250-24					
1671	184-250-25					
1672	184-250-26					
1673	184-250-27					
1674	184-250-28					
1675	184-250-29					
1676	184-250-30					
1677	184-250-31					
1678	184-250-32					
1679	184-250-33					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1680	184-250-34					
1681	184-250-35					
1682	184-250-36					
1683	184-250-37					
1684	184-250-38					
1685	184-250-39					
1686	184-250-40					
1687	184-250-41					
1688	184-250-42					
1689	184-250-43					
1690	184-250-44					
1691	184-250-45					
1692	184-250-46					
1693	184-250-47					
1694	184-250-48					
1695	184-250-49					
1696	184-250-50					
1697	184-250-51					
1698	184-250-52					
1699	184-250-53					
1700	184-250-54					
1701	184-250-55					
1702	184-250-56					
1703	184-250-57					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1704	184-250-58					
1705	184-250-59					
1706	184-250-60					
1707	184-250-62					
1708	184-250-64					
1709	184-260-01					
1710	184-260-02					
1711	184-260-04					
1712	184-260-05					
1713	184-260-06					
1714	184-260-07					
1715	184-260-08					
1716	184-260-09					
1717	184-260-10					
1718	184-260-11					
1719	184-260-12					
1720	184-260-13					
1721	184-260-14					
1722	184-260-15					
1723	184-260-16					
1724	184-260-17					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1725	184-260-19					
1726	184-260-20					
1727	184-260-21					
1728	184-260-22					
1729	185-010-01					
1730	185-010-04					
1731	185-010-10					
1732	185-010-11					
1733	185-010-12					
1734	185-010-13					
1735	185-010-14					
1736	185-010-15					
1737	185-010-16					
1738	185-010-17					
1739	185-010-18					
1740	185-010-19					
1741	185-010-20					
1742	185-020-02					
1743	185-020-03					
1744	185-020-04					
1745	185-030-02					
1746	185-030-04					
1747	185-030-05					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1748	185-030-06					
1749	185-030-07					
1750	185-030-08					
1751	185-030-09					
1752	185-041-01					
1753	185-041-02					
1754	185-041-03					
1755	185-041-04					
1756	185-041-05					
1757	185-041-06					
1758	185-041-07					
1759	185-041-08					
1760	185-041-09					
1761	185-041-10					
1762	185-041-11					
1763	185-041-12					
1764	185-041-13					
1765	185-041-14					
1766	185-041-15					
1767	185-041-16					
1768	185-041-17					
1769	185-041-18					
1770	185-041-19					
1771	185-041-20					
1772	185-041-21					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1773	185-041-22					
1774	185-041-23					
1775	185-041-24					
1776	185-041-25					
1777	185-041-26					
1778	185-041-27					
1779	185-041-28					
1780	185-041-29					
1781	185-041-32					
1782	185-041-33					
1783	185-041-34					
1784	185-041-35					
1785	185-042-01					
1786	185-042-02					
1787	185-042-03					
1788	185-042-04					
1789	185-042-05					
1790	185-042-06					
1791	185-042-07					
1792	185-042-08					
1793	185-042-09					
1794	185-042-10					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1795	185-051-01					
1796	185-051-02					
1797	185-051-03					
1798	185-051-04					
1799	185-051-05					
1800	185-051-06					
1801	185-051-07					
1802	185-051-08					
1803	185-051-09					
1804	185-051-10					
1805	185-051-11					
1806	185-051-12					
1807	185-052-02					
1808	185-052-03					
1809	185-052-04					
1810	185-052-05					
1811	185-052-06					
1812	185-052-07					
1813	185-052-08					
1814	185-052-09					
1815	185-052-10					
1816	185-052-11					
1817	185-052-12					
1818	185-052-13					
1819	185-052-14					
1820	185-052-15					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1821	185-052-16					
1822	185-052-17					
1823	185-052-18					
1824	185-053-01					
1825	185-053-02					
1826	185-053-03					
1827	185-053-04					
1828	185-053-05					
1829	185-053-06					
1830	185-053-07					
1831	185-053-08					
1832	185-053-09					
1833	185-061-03					
1834	185-061-04					
1835	185-061-05					
1836	185-061-06					
1837	185-061-07					
1838	185-061-08					
1839	185-061-09					
1840	185-061-10					
1841	185-061-11					
1842	185-061-12					
1843	185-061-13					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1844	185-061-14					
1845	185-061-15					
1846	185-061-16					
1847	185-061-17					
1848	185-061-18					
1849	185-061-19					
1850	185-061-20					
1851	185-061-22					
1852	185-061-23					
1853	185-062-01					
1854	185-062-02					
1855	185-062-03					
1856	185-062-04					
1857	185-062-05					
1858	185-062-06					
1859	185-062-07					
1860	185-063-01					
1861	185-071-01					
1862	185-071-02					
1863	185-071-03					
1864	185-071-04					
1865	185-071-05					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1866	185-071-06					
1867	185-071-07					
1868	185-071-08					
1869	185-071-09					
1870	185-071-10					
1871	185-071-11					
1872	185-072-01					
1873	185-072-02					
1874	185-072-03					
1875	185-072-04					
1876	185-072-05					
1877	185-072-06					
1878	185-072-07					
1879	185-072-08					
1880	185-072-09					
1881	185-072-10					
1882	185-072-11					
1883	185-072-12					
1884	185-072-13					
1885	185-072-14					
1886	185-072-15					
1887	185-072-16					
1888	185-072-17					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1889	185-072-18					
1890	185-073-01					
1891	185-073-02					
1892	185-073-03					
1893	185-073-04					
1894	185-073-05					
1895	185-073-06					
1896	185-073-07					
1897	185-081-01					
1898	185-081-02					
1899	185-081-03					
1900	185-081-04					
1901	185-081-05					
1902	185-082-03					
1903	185-082-04					
1904	185-082-05					
1905	185-082-06					
1906	185-082-07					
1907	185-083-01					
1908	185-083-02					
1909	185-083-03					
1910	185-084-01					
1911	185-084-02					
1912	185-085-01					
1913	185-085-02					
1914	185-085-03					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1915	185-085-04					
1916	185-085-05					
1917	185-086-01					
1918	185-086-02					
1919	185-086-03					
1920	185-087-01					
1921	185-087-02					
1922	185-087-03					
1923	185-087-04					
1924	185-087-05					
1925	185-087-06					
1926	185-091-01					
1927	185-092-01					
1928	185-092-02					
1929	185-092-03					
1930	185-093-01					
1931	185-093-02					
1932	185-093-03					
1933	185-093-04					
1934	185-093-05					
1935	185-093-06					
1936	185-093-07					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1937	185-093-08					
1938	185-093-09					
1939	185-093-10					
1940	185-093-11					
1941	185-094-01					
1942	185-094-02					
1943	185-094-03					
1944	185-094-04					
1945	185-094-05					
1946	185-094-06					
1947	185-094-07					
1948	185-094-08					
1949	185-094-09					
1950	185-094-10					
1951	185-094-11					
1952	185-095-01					
1953	185-095-02					
1954	185-095-03					
1955	185-101-01					
1956	185-101-02					
1957	185-101-03					
1958	185-101-04					
1959	185-101-05					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1960	185-101-06					
1961	185-101-07					
1962	185-101-08					
1963	185-101-09					
1964	185-101-10					
1965	185-101-11					
1966	185-101-12					
1967	185-101-13					
1968	185-101-14					
1969	185-101-15					
1970	185-101-16					
1971	185-101-17					
1972	185-101-18					
1973	185-101-19					
1974	185-101-20					
1975	185-101-21					
1976	185-101-22					
1977	185-101-23					
1978	185-101-24					
1979	185-102-01					
1980	185-102-02					
1981	185-102-03					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
1982	185-102-04					
1983	185-102-05					
1984	185-102-06					
1985	185-102-07					
1986	185-102-08					
1987	185-102-09					
1988	185-102-10					
1989	185-102-11					
1990	185-111-01					
1991	185-111-02					
1992	185-111-03					
1993	185-111-04					
1994	185-111-05					
1995	185-111-06					
1996	185-111-07					
1997	185-111-08					
1998	185-111-09					
1999	185-111-12					
2000	185-111-13					
2001	185-111-14					
2002	185-111-15					
2003	185-111-16					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2004	185-111-17					
2005	185-111-18					
2006	185-111-19					
2007	185-111-20					
2008	185-111-21					
2009	185-111-22					
2010	185-111-23					
2011	185-111-24					
2012	185-111-25					
2013	185-111-26					
2014	185-111-27					
2015	185-111-28					
2016	185-111-29					
2017	185-111-30					
2018	185-111-31					
2019	185-111-32					
2020	185-111-33					
2021	185-111-36					
2022	185-111-37					
2023	185-111-38					
2024	185-111-39					
2025	185-111-40					
2026	185-111-41					

**PART E
LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2027	185-111-42					
2028	185-111-43					
2029	185-111-44					
2030	185-111-45					
2031	185-112-01					
2032	185-112-02					
2033	185-112-03					
2034	185-112-04					
2035	185-112-05					
2036	185-112-06					
2037	185-112-07					
2038	185-112-08					
2039	185-112-09					
2040	185-121-01					
2041	185-121-02					
2042	185-121-03					
2043	185-121-04					
2044	185-121-05					
2045	185-121-06					
2046	185-121-07					
2047	185-121-08					
2048	185-121-09					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2049	185-121-10					
2050	185-121-11					
2051	185-121-12					
2052	185-121-13					
2053	185-121-14					
2054	185-131-01					
2055	185-131-02					
2056	185-131-03					
2057	185-131-04					
2058	185-131-05					
2059	185-131-06					
2060	185-131-07					
2061	185-131-08					
2062	185-131-09					
2063	185-131-10					
2064	185-131-11					
2065	185-131-12					
2066	185-131-13					
2067	185-131-14					
2068	185-131-15					
2069	185-132-01					
2070	185-132-02					
2071	185-132-03					
2072	185-132-04					
2073	185-132-05					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2074	185-132-06					
2075	185-132-07					
2076	185-132-08					
2077	185-132-09					
2078	185-132-10					
2079	185-132-11					
2080	185-132-12					
2081	185-132-13					
2082	185-132-14					
2083	185-132-15					
2084	185-132-16					
2085	185-132-17					
2086	185-132-18					
2087	185-132-19					
2088	185-132-20					
2089	185-132-21					
2090	185-133-02					
2091	185-133-03					
2092	185-133-04					
2093	185-133-05					
2094	185-133-06					
2095	185-133-07					
2096	185-133-08					
2097	185-133-09					
2098	185-133-10					
2099	185-133-11					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2100	185-133-12					
2101	185-133-13					
2102	185-133-14					
2103	185-141-01					
2104	185-141-02					
2105	185-142-01					
2106	185-142-02					
2107	185-142-03					
2108	185-142-04					
2109	185-142-05					
2110	185-142-06					
2111	185-142-07					
2112	185-142-08					
2113	185-142-09					
2114	185-142-10					
2115	185-143-01					
2116	185-143-02					
2117	185-143-03					
2118	185-143-04					
2119	185-143-05					
2120	185-143-06					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2121	185-143-07					
2122	185-143-08					
2123	185-143-09					
2124	185-143-10					
2125	185-143-11					
2126	185-143-12					
2127	185-143-13					
2128	185-143-14					
2129	185-143-15					
2130	185-143-16					
2131	185-143-17					
2132	185-143-18					
2133	185-143-19					
2134	185-143-20					
2135	185-143-21					
2136	185-143-22					
2137	185-143-23					
2138	185-143-24					
2139	185-143-25					
2140	185-144-01					
2141	185-144-02					
2142	185-144-03					
2143	185-144-04					
2144	185-144-05					
2145	185-144-06					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2146	185-144-07					
2147	185-144-08					
2148	185-144-09					
2149	185-144-10					
2150	185-144-11					
2151	185-144-12					
2152	185-144-13					
2153	185-144-14					
2154	185-144-15					
2155	185-145-01					
2156	185-145-02					
2157	185-145-03					
2158	185-145-04					
2159	185-145-05					
2160	185-145-06					
2161	185-145-07					
2162	185-145-08					
2163	185-145-09					
2164	185-145-10					
2165	185-145-11					
2166	185-146-01					
2167	185-146-02					
2168	185-146-03					
2169	185-146-04					
2170	185-146-05					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2171	185-146-06					
2172	185-146-07					
2173	185-146-08					
2174	185-146-09					
2175	185-151-01					
2176	185-151-02					
2177	185-152-01					
2178	185-152-04					
2179	185-153-01					
2180	185-153-02					
2181	185-153-03					
2182	185-153-04					
2183	185-153-05					
2184	185-153-06					
2185	185-153-07					
2186	185-153-08					
2187	185-153-09					
2188	185-153-10					
2189	185-153-11					
2190	185-153-12					
2191	185-153-13					
2192	185-153-14					
2193	185-153-15					
2194	185-153-16					
2195	185-153-17					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2196	185-153-18					
2197	185-153-19					
2198	185-153-20					
2199	185-153-21					
2200	185-154-01					
2201	185-154-02					
2202	185-154-03					
2203	185-154-04					
2204	185-154-05					
2205	185-154-06					
2206	185-154-07					
2207	185-154-08					
2208	185-154-11					
2209	185-154-12					
2210	185-154-13					
2211	185-154-14					
2212	185-154-15					
2213	185-154-16					
2214	185-154-17					
2215	185-154-18					
2216	185-154-19					
2217	185-154-20					
2218	185-154-21					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2219	185-154-23					
2220	185-155-01					
2221	185-155-02					
2222	185-155-03					
2223	185-156-01					
2224	185-156-02					
2225	185-156-03					
2226	185-156-04					
2227	185-156-05					
2228	185-156-06					
2229	185-157-01					
2230	185-157-02					
2231	185-157-03					
2232	185-157-04					
2233	185-157-05					
2234	185-157-06					
2235	185-157-07					
2236	185-157-08					
2237	185-158-01					
2238	185-158-02					
2239	185-161-01					
2240	185-161-02					
2241	185-161-03					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2242	185-161-04					
2243	185-161-05					
2244	185-161-06					
2245	185-161-07					
2246	185-161-08					
2247	185-161-09					
2248	185-161-10					
2249	185-161-11					
2250	185-161-12					
2251	185-161-13					
2252	185-161-14					
2253	185-161-15					
2254	185-161-16					
2255	185-161-17					
2256	185-161-18					
2257	185-162-01					
2258	185-162-02					
2259	185-162-03					
2260	185-162-04					
2261	185-162-05					
2262	185-162-06					
2263	185-162-07					
2264	185-162-08					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2265	185-163-01					
2266	185-163-02					
2267	185-163-03					
2268	185-163-04					
2269	185-163-05					
2270	185-163-06					
2271	185-163-07					
2272	185-163-08					
2273	185-163-09					
2274	185-163-10					
2275	185-163-11					
2276	185-163-12					
2277	185-163-13					
2278	185-163-16					
2279	185-163-17					
2280	185-163-18					
2281	185-163-19					
2282	185-163-20					
2283	185-164-01					
2284	185-164-02					
2285	185-171-01					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2286	185-171-02					
2287	185-171-03					
2288	185-171-04					
2289	185-171-05					
2290	185-171-06					
2291	185-172-01					
2292	185-172-02					
2293	185-172-03					
2294	185-172-04					
2295	185-172-05					
2296	185-173-01					
2297	185-173-02					
2298	185-173-03					
2299	185-173-04					
2300	185-173-05					
2301	185-173-06					
2302	185-173-07					
2303	185-173-08					
2304	185-173-09					
2305	185-173-10					
2306	185-173-14					
2307	185-173-18					
2308	185-173-19					
2309	185-174-01					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2310	185-174-02					
2311	185-174-03					
2312	185-174-04					
2313	185-191-01					
2314	185-191-02					
2315	185-192-01					
2316	185-192-02					
2317	185-192-03					
2318	185-192-04					
2319	185-192-05					
2320	185-193-01					
2321	185-193-02					
2322	185-193-03					
2323	185-193-04					
2324	185-193-05					
2325	185-193-06					
2326	185-193-07					
2327	185-193-08					
2328	185-193-09					
2329	185-193-10					
2330	185-193-11					
2331	185-193-14					
2332	185-193-15					
2333	185-193-16					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2334	185-193-17					
2335	185-193-19					
2336	185-194-01					
2337	185-194-02					
2338	185-194-03					
2339	185-194-04					
2340	185-194-05					
2341	185-194-06					
2342	185-194-07					
2343	185-194-08					
2344	185-194-09					
2345	185-194-10					
2346	185-194-11					
2347	185-194-12					
2348	185-194-13					
2349	185-194-14					
2350	185-195-01					
2351	185-195-02					
2352	185-195-03					
2353	185-195-04					
2354	185-195-05					
2355	185-195-06					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2356	185-195-07					
2357	185-195-08					
2358	185-195-09					
2359	185-195-10					
2360	185-195-11					
2361	185-195-12					
2362	185-195-13					
2363	185-195-14					
2364	185-195-15					
2365	185-195-16					
2366	185-195-17					
2367	185-195-18					
2368	185-195-19					
2369	185-196-01					
2370	185-196-02					
2371	185-196-03					
2372	185-196-06					
2373	185-196-07					
2374	185-196-08					
2375	185-196-09					
2376	185-196-10					
2377	185-197-01					
2378	185-197-02					
2379	185-197-03					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2380	185-197-04					
2381	185-201-01					
2382	185-201-02					
2383	185-201-04					
2384	185-201-06					
2385	185-201-07					
2386	185-201-08					
2387	185-201-09					
2388	185-201-10					
2389	185-201-11					
2390	185-201-12					
2391	185-201-13					
2392	185-201-14					
2393	185-201-15					
2394	185-201-16					
2395	185-201-17					
2396	185-221-01					
2397	185-221-02					
2398	185-221-03					
2399	185-221-04					
2400	185-221-05					
2401	185-221-06					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2402	185-221-07					
2403	185-221-09					
2404	185-221-10					
2405	185-221-13					
2406	185-221-15					
2407	185-221-16					
2408	185-221-17					
2409	185-221-18					
2410	185-221-19					
2411	185-221-20					
2412	185-221-21					
2413	185-221-22					
2414	185-221-23					
2415	185-221-25					
2416	185-221-28					
2417	185-221-30					
2418	185-221-31					
2419	185-222-01					
2420	185-222-02					
2421	185-222-03					
2422	185-222-04					
2423	185-222-05					

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LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2424	185-222-06					
2425	185-222-07					
2426	185-222-08					
2427	185-222-09					
2428	185-251-01					
2429	185-251-02					
2430	185-251-03					
2431	185-251-04					
2432	185-251-05					
2433	185-251-06					
2434	185-252-01					
2435	185-252-02					
2436	185-253-01					
2437	185-253-02					
2438	185-253-03					
2439	185-253-04					
2440	185-253-05					
2441	185-253-06					
2442	185-253-07					
2443	185-254-01					
2444	185-254-02					
2445	185-254-03					
2446	185-254-04					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2447	185-254-05					
2448	185-255-01					
2449	185-255-02					
2450	185-255-03					
2451	185-255-04					
2452	185-255-05					
2453	185-255-06					
2454	185-255-07					
2455	185-255-08					
2456	185-255-09					
2457	185-255-10					
2458	185-255-11					
2459	185-255-12					
2460	185-255-13					
2461	185-256-01					
2462	185-256-02					
2463	185-256-03					
2464	185-256-04					
2465	185-256-05					
2466	185-271-01					
2467	185-271-02					
2468	185-271-03					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2469	185-271-04					
2470	185-271-05					
2471	185-271-06					
2472	185-271-07					
2473	185-271-08					
2474	185-271-09					
2475	185-271-10					
2476	185-271-11					
2477	185-271-12					
2478	185-271-13					
2479	185-271-14					
2480	185-271-15					
2481	185-271-16					
2482	185-272-01					
2483	185-272-02					
2484	185-272-03					
2485	185-272-04					
2486	185-272-05					
2487	185-272-06					
2488	185-272-07					
2489	185-273-01					
2490	185-273-02					
2491	186-041-02					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2492	186-041-03					
2493	186-042-02					
2494	186-042-03					
2495	186-051-05					
2496	186-051-06					
2497	186-051-07					
2498	186-051-08					
2499	186-051-09					
2500	186-051-10					
2501	186-051-11					
2502	186-051-12					
2503	186-051-13					
2504	186-071-03					
2505	186-071-04					
2506	186-071-05					
2507	186-071-09					
2508	186-072-01					
2509	186-072-09					
2510	186-072-10					
2511	186-072-16					
2512	186-072-17					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2513	186-081-05					
2514	186-081-07					
2515	186-081-08					
2516	186-081-09					
2517	186-081-10					
2518	186-081-15					
2519	186-081-16					
2520	186-081-17					
2521	186-081-18					
2522	186-081-19					
2523	186-081-20					
2524	186-081-21					
2525	186-082-01					
2526	186-082-02					
2527	186-091-01					
2528	186-091-02					
2529	186-091-08					
2530	186-091-10					
2531	186-092-01					
2532	186-092-02					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2533	186-092-04					
2534	186-092-05					
2535	186-092-06					
2536	186-092-08					
2537	186-092-09					
2538	186-092-10					
2539	186-092-11					
2540	186-092-12					
2541	186-092-14					
2542	186-101-02					
2543	186-101-03					
2544	186-101-04					
2545	186-101-05					
2546	186-101-06					
2547	186-101-08					
2548	186-101-09					
2549	186-101-10					
2550	186-101-13					
2551	186-101-14					
2552	186-101-15					
2553	186-101-16					
2554	186-101-17					
2555	186-111-01					
2556	186-111-02					
2557	186-112-01					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2558	186-112-02					
2560	186-112-07					
2561	186-112-08					
2562	186-112-14					
2563	186-112-15					
2564	186-112-16					
2565	186-112-18					
2568	186-112-21					
2569	186-112-22					
2559M	186-112-23					
2570	186-121-14					
2571	186-121-17					
2572	186-121-18					
2573	186-121-21					
2574	186-121-24					
2575	186-121-25					
2576	186-121-28					
2577	186-121-29					
2578	186-121-30					
2579	186-121-31					
2582	186-121-36					
2580M	186-121-37					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2583	186-122-07					
2584	186-122-08					
2585	186-131-03					
2586	186-131-04					
2587	186-132-04					
2588	186-132-14					
2589	186-132-15					
2590	186-132-18					
2591	186-132-22					
2592	186-132-23					
2593	186-132-24					
2594	186-132-25					
2595	186-132-26					
2596	186-132-27					
2597	186-132-40					
2598	186-132-41					
2599	186-132-42					
2600	186-141-01					
2601	186-141-02					
2602	186-141-03					
2603	186-141-04					
2604	186-141-05					
2605	186-141-06					
2606	186-141-07					
2607	186-141-09					
2608	186-141-10					

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Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2609	186-141-11					
2610	186-141-15					
2611	186-141-16					
2612	186-141-17					
2613	186-141-20					
2614	186-141-22					
2615	186-141-23					
2616	186-141-24					
2617	186-141-26					
2618	186-141-30					
2619	186-141-31					
2620	186-141-32					
2621	186-141-33					
2622	186-141-34					
2623	186-142-01					
2624	186-142-02					
2626	186-142-05					
2627	186-142-06					
2628	186-142-07					
2630	186-142-14					
2631	186-142-15					
2632	186-142-16					
2633	186-142-17					

**PART E
LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2634	186-142-18					
2635	186-142-19					
2636	186-142-20					
2637	186-142-25					
2638	186-142-26					
2639	186-142-27					
2640	186-142-30					
2642	186-142-32					
2643	186-142-33					
2644	186-142-34					
2645	186-142-35					
2646	186-142-36					
2625M	186-142-37					
2647	186-152-02					
2648	186-152-03					
2649	186-152-10					
2650	186-152-11					
2651	186-153-01					
2652	186-153-02					
2653	186-153-03					
2654	186-153-04					
2655	186-153-05					
2656	186-153-06					
2658	186-153-21					

**PART E
LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2659	186-153-22					
2660	186-153-23					
2661	186-153-24					
2662	186-153-26					
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2664	186-153-36					
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2666	186-153-38					
2667	186-153-44					
2668	186-153-45					
2669	186-153-48					
2670	186-153-49					
2671	186-153-51					
2672	186-153-52					
2673	186-153-53					
2674	186-153-55					
2675	186-153-56					
2676	186-153-57					
2677	186-153-58					
2678	186-153-59					
2679	186-153-60					
2680	186-153-61					
2681	186-153-62					

**PART E
LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2683	186-153-69					
2684	186-153-70					
2657M	186-153-71					
2685	186-470-65					
2686	186-470-66					
#N/A	186-470-74					
#N/A	186-470-75					
#N/A	186-470-77					
#N/A	186-470-78					
2687	186-470-81					
2688	186-470-85					
2689	186-470-87					
2690	186-470-90					
2691	186-470-91					
2692	186-470-93					
#N/A	186-470-98					
2693	186-470-99					
2694	186-491-01					
2695	186-491-02					
2696	186-491-03					
2697	186-491-04					
2698	186-491-05					

**PART E
LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2699	186-491-06					
2700	186-491-07					
2701	186-492-01					
2702	186-492-02					
2703	186-492-03					
2704	186-492-04					
2705	186-492-05					
2706	186-492-06					
2707	186-492-07					
2708	186-492-08					
2709	186-492-09					
2710	186-492-10					
2711	186-492-11					
2712	186-492-12					
2713	186-492-13					
2714	186-492-14					
2715	186-493-01					
2716	186-493-02					
2717	186-493-03					
2718	186-493-05					
2719	186-493-06					
2720	186-493-07					

**PART E
LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2721	186-493-08					
2722	186-493-09					
2723	186-493-10					
2724	186-493-11					
2725	186-493-12					
2726	186-493-13					
2727	186-493-14					
2728	186-493-15					
2729	186-493-16					
2730	186-493-17					
2731	186-493-18					
2732	186-493-19					
2733	186-493-21					
2734	186-493-22					
2735	186-493-23					
2736	186-493-24					
2737	186-493-25					
2738	186-493-26					
2739	186-493-27					
2740	186-493-28					
2741	186-493-29					
2742	186-493-30					
2743	186-494-01					
2744	186-494-02					
2745	186-494-03					
2746	186-494-04					

**PART E
LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2747	186-494-05					
2748	186-495-01					
2749	186-495-02					
2750	186-495-03					
2751	186-495-04					
2752	186-495-05					
2753	186-501-01					
2754	186-501-02					
2755	186-502-01					
2756	186-502-02					
2757	186-502-03					
2758	186-502-06					
2759	186-502-08					
2760	186-502-09					
2761	186-502-10					
2762	186-502-11					
2763	186-502-12					
2764	186-502-13					
2765	186-502-14					
2766	186-502-15					
2767	186-502-16					
2768	186-502-17					
2769	186-502-18					
2770	186-502-19					
2771	186-502-20					

**PART E
LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2772	186-502-22					
2773	186-502-23					
2774	186-502-25					
2775	186-503-01					
2776	186-503-02					
2777	186-503-03					
2778	186-503-04					
2779	186-503-05					
2780	186-503-06					
2781	186-503-07					
2782	186-504-02					
2783	186-504-03					
2784	186-504-04					
2785	186-504-05					
2786	186-504-06					
2787	186-504-08					
2788	186-510-01					
2789	186-510-02					
2790	186-510-03					
2791	186-510-04					
2792	186-510-05					
2793	186-520-01					

**PART E
LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2794	186-520-02					
2795	186-520-03					
2796	186-520-06					
2797	186-520-09					
2798	186-520-10					
2799	186-520-11					
2800	186-520-12					
2801	186-520-13					
2802	186-520-14					
2803	186-520-15					
2804	186-520-16					
2805	186-520-19					
2806	186-520-20					
2807	186-530-01					
2808	186-530-02					
2809	186-530-03					
2810	186-530-06					
2811	186-530-07					
2812	186-530-08					
2813	186-530-09					
2814	186-530-10					
2815	186-530-11					

**PART E
LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
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2817	186-530-13					
2818	186-530-14					
2819	186-530-15					
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2821	186-530-17					
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2823	186-530-19					
2824	186-530-20					
2825	186-530-21					
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2829	186-530-25					
2830	186-530-26					
2831	186-530-27					
2832	186-530-28					
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2834	186-530-30					
2835	186-530-31					
2836	186-530-32					
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2838	186-530-34					
2839	186-530-35					

**PART E
LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2840	186-530-36					
2841	186-530-37					
2842	186-530-38					
2843	186-530-39					
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2845	186-530-41					
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2847	186-530-43					
2848	186-530-44					
2849	186-530-45					
2850	186-530-46					
2851	186-530-47					
2852	186-530-48					
2853	186-530-49					
2854	186-530-50					
2855	186-530-51					
2856	186-530-52					
2857	186-530-53					
2858	186-530-54					
2859	186-530-55					
2860	186-530-56					

**PART E
LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2861	186-530-57					
2862	186-530-58					
2863	186-530-59					
2864	186-530-60					
2865	186-530-61					
2866	186-530-64					
2867	186-530-66					
2868	186-530-67					
2869	186-530-68					
2870	186-540-01					
2871	186-540-02					
2872	186-540-03					
2873	186-540-04					
2874	186-540-05					
2875	186-540-06					
2876	186-540-07					
2877	186-540-08					
2878	186-540-09					
2879	186-540-10					
2880	186-540-11					
2881	186-540-12					
2882	186-540-13					
2883	186-540-14					

**PART E
LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2884	186-540-15					
2885	186-540-16					
2886	186-540-17					
2887	186-540-18					
2888	186-540-19					
2889	186-540-20					
2890	186-540-21					
2891	186-540-22					
2892	186-540-23					
2893	186-540-24					
2894	186-540-25					
2895	186-540-26					
2896	186-540-27					
2897	186-540-28					
2898	186-540-29					
2899	186-540-30					
2900	186-540-31					
2901	186-540-32					
2902	186-540-33					
2903	186-540-34					
2904	186-540-35					
2905	186-540-36					
2906	186-540-37					

**PART E
LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2907	186-540-38					
2908	186-540-39					
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2910	186-540-41					
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2912	186-540-43					
2913	186-540-44					
2914	186-540-45					
2915	186-540-46					
2916	186-540-47					
2917	186-540-48					
2918	186-540-49					
2919	186-540-50					
2920	186-540-51					
2921	186-540-52					
2922	186-551-01					
2923	186-551-02					
2924	186-551-03					
2925	186-551-04					
2926	186-551-05					
2927	186-551-08					

**PART E
LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2928	186-551-09					
2929	186-551-10					
2930	186-551-12					
2931	186-551-14					
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2933	186-551-16					
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2935	186-551-21					
2936	186-551-22					
2937	186-551-23					
2938	186-551-24					
2939	186-551-25					
2940	186-551-26					
2941	186-551-27					
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2944	186-551-30					
2945	186-551-31					
2946	186-551-32					
2947	186-551-33					
2948	186-551-34					

**PART E
LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2949	186-551-35					
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2954	186-551-43					
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2957	186-551-48					
2958	186-551-49					
2959	186-552-01					
2960	186-552-02					
2961	186-552-03					
2962	186-552-05					
2963	186-552-06					
2964	186-552-07					
2965	186-552-08					
2966	186-560-01					
2967	186-560-02					
2968	186-560-03					

**PART E
LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2969	186-560-04					
2970	186-560-05					
2971	186-560-06					
2972	186-560-07					
2973	186-560-08					
2974	186-560-09					
2975	186-560-10					
2976	186-560-11					
2977	186-560-12					
2978	186-560-13					
2979	186-560-14					
2980	186-560-15					
2981	186-560-16					
2982	186-560-17					
2983	186-560-18					
2984	186-560-19					
2985	186-560-20					
2986	186-560-21					
2987	186-560-22					
2988	186-560-23					
2989	186-560-24					
2990	186-560-25					

**PART E
LIST OF PROPERTY OWNERS**

Special Assessment Number	Assessor's Parcel Number	Mail to	Mailing Address	City	State	Zip
2991	186-560-26					
2992	186-560-27					
2993	186-560-28					
2994	186-571-01					
2995	186-571-02					
2996	186-571-03					
2997	186-571-04					
2998	186-571-09					
2999	186-571-10					
3000	186-571-11					
3001	186-571-12					
3002	186-571-22					
3003	186-571-23					
3004	186-571-24					
3005	186-571-25					
3006	186-571-26					

PART F
ASSESSMENT DIAGRAM

See sheets 1 through 35 in Appendix B.

Point San Pedro Road AD Diagram


<https://storage.googleapis.com/proudcity/sanrafaelca/2024/07/3.5-Point-San-Pedro-Road-AD-Diagram-ATTACH-TO-END-OF-ENGINEERS-REPORT.pdf>



Agenda Item No: 6.a
Meeting Date: July 15, 2024

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Police

Prepared by: Carl Huber, Lieutenant 

City Manager Approval: _____

TOPIC: RESPONSE TO THE GRAND JURY REPORT ON E-BIKE SAFETY

SUBJECT: RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE RESPONSE TO THE MARIN COUNTY CIVIL GRAND JURY REPORT TITLED “WITH POWER COMES RESPONSIBILITY - YOUTHS UNDER AGE 16 OPERATING CLASS 2 E-BIKES: A SAFETY RISK”

RECOMMENDATION:
Adopt a resolution approving and authorizing the Mayor to execute the City of San Rafael’s response to the Marin County Civil Grand Jury Report titled, “With Power Comes Responsibility - Youths Under Age 16 Operating Class 2 E-Bikes: A Safety Risk”.

BACKGROUND:
The City is required to respond to the Grand Jury Report. Penal Code Section 933(c) states in part:

“No later than 90 days after the Grand Jury submits a final report...the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body.”

To comply with this statute, the City’s response to this Grand Jury report must be approved by resolution of the City Council and submitted to the Presiding Judge of the Marin County Superior Court and the Foreperson of the Grand Jury on or before July 26, 2024. A proposed resolution is provided as Attachment 1.

On April 26, 2024, the 2023-2024 Marin County Civil Grand Jury released a report entitled “With Power Comes Responsibility -Youths Under Age 16 Operating Class 2 E-Bikes: A Safety Risk” (Attachment 2). The Grand Jury report addresses the increase in the number of e-bikes being operated by Marin youth on streets, trails and multi-use paths as being a major concern. The report indicates that the number of e-bike sales nationwide doubled between the years 2020 and 2021. As of March 2024, Marin’s e-bike accident rate for children ages 10-15 was five times higher than any other age group in the same period. The report addresses the developing legislation at the state level and encourages local municipalities to adopt ordinances placing age limitations on class 2 e-bike use, as well as requirements for helmet use by e-bike riders. The report focuses on what Marin’s elected officials and public administrators can do to educate parents and children on the appropriate and safe operation of e-bikes on public right of ways. This Grand Jury report can also be accessed at the following link:

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

<https://www.marincounty.gov/sites/g/files/fdkgoe241/files/2024-04/with-power-comes-responsibility.pdf>

The Grand Jury Report presents the following findings:

- *F1. The increasing number of e-bike accidents involving youths under the age of 16 presents a public health and safety danger in Marin.*
- *F2. The operation of class 2 e-bikes by persons under the age of 16 poses a significant risk to the safety of e-bike operators, other bike riders, passengers, and pedestrians on sidewalks, streets, multi-use paths, and trails in Marin.*
- *F3. The emerging and increasing safety issues related to class 2 e-bike use by operators under the age of 16 has not been addressed by Marin County or the municipalities in a uniform manner.*
- *F4. For all practical purposes, the State of California has abdicated its responsibility to regulate the use of class 2 e-bikes, leaving it up to the County of Marin and the Marin municipalities to create their own regulations.*
- *F5. The funding to continue the e-bike specific safety and training program (E-bike Smart Marin) provided by the Marin County Bicycle Coalition is not sustainable without new sources of funding.*
- *F6. Marin County public schools are not currently able to implement additional bicycle safety training programs for students, beyond what has been offered by Safe Routes to Schools for many years.*

The Grand Jury Report presents the following list of recommendations:

- *R1. By December 31, 2024, the Board of Supervisors, and each municipality in Marin should take all steps necessary to adopt an ordinance with regard to class 2 e-bikes with, at minimum, the following provisions:*
 - (a) Only people aged 16 or older may operate class 2 e-bikes.*
 - (b) Operators of class 2 e-bikes must wear helmets.*
 - (c) All passengers on class 2 e-bikes must wear helmets.*
- *R2. By December 31, 2024, the County of Marin and each municipality in Marin should take all steps necessary to establish a joint task force or committee to investigate and consider coordination among the county and municipalities about adopting a county-wide uniform set of regulations regarding e-bike use within the County of Marin.*
- *R3. Any task force or committee as described in Recommendation 2, above, should consider inviting representatives from Marin County schools, law enforcement, public health officials, and bicycle advocates to provide their input.*
- *R4. By December 31, 2024, the Board of Supervisors should explore options for additional funding for student and public education in Marin County about e-bike safety.*

ANALYSIS:

The Grand Jury Report dated April 26, 2024, was distributed to the County of Marin and all cities/towns in Marin County.

Staff recommends that the City's response should include any actions taken by the City on the development of an e-bike safety ordinance and clarify the City's role for each of the Grand Jury's findings and recommendations requiring a response from the City.

Responses to Findings:

The Marin Civil Grand Jury has asked the City to respond to findings F1-F6.

F1. The increasing number of e-bike accidents involving youths under the age of 16 presents a public health and safety danger in Marin.

Response: Agree

The City agrees that e-bike incidents involving youth are a significant threat to health and safety in Marin.

F2. The operation of class 2 e-bikes by persons under the age of 16 poses a significant risk to the safety of e-bike operators, other bike riders, passengers, and pedestrians on sidewalks, streets, multi-use paths, and trails in Marin.

Response: Agree

The City agrees that improper or unlawful operation of class 2 e-bikes by youth poses a significant safety risk.

F3. The emerging and increasing safety issues related to class 2 e-bike use by operators under the age of 16 has not been addressed by Marin County or the municipalities in a uniform manner.

Response: Agree

The City agrees that greater coordination among Marin agencies about e-bike policies and enforcement can help deter their unsafe operation. The City is working with other agencies in Marin on a countywide task force to develop findings and recommendations to address this issue.

F4. For all practical purposes, the State of California has abdicated its responsibility to regulate the use of class 2 e-bikes, leaving it up to the County of Marin and the Marin municipalities to create their own regulations.

Response: Agree

The City is committed to working with law enforcement agencies and community members in Marin through participation in a countywide task force develop consistent regulations for e-bike use.

F5. The funding to continue the e-bike specific safety and training program (E-bike Smart Marin) provided by the Marin County Bicycle Coalition is not sustainable without new sources of funding.

Response: Partially Disagree

It is not within the City of San Rafael's realm of responsibility to agree or disagree with this finding. The Marin County Bicycle Coalition is a private nonprofit organization; the City has no administrative or programmatic control over the organization.

F6. Marin County public schools are not currently able to implement additional bicycle safety training programs for students, beyond what has been offered by Safe Routes to Schools for many years.

Response: Partially Disagree

It is not within the City of San Rafael's realm of responsibility to agree or disagree with this finding. This finding pertains to matters relating to Marin County public schools which operate under the control of their respective legislative bodies.

Responses to Recommendations:

The Marin Civil Grand Jury has asked the City to respond to recommendations R1-R4.

R1. By December 31, 2024, the Board of Supervisors, and each municipality in Marin should take all steps necessary to adopt an ordinance with regard to class 2 e-bikes with, at minimum, the following provisions:

- (a) Only people aged 16 or older may operate class 2 e-bikes.**
- (b) Operators of class 2 e-bikes must wear helmets.**
- (c) All passengers on class 2 e-bikes must wear helmets.**

Staff recommend more research and analysis before adopting an e-bike-specific ordinance; however, the City agrees that provisions a through c should, at a minimum, be included.

Staff recommend that a countywide task force be established, as stated in the Civil Grand Jury's Recommendation 2, to discuss and develop uniform regulations for e-bike use. The City will work diligently with other jurisdictions to develop countywide regional regulations and bring an ordinance to the City Council for consideration in the first quarter of 2025.

R2. By December 31, 2024, the County of Marin and each municipality in Marin should take all steps necessary to establish a joint task force or committee to investigate and consider coordination among the county and municipalities about adopting a county-wide uniform set of regulations regarding e-bike use within the County of Marin.

The City agrees with this recommendation and will work with partners in other jurisdictions to establish a taskforce by December 31, 2024.

The City of San Rafael's response is limited to the part of the recommendation to begin the process of collaborating with the County and other municipalities in Marin. Members of the San Rafael Police Department have reached out to allied law enforcement agencies in neighboring communities to begin a coordinated effort in the furtherance of establishing the joint task force to address this issue.

R3. Any task force or committee as described in Recommendation 2, above, should consider inviting representatives from Marin County schools, law enforcement, public health officials, and bicycle advocates to provide their input.

The City agrees with this recommendation and will work with partners in other jurisdictions to implement it by December 31, 2024.

Prior to the publishing of the Marin Civil Grand Jury report, members of the San Rafael Police Department acknowledged the growing issue of e-bike safety within the community. In response, members of the San Rafael Police Department reached out to our community partners, including San Rafael City Schools, Marin bicyclist advocacy groups, e-bike retailers, and concerned residents to obtain their input and participation in addressing the issues of e-bike safety in San Rafael. The City is committed to bringing this inclusive and coordinated approach to the joint task force.

R4. By December 31, 2024, the Board of Supervisors should explore options for additional funding for student and public education in Marin County about e-bike safety.

This recommendation is directed to and pertains to matters solely under the control of the County of Marin Board of Supervisors. Therefore, this recommendation does not require action or a response by the City of San Rafael.

Conclusions

The City is committed to working with partner agencies to develop uniform regulations for class 2 e-bikes, and ongoing community education and engagement about the hazards and safe operation.

COMMUNITY OUTREACH:

The San Rafael Police Department has 15,700 Twitter followers, 16,188 Facebook followers, 4,683 Instagram followers and 37,756 subscribers on Next-door. Prior to the publishing of the Marin County Civil Grand Jury report, these social media platforms were used to distribute a community informational bulletin regarding the characteristics of an e-bike, the safety concerns and state laws around e-bike operation and the potential consequences experienced by those who operate two wheeled electric vehicles that do not qualify as e-bikes. The San Rafael Police Department plans to continue using these platforms as part of an ongoing strategy to communicate with the community as public safety efforts develop around this issue.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

OPTIONS:

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

1. Adopt the resolution.
2. Adopt resolution with modifications.
3. Direct staff to return with more information.

RECOMMENDED ACTION:

Adopt a resolution approving and authorizing the Mayor to execute the City of San Rafael's response to the Marin County Civil Grand Jury Report entitled, "With Power Comes Responsibility - Youths Under Age 16 Operating Class 2 E-Bikes: A Safety Risk".

ATTACHMENTS:

1. Resolution, with attached City Response to the Grand Jury Report
2. Grand Jury Report dated April 26, 2024

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE RESPONSE TO THE MARIN COUNTY CIVIL GRAND JURY REPORT ENTITLED “WITH POWER COMES RESPONSIBILITY YOUTHS UNDER AGE 16 OPERATING CLASS 2 E-BIKES: A SAFETY RISK”

WHEREAS, pursuant to Penal Code section 933(c), a public agency which receives a final grand jury report addressing aspects of the public agency’s operations must, within ninety (90) days, provide a written response to the presiding judge of the Superior Court, with a copy to the foreperson of the grand jury, responding to the report’s findings and recommendations pertaining to matters under the control of the governing body; and

WHEREAS, Penal Code section 933(c) requires that the “governing body” of the public agency provide said response and, in order to lawfully comply, the governing body must consider and adopt the response at a noticed public meeting pursuant to the Brown Act; and

WHEREAS, Penal Code section 933.05 specifies the required contents of a city’s response to findings and recommendations of a civil grand jury; and

WHEREAS, the City Council of the City of San Rafael has received and reviewed the Marin County Grand Jury Report, dated April 26, 2024, entitled “With Power Comes Responsibility Youths Under Age 16 Operating Class 2 E-Bikes: A Safety Risk;” and

WHEREAS, at a regular City Council meeting held on July 15, 2024, the City Council discussed the report’s findings and recommendations.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Rafael hereby:

1. Approves and authorizes the Mayor to execute the City’s response to the Marin County Grand Jury’s April 26, 2024, report, entitled “With Power Comes Responsibility Youths Under Age 16 Operating Class 2 E-Bikes: A Safety Risk,” a copy of which response is attached hereto as Attachment 1 and incorporated herein by reference.
2. Directs the City Clerk to forward the City’s response forthwith to the presiding judge of the Marin County Superior Court, with copy to the foreperson of the Marin County Grand Jury.

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 San Rafael City Council held on the 15th day of July 2024, by the following vote to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

LINDSAY LARA, City Clerk



RESPONSE TO GRAND JURY REPORT FINDINGS AND RECOMMENDATIONS

REPORT TITLE: "With Power Comes Responsibility - Youths Under Age 16 Operating Class 2 E-Bikes: A Safety Risk"
REPORT DATE: April 26, 2024
RESPONSE BY: San Rafael City Council

GRAND JURY FINDINGS

- We agree with the finding(s) numbered: **F1, F2, F3, F4**
- We disagree wholly or partially with the finding(s) numbered: **F5, F6**

GRAND JURY RECOMMENDATIONS

- Recommendations numbered **R2, R3** have not yet been implemented but will be implemented in the future.
- Recommendation numbered **R1** requires further analysis.
- Recommendation numbered **R4** will not be implemented because they are not warranted or are not reasonable.

Date: _____

Signed: _____
Mayor Kate Colin



City of San Rafael Response to Grand Jury Report Findings and Recommendations
“With Power Comes Responsibility - Youths Under Age 16 Operating Class 2 E-Bikes: A Safety Risk”

April 26, 2024

RESPONSE TO GRAND JURY FINDINGS

F1. The increasing number of e-bike accidents involving youths under the age of 16 presents a public health and safety danger in Marin.

Response: Agree

The City agrees that e-bike incidents involving youth are a significant threat to health and safety in Marin.

F2. The operation of class 2 e-bikes by persons under the age of 16 poses a significant risk to the safety of e-bike operators, other bike riders, passengers, and pedestrians on sidewalks, streets, multi-use paths, and trails in Marin.

Response: Agree

The City agrees that improper or unlawful operation of class 2 e-bikes by youth poses a significant safety risk.

F3. The emerging and increasing safety issues related to class 2 e-bike use by operators under the age of 16 has not been addressed by Marin County or the municipalities in a uniform manner.

Response: Agree

The City agrees that greater coordination among Marin agencies about e-bike policies and enforcement can help deter their unsafe operation. The City is working with other agencies in Marin on a countywide task force to develop findings and recommendations to address this issue.

F4. For all practical purposes, the State of California has abdicated its responsibility to regulate the use of class 2 e-bikes, leaving it up to the County of Marin and the Marin municipalities to create their own regulations.

Response: Agree

The City is committed to working with law enforcement agencies and community members in Marin through participation in a countywide task force develop consistent regulations for e-bike use.

F5. The funding to continue the e-bike specific safety and training program (E-bike Smart Marin) provided by the Marin County Bicycle Coalition is not sustainable without new sources of funding.

Response: Partially Disagree



City of San Rafael Response to Grand Jury Report Findings and Recommendations
“With Power Comes Responsibility - Youths Under Age 16 Operating Class 2 E-Bikes: A Safety Risk”

April 26, 2024

It is not within the City of San Rafael’s realm of responsibility to agree or disagree with this finding. The Marin County Bicycle Coalition is a private nonprofit organization; the City has no administrative or programmatic control over the organization.

F6. Marin County public schools are not currently able to implement additional bicycle safety training programs for students, beyond what has been offered by Safe Routes to Schools for many years.

Response: Partially Disagree

It is not within the City of San Rafael’s realm of responsibility to agree or disagree with this finding. This finding pertains to matters relating to Marin County public schools which operate under the control of their respective legislative bodies.

RESPONSE TO GRAND JURY RECOMMENDATIONS

R1. By December 31, 2024, the Board of Supervisors, and each municipality in Marin should take all steps necessary to adopt an ordinance with regard to class 2 e-bikes with, at minimum, the following provisions:

- (a) Only people aged 16 or older may operate class 2 e-bikes.**
- (b) Operators of class 2 e-bikes must wear helmets.**
- (c) All passengers on class 2 e-bikes must wear helmets.**

Staff recommend more research and analysis before adopting an e-bike-specific ordinance; however, the City agrees that provisions a through c should, at a minimum, be included.

Staff recommend that a countywide task force be established, as stated in the Civil Grand Jury’s Recommendation 2, to discuss and develop uniform regulations for e-bike use. The City will work diligently with other jurisdictions to develop countywide regional regulations and bring an ordinance to the City Council for consideration as soon as possible.

R2. By December 31, 2024, the County of Marin and each municipality in Marin should take all steps necessary to establish a joint task force or committee to investigate and consider coordination among the county and municipalities about adopting a county-wide uniform set of regulations regarding e-bike use within the County of Marin.

The City agrees with this recommendation and will work with partners in other jurisdictions to establish a taskforce by December 31, 2024.

The City of San Rafael’s response is limited to the part of the recommendation to begin the process of collaborating with the County and other municipalities in Marin. Members of the San Rafael Police Department have reached out to allied law enforcement agencies in neighboring communities to begin a coordinated effort in the furtherance of establishing the joint task force to address this issue.



City of San Rafael Response to Grand Jury Report Findings and Recommendations
“With Power Comes Responsibility - Youths Under Age 16 Operating Class 2 E-Bikes: A Safety Risk”

April 26, 2024

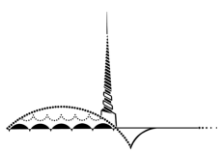
R3. Any task force or committee as described in Recommendation 2, above, should consider inviting representatives from Marin County schools, law enforcement, public health officials, and bicycle advocates to provide their input.

The City agrees with this recommendation and will implement it by December 31, 2024.

Prior to the publishing of the Marin Civil Grand Jury report, members of the San Rafael Police Department acknowledged the growing issue of e-bike safety within the community. In response, members of the San Rafael Police Department reached out to our community partners, including San Rafael City Schools, Marin bicyclist advocacy groups, e-bike retailers, and concerned residents to obtain their input and participation in addressing the issues of e-bike safety in San Rafael. The City is committed to bringing this inclusive and coordinated approach to the joint task force.

R4. By December 31, 2024, the Board of Supervisors should explore options for additional funding for student and public education in Marin County about e-bike safety.

This recommendation is directed to and pertains to matters solely under the control of the County of Marin Board of Supervisors. Therefore, this recommendation does not require action or a response by the City of San Rafael.



With Power Comes Responsibility Youths Under Age 16 Operating Class 2 E-Bikes: A Safety Risk April 26, 2024

SUMMARY

Marin County roads, trails, and paths are enjoyed by many cyclists throughout the year. Over the past decade, the popularity of electric bicycles (e-bikes) has grown, with nationwide e-bike sales almost doubling between 2020 and 2021.¹ E-bikes are now used by all types of bike riders in Marin, including commuters, mountain bikers who need a little help getting up steep trails, riders with disabilities or other physical limitations, casual adult riders, and children. Unfortunately, some riders under the age of 16 are not ready for the power of the e-bikes they are operating. Additionally, some young riders are operating e-bikes that have multiple power modes or after-market modifications that make them illegal. The rate of e-bike accidents in Marin among children aged 10-15 is far higher than it is with any other age groups. This has led bike advocacy groups, law enforcement, and public health officials to issue warnings and advisories to Marin families about the danger of e-bikes for children.

The laws in California and in Marin do not closely regulate e-bike use. California designates three classes of legal e-bikes. All are limited to 750 watt electric motors. Class 1 and class 3 e-bikes only get electric assistance when the pedals are in use, with class 1 limited to 20 mph assisted speed, and class 3 limited to 28 mph assisted speed.² Class 2 e-bikes offer pedal-assist electric power, up to 20 mph, and also have a throttle device which will power the bicycle to move even when the rider does not pedal at all. Many class 2 e-bikes can be easily modified to remove the throttle-assisted speed limit, so those e-bikes can travel much faster than 20 mph. These modified bikes no longer legally qualify as e-bikes. Several bills have been proposed in the California State Legislature to further regulate the use of e-bikes, especially among children under age 16. In addition, a few Marin municipalities have passed ordinances regarding e-bikes.

The Marin Civil Grand Jury conducted an investigation to determine the extent of the problem when children under age 16 operate e-bikes in Marin, and to explore possible solutions. The Grand Jury concluded that children under age 16 who operate class 2 e-bikes in Marin pose a danger to themselves and others. The Grand Jury also concluded that the same dangers do not apply to youths riding class 1 e-bikes in Marin.

¹ Boudway, Ira, *Bloomberg*, “America’s Best-Selling Electric Vehicles Ride on Two Wheels,” January 21, 2022, <https://www.bloomberg.com/news/articles/2022-01-21/u-s-e-bike-sales-outpaced-electric-cars-in-2021>, subscription required (accessed 3/18/24).

² These e-bikes have a sensor to detect the rate of travel. If the bicycle is going 20 mph (class 1 or 2) or 28 mph (class 3), the electric motor is programmed to shut off. Like non-electric bicycles, e-bikes can all travel above those rates, such as when they are coasting downhill.

As a result of its investigation, the Grand Jury recommends that Marin County and each of its municipalities closely communicate with each other about the issues addressed in this report, that they adopt rules limiting use of class 2 e-bikes to operators age 16 and older, and that they require all operators and passengers on class 2 e-bikes to wear helmets. The Grand Jury also recommends that the Marin County Board of Supervisors consider looking into sources of funding for expanded e-bike education efforts.

BACKGROUND

Marin County is very bike-friendly and offers many trails, multi-use paths, and scenic roads. “Biking is built into the fabric and culture of Northern California’s famous getaway Marin County.”³ Many county residents use biking to enjoy the outdoors, enhance their quality of life, improve their health, and reduce automobile traffic. For people who struggle to ride Marin’s rolling hills due to disability, age, or other reasons, e-bikes offer needed power assistance.⁴ While most e-bike riders are responsible and careful, concerns have arisen with regard to throttle-assist, or class 2 e-bikes. The class 2 e-bikes have become very popular with younger riders, including many Marin children under age 16. Unlike class 1 and class 3 e-bikes, which are speed-regulated and only get a power boost while the rider is pedaling, class 2 e-bikes can accelerate quickly with no pedaling at all. They can also be modified to exceed 20 mph.⁵ Class 2 e-bikes are sometimes operated by children and teens in ways that can be unsafe for the riders and others around them.⁶ Unsafe operation of e-bikes on streets and multi-use paths has resulted in injuries to riders, passengers, and pedestrians.⁷

³ Joe Kukura, “Beginner’s Guide to Biking in Marin,” *Marin Convention and Visitor’s Bureau*, January 30, 2018, <https://www.visitmarin.org/blog/biking-in-marin-collection/beginners-guide-to-biking-in-marin/>, (accessed 3/30/24).

⁴ Mitch LaRosa, “E-Bikes Increase Mobility Access for Older Adults and People with Disabilities,” *National Aging and Disability Transportation Center News*, February 24, 2022, <https://www.nadtc.org/news/blog/e-bikes-increase-mobility-access-for-older-adults-and-people-with-disabilities/>, (accessed 3/29/24).

⁵ “How to Make Your E-bike Faster: 7 Easy Ways to Boost E-Bike Speed,” *eBicycles.com*, copyright 2024, <https://www.ebicycles.com/how-to-make-your-ebike-faster/>, (accessed 3/30/24).

⁶ See, e.g., James Tark, “Micromobility Products-Related Deaths, Injuries, and Hazard Patterns: 2017-2022,” *United States Consumer Product Safety Commission Report*, September 2023, <https://www.cpsc.gov/s3fs-public/Micromobility-Products-Related-Deaths-Injuries-and-Hazard-Patterns-2017-2022.pdf?VersionId=BekCvIY03IvMU9nHr2ErziUNXNkPAghJ>, (accessed 3/30/24); this report says e-bike injuries have steadily increased since 2017, including 104 fatalities between 2017 and 2022. Also see Bruno Long, “Woman Dies in Collision with Electric Bike, Leads to Emergency Ban on E-Bikes,” *Bike Mag*, March 1, 2024, <https://www.bikemag.com/ebikes/woman-dies-in-collision-with-electric-bike-leads-to-emergency-ban-on-e-bikes>, (accessed 3/30/24); this article recounts the death of a 66 year old woman after a collision with a 12 year-old riding an e-bike.

⁷ Alex N. Gecan, “Sausalito Pedestrian Dies After E-Bike Collision,” *Marin Independent Journal*, September 20, 2022, <https://www.marinij.com/2022/09/20/sausalito-pedestrian-dies-after-e-bike-collision/>, subscription required (accessed 3/29/24); Michael Cabanatuan, “Two Marin County Communities Are Trying to Rein in ‘Reckless’ Teens on Speedy E-Bikes,” *San Francisco Chronicle*, May 1, 2023, <https://www.sfchronicle.com/bayarea/article/marin-county-e-bikes-teenagers-17923964.php>, subscription required (accessed 3/29/24).

APPROACH

The 2023-2024 Grand Jury conducted confidential interviews and reviewed federal, state, and local laws and regulations; medical articles; both public and non-public records and websites; and news reports from various sources including data available from Marin Health and Human Services on e-bike accidents in Marin. The Grand Jury's interviews included:

- Interviews with local bicycle advocates and bicycle safety experts
- Interviews with local officials including:
 - Marin school personnel
 - Law enforcement officials
 - Public health professionals
 - Elected leaders

This report includes information available as of March 31, 2024.

DISCUSSION

E-bikes have become increasingly popular since they were introduced in the 1990s.⁸ As e-bikes proliferated, a patchwork of laws and regulations were created at various levels of government. In recent years, the use of e-bikes has led to concerns on the part of Marin citizens, law enforcement, school personnel, and health care professionals.

Federal E-bike Regulations

At the federal level, consumer product safety laws define an e-bike, but there are no federal laws pertaining to e-bike use.⁹ Federal law limits the designation as an e-bike to electrically powered bikes of 750 watts or less, with pedals and with limited speed capacity.¹⁰ E-bikes can be powered by the motor alone (a throttle-assist e-bike), and can use a combination of motor and human power (a pedal-assist e-bike). HR 727 essentially makes the sale of such e-bikes legal throughout the country. The definition of e-bikes is also used to distinguish e-bikes from electric motorcycles, mopeds, and other motor vehicles. This is significant primarily because bicycles, including e-bikes, are subject to far fewer age restrictions, licensing, registration, and traffic laws than apply to electric motorcycles, mopeds, other motor vehicles, and their operators.¹¹

⁸ Ali Rogin, Harry Zahn and Simon Epstein, "E-bike Popularity is Surging, Creating Regulatory Challenges on U.S. Roads," *PBS News Weekend/KQED*, October 1, 2023, <https://www.pbs.org/newshour/show/e-bike-popularity-is-surging-creating-regulatory-challenges-on-u-s-roads>, (accessed 3/29/24).

⁹ US House of Representatives bill (HR) 727, amended The Consumer Product Safety Act (15 U.S.C. §§ 2051 et seq.) to define a low-speed electric bicycle as "A two- or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 mph."

¹⁰ The requirement that a bike must have pedals to qualify as an e-bike is notable because if there are no operational pedals (or if it has more than 750 watts of power or can exceed 20 mph using only the throttle) then it is an "electric motorcycle" and it is therefore subject to many of the same laws, regulations and requirements as a regular motorcycle. CVC 400-406.

¹¹ "Motorcycles, Mopeds and Scooters," State of California Department of Motor Vehicles ("Cal DMV") website article, <https://www.dmv.ca.gov/portal/vehicle-registration/new-registration/motorcycles-mopeds-and-scooters/>, (accessed 3/29/24); "Bicyclists & Pedestrians," Cal DMV website article, <https://www.dmv.ca.gov/portal/driver-education-and-safety/special-interest-driver-guides/bicyclists-pedestrians/>, (accessed 3/29/24).

California Vehicle Code E-bike Regulation

Many states have passed laws regulating the use of e-bikes. California Vehicle Code (CVC) section 312.5 establishes three classes of e-bikes:

- Class 1 is a pedal-assist e-bike, without a throttle, that will stop providing electric motor assistance at 20 mph.¹²
- Class 2 is an e-bike that includes a throttle that can power the bike without pedaling, that will stop providing electric motor assistance at 20 mph.¹³
- Class 3 is a pedal-assist e-bike, without a throttle, that will stop providing electric motor assistance at 28 mph.¹⁴

In addition to defining the three classes, CVC section 312.5(b) provides that e-bike operators are subject to the same traffic safety laws that apply to operators of other bicycles.¹⁵ It also requires that bike manufacturers and distributors in California include a permanent label on all e-bikes, indicating the class designation, the top assisted speed, and the motor wattage.¹⁶



Photo of a label on an e-bike for sale in a Marin County store in March 2024.
(Photo courtesy of 2023-2024 Marin County Civil Grand Jury)

¹² CVC § 312.5(a)(1).

¹³ CVC § 312.5(a)(2).

¹⁴ CVC § 312.5(a)(3).

¹⁵ CVC § 312.5(b).

¹⁶ CVC § 312.5(c).

CVC section 21213 also regulates e-bike use throughout California, limiting class 3 e-bike use to operators at least 16 years old, and requiring the use of a helmet for all class 3 operators and passengers.¹⁷ Other California laws state that operators of e-bikes, like operators of regular bikes, must follow traffic laws,¹⁸ that operators of e-bikes must ride in the same direction as traffic,¹⁹ and that users of any class of e-bike under age 18 must always wear helmets.²⁰

Proposed Amendments to California E-bike Regulations

A 2023 California Assembly bill, AB 530, proposed licensing requirements and a minimum age of 12 for class 1 and class 2 e-bike users. However, that bill died in the Assembly in January 2024 after facing criticism over the bureaucracy needed for licensing and enforcement.²¹

Another Assembly bill, AB 1778, which was sponsored by Marin’s District 12 Assemblymember Damon Connolly, was introduced in the state legislature to amend CVC sections 312.5 and 21213. AB 1778 originally sought to amend the Vehicle Code to limit the operation of class 2 e-bikes to people 16 and older, to require that all class 2 e-bike operators and passengers wear helmets, and to mandate that e-bikes cannot exceed the speeds of their class designation.²²

In March 2024, AB 1778 was significantly amended. The new bill would make Marin County a test case for comprehensive new e-bike laws. If passed, Marin municipalities, including the county and all cities and towns, would be authorized to pass ordinances regulating e-bike use. Some details of the suggested ordinances include the same limits as the original bill regarding age and speed, and also include rules regarding warnings, citations, fines, safety training classes, and data collection on traffic stops involving e-bikes. Marin would then have to send a report to the state regarding the data it collects.²³

On February 29, 2024, California Senate bill SB 1271 was introduced with the goal of clarifying the law regarding multiple-mode e-bikes.²⁴ These are e-bikes that can be switched between lower-power and higher-power modes, which means they may be a class 2 e-bike in one mode, but not a legal e-bike at all in one or more other modes.²⁵ The original version of SB 1271 required that multiple-mode e-bikes be labeled with all of the class numbers of modes in which the bike is capable of operating. It also stripped devices of their e-bike designations if any mode did not “fully conform with the respective class definition when operated in each mode.”²⁶ In

¹⁷ CVC § 21213(a) is the age requirement; CVC § 21213(b) is the helmet requirement.

¹⁸ CVC § 21200(a)(1).

¹⁹ CVC § 21650.1.

²⁰ CVC § 21212(a).

²¹ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB530, (accessed 3/17/24).

²² https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1778, (accessed 3/17/24).

²³ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1778, (accessed 3/17/24).

²⁴ California Bill SB1271, introduced 2024-02-29 by Senator Min, <https://legiscan.com/CA/text/SB1271/id/2930784> (bill as introduced, accessed 3/13/24) and <https://legiscan.com/CA/text/SB1271/2023>, (bill as amended on February 15, 2024, accessed 3/29/24).

²⁵ For example, as of March 31, 2024, the electric bicycle brand Super73 was advertising a “Super73-R Adventure Series” e-bike as going “20+ MPH” and having “Classes 1/2/3” and also “Off-Road” mode. <https://super73.com/>, (accessed 3/31/24). See also Matt Jancer, “What are Ebike ‘Classes’ and What Do They Mean?”, *Wired*, October 5, 2023, <https://www.wired.com/story/guide-to-ebike-classes/>, (accessed 3/31/24).

²⁶ <https://legiscan.com/CA/text/SB1271/2023>, accessed 3/18/2024, at Sec. 1, 312.5(d).

other words, a multiple-mode e-bike that has even one mode that is too fast or too powerful to qualify as an e-bike under CVC section 312.5, would automatically be considered an electric motorcycle, not a bicycle at all. SB 1271 was amended in February 2024, leaving the labeling requirement but removing the rest of the multiple-mode restrictions. Both versions of SB 1271 also propose minimum safety standards for batteries on all e-bikes sold, rented, or leased in California, in order to prevent battery fires.

E-bike Regulations in Marin County

County of Marin Bike Laws

Marin County allows class 1 and class 2 e-bikes on public roads and parking lots, on county-owned paved bicycle and multi-use pathways, and in other areas where signs granting permission are posted. This includes the Mill Valley-Sausalito Bike Path and the Corte Madera Creek Pathway.²⁷ E-bikes are not allowed on unpaved trails in Marin Open Space District and Preserve lands and are not allowed on sidewalks anywhere.²⁸ Class 3 e-bikes are allowed on public roads and parking lots, but they are otherwise prohibited within parks and on bike paths unless signs allowing them are posted. Bicycles of all kinds are subject to a 15 mph speed limit on all county-maintained paths except portions of the Mill Valley-Sausalito multi use path, where the speed limit is 10 mph.²⁹ All classes of e-bikes are currently prohibited on Marin Municipal Water District (Marin Water) lands, except on public roads and parking lots.³⁰ However, Marin Water is currently in the process of evaluating class 1 e-bike access to its trails and fire roads. As part of that process, Marin Water has allowed class 1 e-bike access to its fire roads for a substantial period of time.

Mill Valley E-bike Ordinance

Besides the county, several Marin municipalities also have their own e-bike laws. Mill Valley Municipal Code (MVMC) section 10.04.140 prohibits e-bikes from being ridden on sidewalks and certain other areas. MVMC section 10.30 specifically regulates electric mobility devices, including e-bikes.³¹ In 2023, Mill Valley police began to issue citations for e-bike operators who violate these laws.

Pursuant to Mill Valley's ordinance, if the operator violating the ordinance is a juvenile, they may attend a "diversion safety program" in lieu of a fine or administrative citation.³² Mill Valley partnered with the Marin County Bicycle Coalition (MCBC), which offers a two hour e-bike

²⁷ "Supervisors Approve Change to E-Bikes Policy," *County of Marin News Release*, (September 24, 2019), <https://www.marincounty.org/main/county-press-releases/press-releases/2019/parks-ebikes-092419>, (accessed 3/31/24); also see Marin Municipal Code ("MCC") Chapter 13.24, "Bicycles" and Chapter 10.05, "Vehicle and Traffic Regulations."

²⁸ MMC § 10.05.030 and MMC § 13.24.030; "Supervisors Approve Change to E-Bikes Policy."

²⁹ MMC § 10.05.050 and "Supervisors Approve Change to E-Bikes Policy."

³⁰ See, <https://www.marinwater.org/visiting-mt-tam>, (accessed 3/31/24) which states in part, "E-Bikes are not currently allowed on the watershed."

³¹ MVMC §§ 10.30.010-10.30.060.

³² MVMC § 10.30.050(A).

safety course once every few months. The class costs \$150 for youth who were issued citations, or \$25 for people taking the course without having been cited.³³

However, during its investigation, the Grand Jury determined that the original grant funds provided to MCBC to conduct these safety courses are running out. The classes include on-road instruction as well as a classroom component. The classes are supervised by multiple highly trained and certified instructors, so they cannot be provided inexpensively. The Grand Jury also determined that the classes could continue and potentially even be expanded, if additional grant funds are found.

These classes are no longer available to youths using certain class 2 e-bikes, however. Specifically, any multiple mode bike, or modified bike, that can exceed the limits of CVC section 312.5 cannot be used for the safety class. On March 1, 2024, MCBC made the following announcement on its webpage:

UPDATE March 1, 2024: MCBC is unable to accept any device with the capability of operating “out-of-class”. These devices are not considered an e-bike, and fall into the category of a motor vehicle. Any product that is capable of reaching speeds greater than 20 mph on motor assistance alone will not be accepted in class. The Super73’s are incredibly common in Marin, and unfortunately most of their models fall into the “out-of-class” category that we can no longer accept in our classes.³⁴

San Anselmo E-bike Ordinances

San Anselmo Municipal Code section 3-5.304 states that all bike riders must follow the same rules of the road as vehicle drivers. Section 3-5.803 of the code prohibits vehicles on sidewalks. Therefore, bikes, including e-bikes, are not allowed on San Anselmo sidewalks. Following an accident involving an e-bike, San Anselmo also decreed that e-bikes cannot be ridden in Memorial Park, except on a single multi-use pathway. E-bikes may be walked through the paths in the park, and non-motorized bicycles are allowed on the paths “at a safe speed.”³⁵

Other Proposed Ordinances

Other jurisdictions in Marin are also considering e-bike ordinances. The Marin Independent Journal reported in October 2023 that for safety reasons, Novato officials were considering new e-bike rules similar to those in Mill Valley.³⁶ This report followed a 4-1 vote by the Novato City Council to discuss “consideration of an electric mobility device ordinance.”³⁷ As of March 31, 2024, Novato had not adopted an e-bike ordinance.

³³ Marin County Bicycle Coalition, E-Bike Smart Marin webpage, <https://connect.clickandpledge.com/w/Form/3944a87e-4ef8-40d9-a4f3-4c5c67df8f51>, (accessed 3/18/24).

³⁴ Marin County Bicycle Coalition, E-Bike Smart Marin webpage, <https://marinbike.org/our-programs/road-advocacy/e-bike-smart-marin/>, (accessed 3/18/24).

³⁵ “Electric Bicycles (E-bikes) and Electric Scooters (E-scooters) Road Rules and Laws,” Town of San Anselmo website, <https://www.townofsananselmo.org/1576/Electric-Bicycles-E-bikes-and-Electric-S>, (accessed 3/31/24).

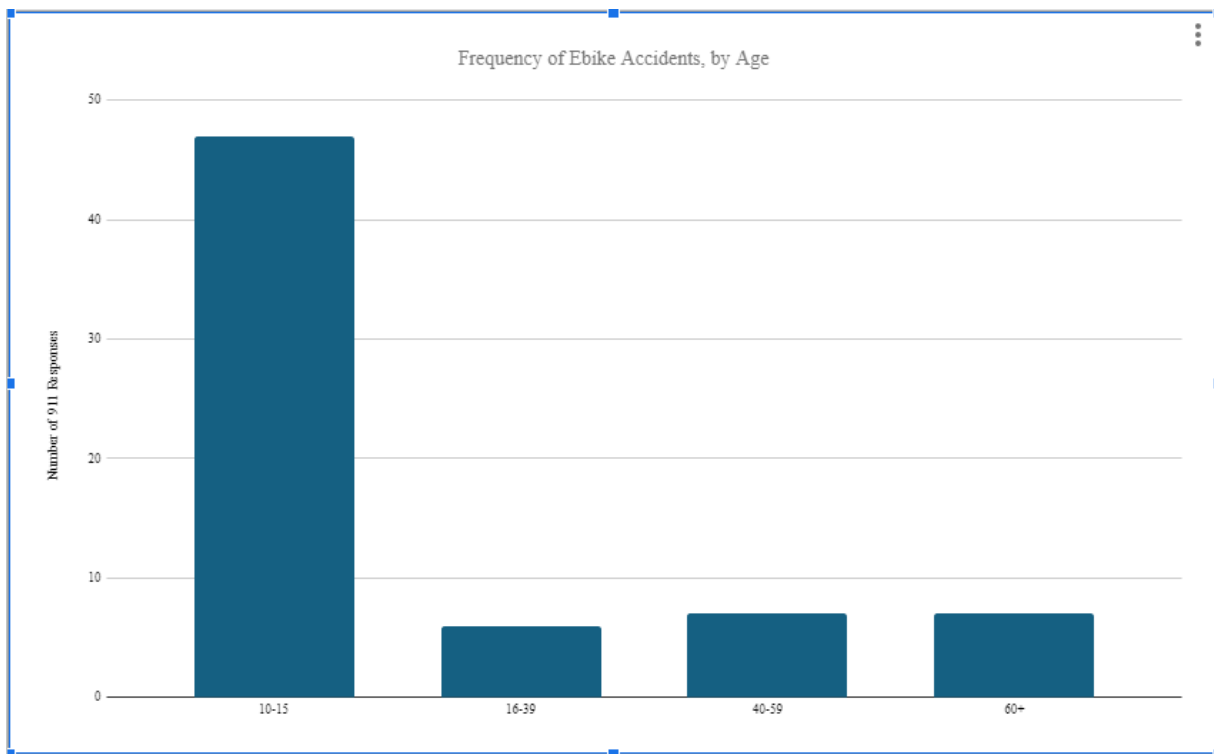
³⁶ <https://www.marinij.com/2023/10/12/novato-to-consider-regulations-for-electric-bikes-scooters>, (accessed 3/17/24).

³⁷ Novato City Council October 10, 2023 Meeting Minutes, page 2, Item E.1. novato.granicus.com/DocumentViewer.php?file=novato_bea6927b66550ead9591b6828b297d78.pdf&view=1, accessed 03/17/2024.

Public Health Concerns About E-bike Safety

The Grand Jury interviewed dozens of Marin citizens and officials about the e-bike situation, including public health officials, law enforcement officers, school personnel, bicycle advocates, and elected officials; all interviews are confidential. All of them expressed personal concerns about e-bike safety, especially with regard to children on e-bikes. Many interviewees related anecdotes about observing dangerous behavior involving young e-bike operators, including tandem riding, riding without helmets, speeding, riding on sidewalks, and zipping through automobile traffic.

The best data source on e-bike injury patterns is Marin County’s Bicycle Safety online dashboard, which began tracking bicycle accident data in October 2023.³⁸ As of March 16, 2024, Marin’s e-bike accident rate was 47 per 100,000 for children aged 10-15, a rate more than five times as high as any other age group (16-39, 40-59, and 60+).³⁹



E-Bike (All Clases) Accident Rates by Age in Marin County From October 7, 2023 to March 16, 2024 (Data Source: Marin Department of Health and Human Services)⁴⁰

³⁸ <https://www.marinhhs.org/bicycle-safety> (accessed 3/21/2024)

³⁹ Marin County Health and Human Services Bicycle Safety Dashboard, <https://www.marinhhs.org/bicycle-safety>, (accessed 3/18/2024).

⁴⁰ Marin County Bicycle Safety Dashboard, <https://www.marinhhs.org/bicycle-safety>, accessed 3/17/24.

The risk of injury to class 2 e-bike operators is compounded by the fact that although the e-bikes are designed to operate at a top assisted speed of 20 mph, for many models of class 2 e-bikes, a simple adjustment can override this limit.⁴¹ In addition to exceeding the 20 mph assisted speed limit, these e-bikes can achieve rapid acceleration without pedaling, unlike class 1 and class 3 e-bikes. As was noted in one national article, class 2 e-bikes are too fast for sidewalks and paths, but they are too slow to be safe for street traffic.⁴² Several interviewees observed that younger riders sometimes start on Class 2 e-bikes without any past experience on traditional bikes and lack basic road skill and knowledge of traffic laws. Class 2 e-bikes are becoming less expensive and therefore more popular, and their use is likely to increase injury and accident rates.

The perception that the use of class 2 e-bikes presents increasing public safety risk was confirmed by a Public Safety Alert issued on November 14, 2023 by Dr. Matt Willis, Marin County's Public Health Officer, entitled "*New Data Prompt E-Bike Safety Alert, Rate of injuries among school-aged children is increasing in Marin.*"⁴³ In the Safety Alert, it was noted that during the first month that Marin collected data for the bicycle safety dashboard, "the rate of e-bike accidents for youth ages 10 to 19 years old was nine times higher than that for residents over 20 years old."⁴⁴ In addition, trauma surgeons at Marin Health alerted the public to increasing injury rate among 10-15 year old e-bike operators.⁴⁵ These trauma surgeons noted a dramatic increase in e-bike incidents resulting in serious injuries, some of which have resulted in fatalities. Assemblymember Connolly, when introducing AB 1778, referred to this "shocking increase in accidents" for kids in Marin as the reason for the proposed new law.⁴⁶

Law Enforcement and E-Bike Safety

In confidential interviews with the Grand Jury, multiple law enforcement officials in Marin agreed that e-bikes can be dangerous for young people, but many also said enforcement is complicated because chasing down kids on e-bikes can be dangerous in itself. They also described difficulties determining the age of an operator, the speed being traveled, and the class of e-bike while the bike is in motion. Finally, law enforcement as well as Marin school personnel and bike safety experts are reluctant to have young riders' first interaction with law enforcement

⁴¹ "How to Make Your E-bike Faster: 7 Easy Ways to Boost E-Bike Speed," *eBicycles.com*, copyright 2024, <https://www.ebicycles.com/how-to-make-your-ebike-faster/>, (accessed 3/30/24).

⁴² Matt Richtel, "A Dangerous Combination: Teenagers' Accidents Expose E-Bike Risks," *New York Times*, July 29, 2023, www.nytimes.com/2023/07/29/health/ebikes-safety-teens.html, requires subscription (accessed 3/29/24)

⁴³ Dr. Matthew Willis, "News Release: New Data Prompt E-Bike Safety Alert, Rate of injuries among school-aged children is increasing in Marin," *Marin County Department of Health and Human Services*, November 14, 2023, <https://www.marincounty.org/main/county-press-releases/press-releases/2023/hhs-ebike-safety-111423>, (accessed 3/17/24).

⁴⁴ Willis, "News Release: New Data Prompt E-Bike Safety Alert, Rate of injuries among school-aged children is increasing in Marin."

⁴⁵ Dr. John Maa and Dr. Edward Alfrey, "*Trauma surgeons make plea for more e-bike safety*," *Marin Independent Journal*, December 6, 2023, <https://www.marinij.com/2023/12/06/marin-voice-trauma-surgeons-make-plea-for-more-e-bike-safety/>, (accessed 3/31/24); Abstract Submitted for presentation to the 19th Annual Congress of Association For Academic Surgery, Feb 6-8, 2024, Washington DC, E. Alfrey, M. Carroll et.al., *You Are More Likely To Die If You Crash Your E-Bike Than Your Pedal Bike: It's Time For Legislation*.

⁴⁶ "Assemblymember Connolly Introduces Bill to Reduce E-Bike Collisions," *Website for District 12 Assemblymember Damon Connolly*, January 3, 2024, <https://a12.asmdc.org/press-releases/20240103-assemblymember-connolly-introduces-bill-reduce-e-bike-collisions>, (accessed 4/1/24).

be an e-bike stop. All these people opined that bike safety training and education are more positive uses of community resources. They also support the MCBC e-bike safety course. However, that popular program is currently without sufficient funding to accommodate everyone in Marin that might benefit from it.

It is difficult for first responders to capture information about the specific e-bike model at an accident scene because:

- The required CHP form utilized by all law enforcement organizations in Marin has not been updated since the proliferation of e-bikes. It does not currently contain a section to collect data providing an accurate selection of e-bikes options.⁴⁷
- The 911 responders' primary purpose at an accident scene is to address safety and attend to injuries, not to determine the class of e-bike.
- It can be difficult to easily identify the class or power of an e-bike despite CVC section 312.5's directive that all e-bikes be clearly labeled with the class, top speed, and wattage.

While better data on e-bike accidents would be ideal, both public health and law enforcement officials told the Grand Jury that it would be difficult or impossible to require first responders to record that information, for all the reasons above. It is therefore unrealistic to add a greater data collection burden on first responders attending to bicycle accidents in Marin.

School Concerns About E-bike Safety

Many Marin school campuses have “walk your wheels” rules that prohibit children from riding bikes, skateboards, and scooters on school grounds. For those campuses, e-bikes are not a particular problem, but school personnel interviewed by the Grand Jury agreed they have seen students riding unsafely off campus. Nearly 60 of Marin's 75 public schools participate in the Safe Routes to Schools program which is funded by the Transportation Authority of Marin and run by MCBC personnel. About 29,000 Marin students participate each year, learning safe bicycling and pedestrian safety skills from professional instructors.⁴⁸ As discussed earlier in this report, MCBC also runs an e-bike safety program that was funded by a one-time grant. Such a program cannot currently be added to the Safe Routes to Schools curriculum because of a lack of funds, particularly the cost of certified instructors for the on-road portion of the classes.

At least one California school district, Carlsbad Unified in San Diego County, has a permitting program for regular bikes and e-bikes.⁴⁹ Students there must complete an application and an online safety class, after which they receive a sticker for their bike. Bikes without stickers are not allowed onto any campus in the district. No school in Marin, as of April 1, 2024, has any similar program. School personnel in Marin told the Grand Jury that while they think e-bike safety training for students is a good idea, it is not feasible for their schools to have responsibility for

⁴⁷ [Chapter 14 \(nhtsa.gov\)](#) (accessed 4/2/24)

⁴⁸ “About Safe Routes to Schools,” *Safe Routes to Schools/Transportation Authority of Marin website*, copyright 2024, <https://www.saferoutestoschools.org/about/>, (accessed 4/1/24).

⁴⁹ “Bike and eBike Safety,” *Carlsbad Unified School District website*, copyright 2024, https://carlsbadusd.net/11885_3, (accessed 4/1/24).

such training. All agree that schools also are not equipped to enforce e-bike laws, such as the age limits on class 3 e-bikes, or any new age restrictions on class 2 e-bikes.

College of Marin, with campuses in Kentfield and Novato, allows all legal e-bikes. Interestingly, though, there is a trend throughout California state universities and other community colleges, for the schools to ban e-bike use on campus.⁵⁰ Based on its website, Dominican University in San Rafael does not ban e-bikes.

Bicycle Advocate and Bike Safety Experts' Views

The Grand Jury interviewed Marin bicycle advocates and bicycle safety experts, who agreed that e-bikes serve as a very useful tool for commuters, older adults, and other people with limitations that impact their ability to ride regular bikes. Most oppose any widespread ban or extreme limits on the use of e-bikes, including on Marin Water and County lands. However, there was consensus that the current situation, with many Marin children under age 16 using powerful class 2 e-bikes, some modified to exceed legal speeds, is a danger to the children and the community. The majority of these interviewees also agreed it would make sense for Marin to have uniform laws about e-bikes, so that riders traveling through county-controlled land and various Marin cities and towns, will not face different rules every few miles.

Now Is The Time for Action

E-bike accidents involving youths under the age of 16 are on the rise in Marin County. There is widespread consensus that class 2 e-bikes are too easily modified to exceed legal speed limits. The laws regarding operators and passengers of class 2 e-bikes under the age of 16 are inconsistent and in a state of flux. There is a compelling need for uniform and consistent rules and regulations regarding class 2 e-bikes across the entire county. Now is the time to act.

Based on established California law, and as a result of its investigation, the Grand Jury makes the following findings and recommendations.

⁵⁰ Christina Chkarboul and Jada Portillo, "Are electric bikes allowed at your college in California? Depends on where you go to school," *Cal Matters*, November 20, 2023, <https://calmatters.org/education/higher-education/college-beat/2023/11/electric-bikes-college-campuses/>, (accessed 4/1/24).

FINDINGS

- F1.** The increasing number of e-bike accidents involving youths under the age of 16 presents a public health and safety danger in Marin.
- F2.** The operation of class 2 e-bikes by operators under the age of 16 poses a significant risk to the safety of e-bike operators, other bike riders, passengers, and pedestrians on sidewalks, streets, multi-use paths, and trails in Marin.
- F3.** The emerging and increasing safety issues related to class 2 e-bike use by operators under the age of 16 has not been addressed by Marin County or the municipalities in a uniform manner.
- F4.** For all practical purposes, the state of California has abdicated its responsibility to regulate the use of class 2 e-bikes, leaving it up to the County of Marin and the Marin municipalities to create their own regulations.
- F5.** The funding to continue the e-bike specific safety and training program (E-bike Smart Marin) provided by the Marin County Bicycle Coalition is not sustainable without new sources of funding.
- F6.** Marin County public schools are not currently able to implement additional bicycle safety training programs for students, beyond what has been offered by Safe Routes to Schools for many years.

RECOMMENDATIONS

The Grand Jury recommends that:

- R1.** By December 31, 2024, the Board of Supervisors, and each municipality in Marin should take all steps necessary to adopt an ordinance with regard to class 2 e-bikes with, at minimum, the following provisions:
 - (a) Only people aged 16 or older may operate class 2 e-bikes.
 - (b) Operators of class 2 e-bikes must wear helmets.
 - (c) All passengers on class 2 e-bikes must wear helmets.
- R2.** By December 31, 2024, the County of Marin and each municipality in Marin should take all steps necessary to establish a joint task force or committee to investigate and consider coordination among the county and municipalities about adopting a county-wide uniform set of regulations regarding e-bike use within the County of Marin.
- R3.** Any task force or committee as described in Recommendation 2, above, should consider inviting representatives from Marin County schools, law enforcement, public health officials, and bicycle advocates to provide their input.
- R4.** By December 31, 2024, the Board of Supervisors should explore options for additional funding for student and public education in Marin County about e-bike safety.

REQUIRED RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requires responses from the following governing bodies to each of the Grand Jury's Findings (F1-F6) and Recommendations (R1 (a), (b), and (c); and R2-R4) within 90 days, as follows:

- Marin County Board of Supervisors
- City of Belvedere
- City of Larkspur
- City of Mill Valley
- City of Novato
- City of San Rafael
- City of Sausalito
- Town of Corte Madera
- Town of Fairfax
- Town of Ross
- Town of San Anselmo
- Town of Tiburon

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code section 933 (c) and subject to the notice, agenda and open meeting requirements of the Brown Act.

Note: At the time this report was prepared information was available at the websites listed.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Digital Service and Open Government

Prepared by: Sean Mooney
Director Digital Service and Open
Government

City Manager Approval: _____

TOPIC: RESPONSE TO GRAND JURY REPORT – CYBER PREPAREDNESS - ARE WE THERE YET?

SUBJECT: RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE RESPONSE TO THE MARIN COUNTY CIVIL GRAND JURY REPORT ENTITLED – CYBER PREPAREDNESS - ARE WE THERE YET?

EXECUTIVE SUMMARY:

The Marin County Civil Grand Jury (Grand Jury) published a report entitled *Cyber Preparedness - Are We There Yet?* The Grand Jury report lists six findings and ten suggested recommendations to increase cybersecurity preparedness in municipalities within Marin County. The Grand Jury requested that the City of San Rafael (City) review and respond to the findings and suggested recommendations, which focus on third party contracts for Information Technology (IT) managed service providers, insurance risk pools, cybersecurity plans, joint power authorities (JPAs), business continuity, and collective bargaining. A response to this report has also been requested of the County of Marin and the other jurisdictions in Marin. The City’s written response must be submitted to the Grand Jury by August 17, 2024.

RECOMMENDATION: Adopt the attached resolution approving and authorizing the City of San Rafael’s Mayor to execute the response to the Grand Jury report about cybersecurity.

BACKGROUND:

The City is required to respond to the Grand Jury report. Penal Code section 933(c) states, in relevant part:

“No later than 90 days after the Grand Jury submits a final report...the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body.”

The City’s response to the Grand Jury report must be approved by resolution of the City Council and submitted to the presiding judge of the Marin County Superior Court on or before August 17, 2024.

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

In 2020, the Marin County Civil Grand Jury published a report, *Cyberattacks: A Growing Threat to Marin Government*. In the three years since that report, six Marin municipalities have been targets of cyberattacks. Additionally, cyberattacks have continued in the public and private sector prompting President Biden to issue Executive Order 14028 to improve the nation's cybersecurity. Due to the ongoing threats of cyberattacks, the Grand Jury decided to investigate the state of cybersecurity at Marin's agencies.

On May 17, 2024, the Marin County Civil Grand Jury released a report entitled *Cyber Preparedness - Are We There Yet?* (Grand Jury Report). This Grand Jury report focuses on cybersecurity best practices, third party providers of IT, Information Systems (IS), and cybersecurity services, cybersecurity plans, insurance risk pools, joint power authorities, and the impact of collective bargaining agreements on establishing managed service providers at Marin County. This Grand Jury report can be accessed at the following link:

https://www.marincounty.gov/sites/g/files/fdkgoe241/files/2024-05/cyber-preparedness-are-we-there-yet_0.pdf

The Grand Jury's methodology used for preparing this report included:

- Interviews with representatives from different County agencies, each of Marin's 11 towns and cities, members of water, health, sanitation, and utility districts, and third part organization providing IT and cybersecurity services to the County and to Marin's towns and cities and;
- Review of articles, surveys, and research papers concerning cybersecurity practices

The "Discussion" section of the Grand Jury report outlines the responsibilities of Marin Department of Information Services and Technology (IST) and reviews the best practices for cybersecurity that all agencies should employ. The report includes a review of the scope and services IT managed service providers should include as part of their agreements with agencies in Marin, identifies the importance of cybersecurity plans and insurance risk pools to ensure continuity of operations in the case of an attack, and includes a review of the MIDAS network which is in use by many Marin County public agencies (including the City of San Rafael) and Sonoma Marin Area Rail Transit (SMART). Finally, the report discusses the role of collective bargaining in the negotiation process to deploy managed service providers. The report finds that overall cybersecurity preparedness has improved since the 2019-2020 Grand Jury report and outlines findings and recommendations for agencies to remain vigilant.

The Grand Jury report findings are:

- F1. Contracts for Information Technology, Information Systems, and Cybersecurity services between third-party providers and Marin County governmental agencies should contain a Business Continuity clause, or other language, protecting that agency from a sudden cessation of services provided by the third-party provider.*
- F2. Marin County municipalities should have current, written contracts with third-party providers of Information Technology, Information Systems, and Cybersecurity services, and should not continue to use those providers' services without a current contract.*
- F3. Membership in insurance risk pools provides the benefits of cybersecurity assessments and audits, which highlight cybersecurity deficiencies and make suggestions for improvement.*

- F4. Having a completed, adopted and regularly updated cybersecurity plan helps ensure that all staff within a government agency are working together to optimize that organization's cyber preparedness and security.*
- F5. Joint Powers Authorities in Marin County exist to provide more efficient and cost-effective services to the people of Marin.*
- F6. The current County Collective Bargaining Agreements prevent the Marin County Department of Information Systems & Technology from unilaterally negotiating managed service agreements (outsourcing work to third parties)*

The Grand Jury report recommendations are:

- R1. Marin agencies should require a current (executed within the last five years), competitively-bid, written contract which includes business continuity language for any third-party Information Technology services they use.*
- R2. The Board of Supervisors should authorize the creation of a new position within the Department of Information Services and Technology for the 2025-2026 fiscal year, with specific responsibilities to assist other County agencies in cybersecurity awareness, training, implementation, and monitoring of cybersecurity systems.*
- R3. The Board of Supervisors should require that the Marin Department of Information Services and Technology evaluate the formation of a Cybersecurity Joint Powers Authority to raise overall cyber preparedness amongst its members, and for the purpose of acquiring and maintaining perimeter defense protection systems for preventing and eliminating ransomware and other more sophisticated cyberattacks.*
- R4. The Board of Supervisors should create two new system-engineering positions to be filled by cybersecurity experts who would be responsible for conducting security risk assessments, providing recommendations and implementing cybersecurity solutions for public agencies in Marin, among their other tasks.*
- R5. If and when a Joint Powers Authority is created, one of these positions would serve as a County member of the new organization and a liaison with the Chief Information Security Officer.*
- R6. All Marin municipalities should:*
 - a) take all steps necessary to acquire an appropriate .gov or .ca.gov domain;*
 - b) formulate and adopt a plan for rolling out a .gov or .ca.gov website and emails by the start of the 2025-2026 Fiscal Year.*
- R7. The Board of Supervisors should require that the Marin Department of Information Services and Technology:*
 - a) develop a plan to redefine a secure network infrastructure of the MIDAS system which solely focuses on providing access to law enforcement, emergency response and justice systems, or other online County services, and exclude Internet Service Provider services;*
 - b) take all steps necessary to transition administration of MIDAS from Marin IT to The County of Marin Department of Information Services and Technology.*
- R8. The Board of Supervisors require that the Marin Department of Information Services and Technology and the Department of Human Resources develop a plan for negotiating the inclusion of language*

that allows for managed service agreements in new Collective Bargaining Agreements with MAPE and MCMEA that will start in July of 2025.

R9. The Board of Supervisors requires that the Marin Department of Information Services and Technology update its Top 10 Cybersecurity Tips for Organizations at least once a year.

R10. The Board of Supervisors requires that the Marin Department of Information Services and Technology more directly promote, through the Marin Security and Privacy Council, its Top 10 Cybersecurity Tips for Organizations to all of Marin's public agencies.

Many of the findings and recommendations of this Grand Jury report pertain to matters under the control of governing bodies of other Marin County jurisdictions. The proposed responses for the City of San Rafael are limited to matters under the control of the City Council of the City of San Rafael.

ANALYSIS:

Staff recommends that the City's response to the Grand Jury report include confirmation that the City is developing cybersecurity plans and will include language about business continuity in our contract renewal with Xantrion in October 2024. Additionally, we recommend providing context about the timeline for responding to AB1637 requirements to move to a .gov or .ca.gov domain.

Response to Report Findings

The Grand Jury requested that the City respond to the six report findings listed above. Staff reviewed these findings and recommends that the City Council agree with the findings numbered F1, F2, F3, F4, and F5, and partially disagree with the findings numbered F6, and provide explanations in response to six of the findings, as follows:

F1. Contracts for Information Technology, Information Systems, and Cybersecurity services between third-party providers and Marin County governmental agencies should contain a Business Continuity clause, or other language, protecting that agency from a sudden cessation of services provided by the third-party provider.

Response: Agree

Utilizing a managed service provider for IT services requires an understanding that continuity of public services is critical for public safety and the maintenance of daily operations. Any cessation of agreements between an agency and IT provider should include thoughtful transition of responsibility to ensure services are not disrupted for the public.

The City currently contracts with Xantrion Inc. for IT services and that agreement includes language confirming Xantrion's responsibilities during a cybersecurity incident and an agreement to provide sufficient efforts and cooperation to ensure an orderly and efficient transition of services to another service provider.

F2. Marin County municipalities should have current, written contracts with third-party providers of Information Technology, Information Systems, and Cybersecurity services, and should not continue to use those providers' services without a current contract.

Response: Agree

Cities and Counties rely upon IT services to maintain daily operations. Contracts are critical to protect Cities and Counties from risks and liabilities that may occur as part of the management of critical IT infrastructure. As noted in Finding 1, the City has a current agreement with Xantrion for IT services.

F3. Membership in insurance risk pools provides the benefits of cybersecurity assessments and audits, which highlight cybersecurity deficiencies and make suggestions for improvement.

Response: Agree

A potential cybersecurity attack could cost a municipality millions of dollars to remediate. Insurance risk pools help to mitigate the overall potential cost impact on a City to recover from an attack. The City participates in California Joint Powers Risk Management Association (CJPRMA) and cyber insurance coverage is a part of this membership. The pool also provides training around cybersecurity. Additionally, CJPRMA has suggested language to use in contracts to provide the City the best Cyber coverage when using third-party vendors.

F4. Having a completed, adopted and regularly updated cybersecurity plan helps ensure that all staff within a government agency are working together to optimize that organization's cyber preparedness and security.

Response: Agree

The City includes cybersecurity as part of its core IT service delivery model and annual work plan. These efforts include security for network infrastructure, desktops, mobile devices, users, internal processes, and disaster recovery. For example, this year, the City is developing a disaster recovery plan and policy that outlines roles, responsibilities, and procedures to ensure IT business continuity in the case of a disaster. Examples of how cybersecurity has been integrated into the City's IT service delivery and risk mitigation strategy include, but are not limited to:

- Requiring that anyone with access to the City network participate in regular cybersecurity training, receive email updates on current and trending security threats, and regularly update their passwords.
- Using a managed service provider, Xantrion Inc. to monitor and respond to threats, provide network backups, and manage cybersecurity training.
- Requiring staff to participate in annual security training, including email updates on current threats, phishing simulations, and regular password changes.
- Using measures for email flagging, spam filtering, and regular backups of City files and servers.
- Requiring multi-factor authentication for City staff with access to City networks and documents.
- Central management of IT infrastructure equipment to ensure that all equipment is properly configured and maintained.
- Ensuring that Digital Service staff are engaged in the procurement and risk assessment of new applications.
- Conducting ongoing firewall and network server maintenance.
- Maintaining Department of Justice-compliant network connectivity to serve our Police Department and reporting any known breaches to federal authorities.
- Participating in Digital Marin and the Marin Information Security Collaborative (MISC) to share best practices around cybersecurity.
- Maintaining cyber insurance coverage through participation with CJPRMA.
- Deployment of Mobile Device Management (MDM) for public safety devices.

- Adoption of a Disaster Recovery Environment for rapid recovery of any compromised data following a cybersecurity incident or disaster.
- Deployment of a Security Information and Event Management (SIEM) system to help combat cyber threats by providing key threat-detection capabilities, real-time reporting, compliance tools, and long-term log analysis.

F5. Joint Powers Authorities in Marin County exist to provide more efficient and cost-effective services to the people of Marin.

Response: Agree

Marin County jurisdictions have relied on JPAs to develop shared services that benefit residents of the County. Smaller towns in Marin County generally have less resources dedicated to IT and cybersecurity and may benefit from a resource that provides mutual support for cybersecurity.

F6. The current County Collective Bargaining Agreements prevent the Marin County Department of Information Systems & Technology from unilaterally negotiating managed service agreements (outsourcing work to third parties).

Response: Partially Disagree

It is not within the City of San Rafael's realm of responsibility to agree or disagree with this finding. The County's collective bargaining agreements are the responsibility of the County of Marin.

Response to Report Recommendation

The Grand Jury requested that the City respond to report recommendations R1, R6 (a), and R6 (b). Staff recommends that the City Council respond as follows:

The Marin County Civil Grand Jury recommends the following:

R1. Marin agencies should require a current (executed within the last five years), competitively-bid, written contract which includes business continuity language for any third-party Information Technology services they use.

The City has implemented this recommendation.

The current agreement with the City of San Rafael and Xantrion Inc. includes language confirming Xantrion's responsibility and support in the case of a security incident and an agreement to provide sufficient efforts and cooperation to ensure an orderly and efficient transition of Services to Client or another service provider in the case of a termination of convenience.

In addition, the City of San Rafael and Digital Service Team are developing a disaster recovery plan and policy that outlines roles, responsibilities, and procedures to ensure IT business continuity in the case of a disaster. The disaster recovery plan and plan and policy will be completed no later than October 2024. We will include language referring to business continuity and disaster recovery as part of the renewal of our agreement with Xantrion.

R6 (a) All Marin municipalities should: a) take all steps necessary to acquire an appropriate .gov or .ca.gov domain.

The City will implement this recommendation by the end of 2024.

On October 8, 2023, the California Assembly passed AB1637 which requires municipalities to move .gov or .ca.gov domains no later than 2029. The City of San Rafael will acquire a domain name by the end of 2024 and will migrate to the .gov domain prior to the 2029 deadline.

R6 (b). All Marin municipalities should: (b) formulate and adopt a plan for rolling out a .gov or .ca.gov website and emails by the start of the 2025-2026 Fiscal Year.

The City will implement this recommendation as part of the Digital Service Department's fiscal year (FY) 2025-26 work plan.

AB1637 (which requires municipalities to move .gov or .ca.gov domains no later than 2029) is an unfunded mandate from the State of California. Currently, the City of San Rafael's website, email, and servers all rely on the cityofsanrafael.org domain including identity, single-sign on, multifactor authentication, and integrations with third party software. The domain change will impact all City digital services including public safety. A report from the California League of Cities estimated costs upwards to \$600,000 for mid-sized cities to make this migration for all City services.

The process to move to a .gov or .ca.gov domain will require planning, time, and funding to coordinate with our managed service provider to complete. At the time of the bill's passage, the City and Digital had priority projects identified as part of our FY 2024-25 goals and objectives and work plan that require attention and have funds available. The Digital Service Department will begin planning for this migration as part of our work plan for FY 2025 – 26 to ensure we do not risk disruptions to City services and to assess whether the State will make funding available to offset the costly mandate that this bill requires of municipalities in the State.

FISCAL IMPACT:

City review and comment on this Grand Jury Report has no fiscal impact.

OPTIONS:

The City is required to respond; however, the City Council has the following options to consider on this matter:

1. Adopt resolution as presented, approving the proposed response.
2. Adopt resolution with modifications to the proposed response.
3. Direct staff to return with more information.

RECOMMENDED ACTION:

Adopt the attached resolution approving and authorizing the City of San Rafael's Mayor to execute the response to the Grand Jury report about cybersecurity.

ATTACHMENTS:

1. Resolution, with attached City Response to Grand Jury Report
2. Grand Jury Report dated May 17, 2024

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE RESPONSE TO THE MARIN COUNTY CIVIL GRAND JURY REPORT ENTITLED – CYBER PREPAREDNESS - ARE WE THERE YET?

WHEREAS, pursuant to Penal Code section 933(c), a public agency which receives a final grand jury report addressing aspects of the public agency’s operations must, within ninety (90) days, provide a written response to the presiding judge of the Superior Court, with a copy to the foreperson of the grand jury, responding to the report’s findings and recommendations pertaining to matters under the control of the governing body; and

WHEREAS, Penal Code section 933(c) requires that the “governing body” of the public agency provide said response and, in order to lawfully comply, the governing body must consider and adopt the response at a noticed public meeting pursuant to the Brown Act; and

WHEREAS, Penal Code section 933.05 specifies the required contents of a city’s response to findings and recommendations of a civil grand jury; and

WHEREAS, the City Council of the City of San Rafael has received and reviewed the Marin County Grand Jury Report, dated May 17, 2024, entitled “Cyber Preparedness - Are We There Yet?”; and

WHEREAS, at a regular City Council meeting held on July 15, 2024, the City Council discussed the report’s findings and recommendations.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Rafael hereby:

1. Approves and authorizes the Mayor to execute the City’s response to the Marin County Grand Jury’s May 17, 2024, report, entitled “Cyber Preparedness - Are We There Yet?” a copy of which response is attached hereto and as Attachment 1 and incorporated herein by reference.
2. Directs the City Clerk to forward the City’s response forthwith to the presiding judge of the Marin County Superior Court, with copy to the foreperson of the Marin County Grand Jury.

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 San Rafael City Council held on the 15th day of July 2024, by the following vote to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

LINDSAY LARA, City Clerk



RESPONSE TO GRAND JURY REPORT FINDINGS AND RECOMMENDATIONS

REPORT TITLE: "Cyber Preparedness: Are We There Yet?"
REPORT DATE: May 17, 2024
RESPONSE BY: San Rafael City Council

GRAND JURY FINDINGS

- We agree with the finding(s) numbered: **F1, F2, F3, F4, F5,**
- We disagree wholly or partially with the finding(s) numbered: **F6**

GRAND JURY RECOMMENDATIONS

- Recommendations numbered **R2 – R5, R7 – R10** do not require a response by the City of San Rafael.
- Recommendation numbered **R1** has been implemented.
- Recommendations numbered **R6(a), R6(b)** have not been implemented yet, but will be in the future.

Date: _____

Signed: _____
Mayor Kate Colin



City of San Rafael Response to Grand Jury Report Findings and Recommendations
“Cyber Preparedness: Are We There Yet?”
May 17, 2024

RESPONSE TO GRAND JURY FINDINGS

F1. Contracts for Information Technology, Information Systems, and Cybersecurity services between third-party providers and Marin County governmental agencies should contain a Business Continuity clause, or other language, protecting that agency from a sudden cessation of services provided by the third-party provider.

Response: Agree

Utilizing a managed service provider for IT services requires an understanding that continuity of public services is critical for public safety and the maintenance of daily operations. Any cessation of agreements between an agency and IT provider should include thoughtful transition of responsibility to ensure services are not disrupted for the public.

The City currently contracts with Xantrion Inc. for IT services and that agreement includes language confirming Xantrion’s responsibilities during a cybersecurity incident and an agreement to provide sufficient efforts and cooperation to ensure an orderly and efficient transition of services to another service provider.

F2. Marin County municipalities should have current, written contracts with third-party providers of Information Technology, Information Systems, and Cybersecurity services, and should not continue to use those providers’ services without a current contract.

Response: Agree

Cities and Counties rely upon IT services to maintain daily operations. Contracts are critical to protect Cities and Counties from risks and liabilities that may occur as part of the management of critical IT infrastructure. As noted in Finding 1, the City has a current agreement with Xantrion for IT services.

F3. Membership in insurance risk pools provides the benefits of cybersecurity assessments and audits, which highlight cybersecurity deficiencies and make suggestions for improvement.

Response: Agree

A potential cybersecurity attack could cost a municipality millions of dollars to remediate. Insurance risk pools help to mitigate the overall potential cost impact on a City to recover from an attack. The City participates in California Joint Powers Risk Management Association (CJPRMA) and cyber insurance coverage is a part of this membership. The pool also provides training around cybersecurity. Additionally, CJPRMA has suggested language to use in contracts to provide the City the best Cyber coverage when using third-party vendors.



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F4. Having a completed, adopted and regularly updated cybersecurity plan helps ensure that all staff within a government agency are working together to optimize that organization's cyber preparedness and security.

Response: Agree

The City includes cybersecurity as part of its core IT service delivery model and annual work plan. These efforts include security for network infrastructure, desktops, mobile devices, users, internal processes, and disaster recovery. For example, this year, the City is developing a disaster recovery plan and policy that outlines roles, responsibilities, and procedures to ensure IT business continuity in the case of a disaster. Examples of how cybersecurity has been integrated into the City's IT service delivery and risk mitigation strategy include, but are not limited to:

- Requiring that anyone with access to the City network participate in regular cybersecurity training, receive email updates on current and trending security threats, and regularly update their passwords.
- Using a managed service provider, Xantrion Inc. to monitor and respond to threats, provide network backups, and manage cybersecurity training.
- Requiring staff to participate in annual security training, including email updates on current threats, phishing simulations, and regular password changes.
- Using measures for email flagging, spam filtering, and regular backups of City files and servers.
- Requiring multi-factor authentication for City staff with access to City networks and documents.
- Central management of IT infrastructure equipment to ensure that all equipment is properly configured and maintained.
- Ensuring that Digital Service staff are engaged in the procurement and risk assessment of new applications.
- Conducting ongoing firewall and network server maintenance.
- Maintaining Department of Justice-compliant network connectivity to serve our Police Department and reporting any known breaches to federal authorities.
- Participating in Digital Marin and the Marin Information Security Collaborative (MISC) to share best practices around cybersecurity.
- Maintaining cyber insurance coverage through participation with CJPRMA.
- Deployment of Mobile Device Management (MDM) for public safety devices.
- Adoption of a Disaster Recovery Environment for rapid recovery of any compromised data following a cybersecurity incident or disaster.
- Deployment of a Security Information and Event Management (SIEM) system to help combat cyber threats by providing key threat-detection capabilities, real-time reporting, compliance tools, and long-term log analysis.

F5. Joint Powers Authorities in Marin County exist to provide more efficient and cost-effective services to the people of Marin.

Response: Agree



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Marin County jurisdictions have relied on JPAs to develop shared services that benefit residents of the County. Smaller towns in Marin County generally have less resources dedicated to IT and cybersecurity and may benefit from a resource that provides mutual support for cybersecurity.

F6. The current County Collective Bargaining Agreements prevent the Marin County Department of Information Systems & Technology from unilaterally negotiating managed service agreements (outsourcing work to third parties).

Response: Partially Disagree

It is not within the City of San Rafael’s realm of responsibility to agree or disagree with this finding. The County’s collective bargaining agreements are the responsibility of the County of Marin.

RESPONSE TO GRAND JURY RECOMMENDATIONS

R1. Marin agencies should require a current (executed within the last five years), competitively-bid, written contract which includes business continuity language for any third-party Information Technology services they use.

The City has implemented this recommendation.

The current agreement with the City of San Rafael and Xantrion Inc. includes language confirming Xantrion’s responsibility and support in the case of a security incident and an agreement to provide sufficient efforts and cooperation to ensure an orderly and efficient transition of Services to Client or another service provider in the case of a termination of convenience.

In addition, the City of San Rafael and Digital Service Team are developing a disaster recovery plan and policy that outlines roles, responsibilities, and procedures to ensure IT business continuity in the case of a disaster. The disaster recovery plan and plan and policy will be completed no later than October 2024. We will include language referring to business continuity and disaster recovery as part of the renewal of our agreement with Xantrion.

R6 (a) All Marin municipalities should: a) take all steps necessary to acquire an appropriate .gov or .ca.gov domain.

The City will implement this recommendation by the end of 2024.

On October 8, 2023, the California Assembly passed AB1637 which requires municipalities to move .gov or .ca.gov domains no later than 2029. The City of San Rafael will acquire a domain name by the end of 2024 and will migrate to the .gov domain prior to the 2029 deadline.

R6 (b). All Marin municipalities should: (b) formulate and adopt a plan for rolling out a .gov or .ca.gov website and emails by the start of the 2025-2026 Fiscal Year.



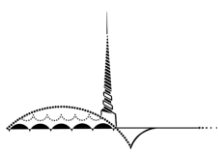
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The City will implement this recommendation as part of the Digital Service Department’s fiscal year (FY) 2025-26 work plan.

AB1637 (which requires municipalities to move .gov or .ca.gov domains no later than 2029) is an unfunded mandate from the State of California. Currently, the City of San Rafael’s website, email, and servers all rely on the cityofsanrafael.org domain including identity, single-sign on, multifactor authentication, and integrations with third party software. The domain change will impact all City digital services including public safety. A report from the California League of Cities estimated costs upwards to \$600,000 for mid-sized cities to make this migration for all City services.

The process to move to a .gov or .ca.gov domain will require planning, time, and funding to coordinate with our managed service provider to complete. At the time of the bill’s passage, the City and Digital had priority projects identified as part of our FY 2024-25 goals and objectives and work plan that require attention and have funds available. The Digital Service Department will begin planning for this migration as part of our work plan for FY 2025 – 26 to ensure we do not risk disruptions to City services and to assess whether the State will make funding available to offset the costly mandate that this bill requires of municipalities in the State.



Cyber Preparedness: Are We There Yet?

May 17, 2024

SUMMARY

Cyber preparedness is the practice of ensuring that an organization has a strategy or plan to prevent, respond to, and recover from a cyberattack or incident. This strategy is a collaborative effort that all of an organization's staff shares in, not just the individuals or department responsible for Information Technology (IT) or Information Systems (IS).

The Grand Jury has looked into how different agencies in Marin County (Marin) have continued to become more cyber prepared in order to meet the ever-changing and more complicated technology challenges required to keep their online content and information secure from hackers and other threat actors. This report also provides an overview of cybersecurity practices and systems currently in existence. This is intended to encourage Marin government entities to review their plans and to consider various options to further enhance their cybersecurity measures.

As a result of its investigation, the Grand Jury is making a number of recommendations including the following four:

1. The Board of Supervisors should authorize the creation of a new position within the Department of Information Services and Technology for the 2025-2026 fiscal year, with specific responsibilities to assist other Marin agencies in cybersecurity awareness, training, implementation and monitoring of cybersecurity systems.
2. Marin agencies should require a current (executed within the last five years), competitively-bid, written contract which includes business continuity language for any third party Information Technology services they use.
3. The Board of Supervisors should require that the Marin Department of Information Services and Technology evaluate the formation of a Cybersecurity Joint Powers Authority to raise overall cyber preparedness among its members, and to acquire and maintain perimeter defense protection systems for preventing and eliminating ransomware and other more sophisticated cyberattacks.
4. The Board of Supervisors should create two new system-engineering positions to be filled by cybersecurity experts who would be responsible for conducting security risk assessments, providing recommendations, and implementing cybersecurity solutions for public agencies in Marin, among their other tasks. If and when a Joint Powers Authority is created, one of these positions would serve as a County member of the new organization and a liaison with the Chief Information Security Officer.

BACKGROUND

In 2020, the Marin County Civil Grand Jury published its report, *Cyberattacks: A Growing Threat to Marin Government*.¹ In the three years leading up to the publishing of the 2020 report, six Marin municipalities had been the target of various cyberattacks.² In the 2020 report, the Grand Jury focused its investigation on the security of the computer systems used by Marin's government agencies, and called for increased collaboration and transparency regarding cybersecurity issues affecting government agencies throughout Marin. The report made nine recommendations to these agencies. Below are four of the Recommendations from the 2020 report which the 2023-2024 Grand Jury decided to review. While the 2020 report included nine recommendations, the Grand Jury believed that understanding the progress made with these four would give the best overall indication of Marin's cyber preparedness.

- The County should take a lead role in sharing cybersecurity information and best practices with Marin's cities and towns.
- Cities and towns should implement basic prudent cybersecurity practices, including user training, email filtering, password management, and backups.
- Municipalities should pursue shared cybersecurity services, where feasible, to lower costs and raise their level of security.
- The Marin County Information Services and Technology Department should complete a plan for enhancing the Marin Information and Data Access Systems (MIDAS) to improve cybersecurity for its users.

As a result of the 2019-2020 Grand Jury's first recommendation, the County took the lead in establishing an agency to provide cybersecurity information and best practices to Marin's municipalities. This agency, called the Marin Information Security Collaborative, was initially composed of representatives from the cities and towns of Marin. The agency was later expanded to include other Marin community partners and private organizations, and in 2022 it was renamed Marin Security and Privacy Council (MSPC).³

Since the Grand Jury's 2020 report, cyberattacks on a global scale have become more sophisticated, utilizing interactive intrusion techniques, cloud intrusions, mobile device vulnerabilities, and third-party relationship exploitation.⁴ The dark web (See Appendix A for a definition) also plays a significant role in cyberattacks due to its anonymity and unregulated nature. It provides a platform for cybercriminals, hackers, and others to operate beyond the reach

¹ Marin County Civil Grand Jury, *2019-2020 Cyberattacks: A Growing Threat to Marin Government*, May 11, 2020, <https://www.marincounty.org/-/media/files/departments/gj/reports-responses/2019-20/cyberattacksagrowingthreattomaringovernment.pdf?la=en>, (accessed 4/4/24).

² Cyberattacks include phishing, ransomware and direct attacks on computer hardware (terms are described in Appendix A).

³ Digital Marin website, Marin Security and Privacy Council, <https://godigitalmarin.org/marin-security-and-privacy-council>, (accessed 4/4/24).

⁴ CrowdStrike website, *2024 Global Threat Report*, <https://go.crowdstrike.com/rs/281-OBQ-266/images/GlobalThreatReport2024.pdf>, p. 9, (accessed 4/4/24); Embroker website, *Top 10 Cybersecurity Threats in 2024*, January 4, 2024, <https://www.embroker.com/blog/top-cybersecurity-threats>, (accessed 4/4/24).

of law enforcement. The dark web is used by cyber criminals to steal information from companies and individuals and sell it.

Due to persistent and increasingly sophisticated malicious cyber campaigns that threatened the public and private sector, and ultimately the American people's security and privacy, President Biden issued Executive Order 14028 in 2021 to improve the nation's cybersecurity.⁵ This executive order sought to remove the barriers to threat information sharing between the government and the private sector, improve the security of the software supply chain, and shift the federal government to cloud-based services and Zero Trust Architecture.⁶ Many of the key concerns of this executive order were applicable to state, county and local government agencies as well.

Despite Executive Order 14028, cybersecurity attacks have continued to mount, both in frequency and cost to the victims. The *Center for Internet Security's Nationwide Cybersecurity Review* found that cyberattacks on state and local governments increased from 2022 to 2023. The report compared the first eight months of 2022 and 2023, when participating government organizations claimed they saw noticeable growth in several types of cyberattacks. The center found that malware attacks increased by 148 percent, while ransomware incidents were 51 percent more prominent during the first eight months of 2023 than they were during the same period a year earlier.⁷

In a review of IBM's *Cost of a Data Breach Report 2023*, the security awareness company SoSafe reported that the average cost of a cyber incident to an agency in the public sector was over \$2.6 million.⁸ SoSafe's review also noted that cybercriminals were attracted to public sector websites due to "outdated technology and security measures, limited security budgets and understaffed teams, and the public sector's wealth of sensitive and valuable data." Ransomware attacks against public agencies in the State of California have been well publicized this past year. In some cases, large ransoms have been paid.⁹

⁵ The White House website, *Executive Order on Improving the Nation's Cybersecurity* | The White House, May 12, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/05/12/executive-order-on-improving-the-nations-cybersecurity/>, (accessed 4/4/24).

⁶ See definition of Zero Trust Architecture in Appendix A.

⁷ Sophia Fox-Sowell, Cyberattacks on state and local governments rose in 2023, says CIS report, <https://statescoop.com/ransomware-malware-cyberattacks-cis-report-2024>, *StateScoop*, January 30, 2024, (accessed 4/29/24).

⁸ SoSafe website, *Top 5 cyber threats facing the public sector*, <https://sosafe-awareness.com/blog/top-5-cyber-threats-facing-the-public-sector>, (accessed 4/30/24).

⁹ Colin Atagi, "St. Helena, Solano County libraries hit by cyberattack, \$100,000 ransom demanded", <https://www.pressdemocrat.com/article/napa/library-st-helena-solano-cyberattack>, *Santa Rosa Press Democrat*, April 22, 2024, (accessed 4/24/24); City of Oakland website, *City of Oakland Restores and Recovers Systems Affected by Ransomware Attack*, April 27, 2023, <https://www.oaklandca.gov/news/city-of-oakland-restores-and-recovers-systems-affected-by-ransomware-attack>, (accessed 4/4/24); Brian Rokos, "San Bernardino County paid \$1.1 million ransom to hacker of Sheriff's Department computers", *San Bernadino Sun*, May 4, 2023, <https://www.sbsun.com/2023/05/04/san-bernardino-county-paid-1-1-million-ransom-to-hacker-of-sheriffs-department-computers>, (accessed 4/4/24); Andre Byik, "City of Hayward detects Cyberattack, takes down website", *The Mercury News*, July 10, 2023, <https://www.mercurynews.com/2023/07/10/city-of-hayward-detects-cyberattack-takes-down-website>, (accessed 4/4/24).

There are many published articles, studies, and guidelines on how agencies, as well as private institutions and individuals, can help prevent and mitigate the impact of these attacks. These include reports from the Cybersecurity and Infrastructure Security Agency (CISA),¹⁰ the Federal Bureau of Investigation,¹¹ JP Morgan,¹² and others.

Due to the ongoing and ever-increasing cybersecurity threats to public agencies posed by numerous and sophisticated adversaries utilizing more advanced cyberattack technologies, the Grand Jury decided to investigate the state of cybersecurity at many Marin agencies. The Grand Jury's investigation also serves as a follow-up to the 2019-2020 Grand Jury's report on the threat of cyberattacks to Marin's governments. This investigation was not designed to point out or highlight specific cybersecurity deficiencies at particular agencies. Rather, it was undertaken to see what improvements had been made in their cyber preparedness and to see if other recommendations should be made to further enhance overall cyber preparedness across agencies in Marin County.

APPROACH

In its investigation of cyber preparedness in Marin, the Grand Jury undertook the following actions:

Interviewed:

- Representatives from different County agencies
- Representatives from each of Marin's 11 towns and cities
- Members of water, health, sanitation, and utility districts
- A member of a third-party organization providing IT and cybersecurity services to the County, and to Marin's towns and cities

The Grand Jury also:

- Reviewed articles, surveys, and research papers concerning cybersecurity practices and the use of shared services arrangements in local governmental agencies

The Grand Jury's investigation into cyber preparedness concluded on April 24th, 2024.

Please refer to Appendix A for a list of cybersecurity terms and acronyms.

¹⁰ Cybersecurity & Infrastructure Security Agency website, *Cybersecurity Best Practices*, <https://www.cisa.gov/topics/cybersecurity-best-practices>, (accessed 4/4/24).

¹¹ Federal Bureau of Investigation website, *How We Can Help You*, <https://www.fbi.gov/scams-and-safety/common-scams-and-crimes/ransomware>, (accessed 4/4/24).

¹² J.P.Morgan website, *4 ways the public sector can prevent cyberattacks*, November 14, 2022, <https://www.jpmorgan.com/insights/cybersecurity/business-email-compromise/threat-public-sector>, (accessed 4/4/24).

DISCUSSION

The following discussion will examine the key elements of cybersecurity and cyber preparedness in Marin.

The Marin Department of Information Services and Technology (IST)

IST is responsible for providing, maintaining, and securing the County’s business applications and data on the appropriate hardware and software platforms. IST “deploys information services and telecommunications technologies throughout the County government and maintains the County’s technology infrastructure.”¹³

The key responsibilities of IST are to:

- Support digital services that help our residents perform tasks online, like paying property taxes and getting building permits
- Support secure law enforcement and criminal justice systems
- Manage the County’s geographic information and mapping systems
- Provide digital accessibility training and support to County employees
- Coordinate the cross-sector Digital Marin program
- Provide secure network and internet connectivity for County employees
- Manage and deliver technical projects that support Board and County priorities
- Support internal administrative systems for finance and human resources¹⁴

The IST web pages include one which details its Top 10 Cybersecurity Tips for Organizations. This webpage was last updated in November, 2023.¹⁵ In addition, IST, in cooperation with the MSPC, sends out a monthly security awareness newsletter to Marin agencies and MSPC members, as well as alert notifications regarding active cyber threats. Through the Grand Jury’s interviews with Marin’s municipalities and agencies, it found that many were unaware of the security newsletter and the Top 10 Cybersecurity Tips available to them.

IST has also published objectives for Security Awareness¹⁶ and Information Security.¹⁷

Within IST, the Information Security and Compliance (ISC) division is responsible for cybersecurity and is managed by the Chief Information Security Officer. Through interviews with IST staff, the Grand Jury has come to learn that IST has recently filled job positions in the cybersecurity area that had been open for a considerable time. This has been a difficult process

¹³ County of Marin website, *Information Services and Technology*, <https://data.marincounty.org/stories/s/s5cn-d5dy>, (accessed 4/24/24).

¹⁴ County of Marin website, *About the Information Services and Technology department*, <https://www.marincounty.gov/departments/it/about-information-services-and-technology-department>, (accessed 4/30/24).

¹⁵ County of Marin website, *Top 10 Cybersecurity tips for organizations*, <https://www.marincounty.gov/departments/it/cybersecurity/top-10-cybersecurity-tips-organizations>, (accessed 4/24/24).

¹⁶ County of Marin website, *Security Awareness*, <https://data.marincounty.org/stories/s/Security-Awareness/9x7e-6eiy>, (accessed 4/4/24).

¹⁷ County of Marin website, *Information Security*, <https://data.marincounty.org/stories/s/Information-Security/4mex-b65u>, (accessed 4/4/24).

due to the following: high demand in the private sector for this skill, substantially lower salary levels in the county compared to the private sector, the high cost of living in Marin, and oftentimes considerable commute time. These problems affect all Marin agencies.

IST also sends out a monthly security awareness newsletter to member agencies of the MSPC for distribution to their employees. Employees receive alert notifications about active cyber threats requiring their attention, gain access to a document library with cybersecurity and digital privacy resources and templates, and have access to a peer network to ask questions and share ideas related to cybersecurity issues.¹⁸ Unfortunately, in the Grand Jury's interviews with the heads of municipalities and special districts, there seemed to be an overall lack of awareness of the existence of the MSPC, as well as the Cybersecurity Tips. This may be due, in part, to the fact that the overall responsibilities of the ISC staff do not currently allow them sufficient time to reach out or collaborate through means other than email in order to better communicate with Marin Security & Privacy Council members.

Cybersecurity Best Practices

Municipalities

Through interviews and follow-up communications, the 2023-2024 Grand Jury studied each of Marin's municipalities to determine the status of implementation of the four primary, and additional four Cybersecurity Best Practices recommended in the 2019-2020 Grand Jury's report:

- Management of mobile devices
- Automated malware detection and removal
- Monitoring systems
- Use of expert resources
- Firewalls
- Hardware and patching
- Documentation
- Vulnerability assessments

The current Grand Jury found that 93 percent of the first four (the primary) recommendations had been implemented across all eleven municipalities. The remaining seven percent are in the process of being implemented. For the additional four recommendations, 90 percent have been implemented, while most of these four recommendations are in process.

The implementation of the eight best practices seems to have paid off. Since the 2019-2020 Grand Jury Report, none of the municipalities reported any material cyberattacks that would have been at the level of severity requiring public disclosure. Through interviews with members

¹⁸ County of Marin News Release, *Cyber Safety Group Opens to Marin Businesses*, May 19, 2022, <https://www.marincounty.org/main/county-press-releases/press-releases/2022/ist-mscplaunch-051922>, (accessed 4/4/24).

of the IST staff, the Grand Jury discovered that there were two cyberattacks reported by two other public agencies, but neither resulted in any material loss of data or money.

In interviews with each of the eleven municipalities, the most significant perceived cybersecurity risk is phishing. However, due to the implementation of regular cybersecurity training at their agencies, successful phishing attacks have been greatly reduced.

IST does not, nor is it required to, provide any additional cybersecurity assistance to Marin's municipalities (or special districts) other than the aforementioned newsletter and cyber alerts. In the Grand Jury's interviews the smaller municipalities in particular were receptive to additional collaboration and assistance from the County, due to staffing and budget constraints.

.GOV Domains

In November of 2023, Governor Newsom signed into law AB 1637, requiring local agencies to migrate public websites and email addresses to a .gov or .ca.gov domain by January 1, 2029.¹⁹ The law does not apply to special districts.

The .gov domain offers a secure way for internet users to identify and use legitimate government websites including multi-factor authentication. Also, browsers are required to use a secure internet connection to increase users' privacy on a .gov website. These safeguards help eliminate the clickjacking and spoofing of users visiting a .gov website. The Cybersecurity and Infrastructure Security Agency (CISA) manages the issuance of these domains. There is no cost to the public agency for registering a .gov domain.²⁰

Of the 18 agencies investigated by the current Grand Jury, only one municipality, Sausalito, has fully transitioned to a .gov website. Sausalito took the initiative and completed their .gov website migration in 2017. The County and Marin's larger municipalities have begun rolling out .gov websites and have begun using .gov email addresses. However, the majority of the smaller municipalities interviewed or polled have no plans to either acquire a .gov domain name or to begin the process of moving to a new website platform using this domain. The relatively distant state-mandated time frame may explain why there has been a lack of movement here.

Other existing County .org domain names will be redirected to MarinCounty.gov as the websites are rebuilt. Educational institutions such as Marin schools are not eligible for .gov domains. They will be directed to use .edu domain names instead of their existing .org names.

The requirement of municipalities implementing a .gov domain is something to be kept in mind for all municipalities considering modifications of their current websites.

¹⁹ California Legislative Information, California Law, California Government Code, Title 5, § 50034, https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=50034.&article=, (accessed 4/24/24).

²⁰ Cybersecurity and Infrastructure Security Agency website, <https://get.gov>, (accessed 4/4/24).

Third-Party Providers of IT, IS and Cybersecurity Services

The Grand Jury discovered that many, if not all of the municipalities and special districts in Marin County, contract out their IT, IS and cybersecurity services to third parties due to a lack of either in-house expertise or budget. This is especially true for cybersecurity where few entities have the resources to design and implement their own solid cybersecurity defense.

Scope of Services

Third parties provide a broad set of cybersecurity-related services to the agencies the Grand Jury interviewed. These include cloud back-up, on-site support, remote monitoring, and end-point security, security awareness training, multi-factor authentication, mobile device management, and antivirus and anti-malware management. While this report does not question the quality of services provided by these third parties, there may be additional ways to provide cybersecurity services to the varied governmental agencies located in Marin County. See the discussion below on Joint Powers Authorities.

Monitoring Systems

Monitoring systems, often referred to as Security Information and Event Management (SIEM) systems, are cybersecurity solutions that help detect, analyze, and respond to security threats before they harm business operations. They are generally fully automated and operate 24 hours a day, seven days a week, 365 days a year. These systems however do not always remove or quarantine the cyber threat. Rather, notification of the cyber threat is sent to staff responsible for removing or quarantining the threat.

Through interviews with Marin agencies, the Grand Jury learned that staff response to agencies by the third-party providers on detected problems in the monitoring system is limited to typical office hours. Also, the contracts may only require *notice* to be delivered within 24 hours. Responding to cyberattacks needs to be handled immediately. Thus, agencies should work with their third-party providers to greatly reduce the amount of time between a detected cyberattack and the ability to isolate or eliminate the threat. Further, having multiple third-party entities servicing individual agencies does not offer the same benefit that a centralized system would provide by allowing experience gained addressing a particular threat to be applied across multiple potential targets.

Business Continuity Plans

A business continuity plan (BCP) is a system of prevention and recovery from potential threats to a company. Such plans attempt to ensure that personnel and assets are protected and are able to function quickly in the event of a disaster, including cyberattacks. Most agencies that the Grand Jury investigated had their own BCP, or disaster recovery plan and procedures. The creation of a BCP is often at the recommendation of their third-party cybersecurity provider, or of the provider of their cyber insurance. However, in reviewing the contracts between the third parties and Marin agencies, the Grand Jury found no language in the contracts related to business continuity requirements *for any of the third-party providers*.

Requiring the third-party provider to have their own BCP is important as cyberattacks originating at trusted third parties are becoming more prevalent. Providing proof of liability insurance in the agreement is not enough. A recent report in *Security Scorecard*, stated that nearly thirty percent of cyber breaches come from third parties.²¹ Threat actors are attracted to compromising third-party providers because of the high return on investment for these attacks - targeting one entity which provides access to multiple downstream clients.

Cybersecurity Plans

A cybersecurity plan is a comprehensive strategy that outlines measures to protect sensitive data, prevent cyber threats, and ensure the continuity of operations within an organization.

Cybersecurity plans specifically help in preventing financial and personal data losses, ensuring data privacy, and protecting intellectual property. For smaller businesses and local government agencies, the Federal Emergency Management Agency offers a guide for organizations to plan, implement, and maintain a cybersecurity plan.²²

From its interviews with Marin municipalities and special districts, the Grand Jury found that cybersecurity plans across these agencies varied widely in terms of completion and implementation. Several agencies have completed plans which are reviewed and updated regularly. Others are working on developing their plans either through their third-party IT and IS provider, or through their insurance risk pool.

Insurance Risk Pools, Cybersecurity Audits and Cyber Insurance

Grand Jury interviews with municipalities and special districts show that they receive their cyber insurance through insurance risk pools or risk management authorities. Many of Marin's agencies are members of the Bay Cities Joint Powers Insurance Agency (BCJPIA). This is one of several risk pools available in the Bay Area. It is used by most of the County's municipalities.

BCJPIA was created in 1986 to develop effective risk management programs to reduce the amount and frequency of losses; to share the risk of self-insured losses; and to jointly purchase and provide administrative and other services including, but not limited to, claims adjusting, data processing, risk management, loss prevention, accounting services, actuarial services, and legal services in connection with the program.

One of the services provided by the BCJPIA is a cybersecurity audit. The audit indicates areas requiring attention to maintain a functioning cybersecurity defense. These audits require individual members to respond to a series of questions concerning their IT systems and services. Items considered in the audit include the following:

²¹ SecurityScorecard website, *Secure your supply chain*, p. 5, <https://securityscorecard.com/wp-content/uploads/2024/02/Global-Third-Party-Cybersecurity-Breaches-Final-1.pdf>, (accessed 4/4/24).

²² FEMA website, *Planning Considerations for Cyber Incidents: Guidance for Emergency Managers*, November 2023, pp. 29-37, https://www.fema.gov/sites/default/files/documents/fema_planning-considerations-cyber-incidents_2023.pdf, (accessed 4/24/24).

- Upgrade legacy software and hardware
- Develop, implement, and improve a new password policy or current password policy
- Develop and implement a disaster recovery plan, business continuity plan, and incident response plan
- Include tabletop exercise(s) in the existing incident response plan
- Implement tools to help prevent email spoofing
- Provide security awareness training to all employees
- Initiate a network vulnerability scan
- Implement a security information and event monitoring (SIEM) tool

From its review of members audits by the BCJPIA and other insurance risk pool organizations, the Grand Jury found that the members had one or more deficiencies that required corrective action.

Joint Powers Authorities

The California State Legislature defines a Joint Powers Authority (JPA) as a stand-alone organization formed by governmental entities for a specific purpose or project. Two or more governmental entities can join together to form a JPA to solve mutual problems, to fund a project, or to act as a single representative entity for specific activities. A California agency can even share joint powers with an agency in another state.²³

The primary purpose of forming a JPA is to enable public entities to pool resources. This could include the County agencies, municipalities, special districts, and other public agencies inside Marin. Pooling resources, coordinating efforts, and eliminating redundant actions or overlapping services can save taxpayer money. JPAs can also obtain more favorable rates or bids from outside services to achieve economies of scale.

Governmental entities can form a JPA to fulfill common objectives without voter approval or voter initiatives. However, these governmental entities must post notices, hold public meetings, and solicit comments from citizens or other stakeholders before executing any such agreements. Some of the more notable JPAs in the County include the Southern Marin Emergency Medical-Paramedic System (1980),²⁴ MARINet Libraries of Marin (1991),²⁵ Marin County Hazardous and Solid Waste - Zero Waste Marin (1996),²⁶ the Central Marin Police Authority (2013),²⁷ and the Marin Wildfire Prevention Authority (2020).²⁸

To form a JPA, governmental entities must enter into a formal agreement. The agreement must identify a governing body, such as a Board of Directors and, in most circumstances, identify a

²³ California State Senate, Senate Governance and Finance Committee, *Governments Working Together: A Citizen's Guide to Joint Powers Agreements*, August 2007, p. 5,

<https://sgf.senate.ca.gov/sites/sgf.senate.ca.gov/files/GWTFinalversion2.pdf>, (accessed 4/24/24).

²⁴ Southern Marin Emergency Medical Paramedic System, <https://www.smemps.org>, (accessed 4/4/24).

²⁵ MARINet Libraries website, <https://marinet.lib.ca.us>, (accessed 4/4/24).

²⁶ Zero Waste Marin website, <https://zerowastemarin.org>, (accessed 4/4/24).

²⁷ Central Marin Police Authority website, <https://www.centralmarinpolice.org/>, (accessed 4/4/24).

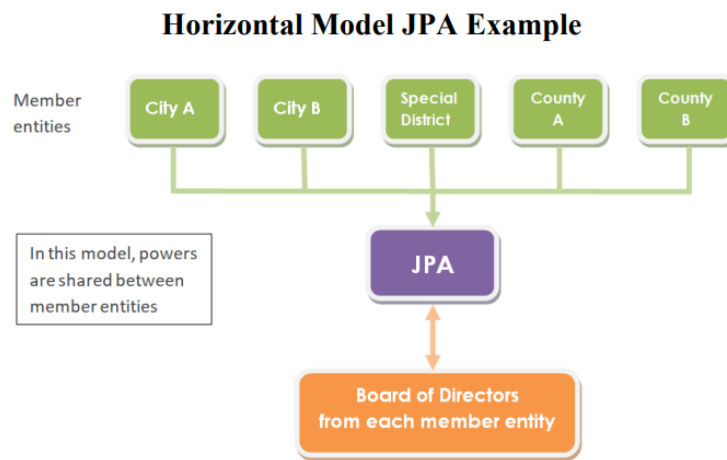
²⁸ Marin Wildfire Prevention Authority website, <https://www.marinwildfire.org/collaborations/fire-adapted-marin>, (accessed 4/4/24).

treasurer and an auditor. The agreement must be filed within 30 days of the effective date with the Secretary of State and the State Controller. There is no fixed timeframe to a JPA. Member agencies can choose to dissolve the JPA when it no longer serves their interests, or a predetermined termination date may be a part of the joint powers agreement.²⁹

One form of a JPA is designed for insurance pooling and purchasing discounts. These JPAs usually involve governmental entities such as school districts or municipalities that need to buy insurance, supplies, or equipment. This type of JPA can also join with other insurance/purchasing JPAs to create a super JPA. These super JPAs can negotiate for lower rates and volume discounts for supplies, insurance, and equipment.

Most municipalities in Marin belong to an insurance pooling JPA as a way of reducing that municipality’s overall insurance premiums, including cybersecurity insurance. These JPAs often offer their members annual audits of IT and IS security.

The structure of this type of JPA is usually a horizontal-model JPA. Horizontal-model JPAs consist of members that share a common opportunity, goal, or problem to solve. In general, they transfer their authority (with member entity representation) to a JPA to provide a service or fund a project. If the JPA is not performing well, not producing the desired results, or not delivering improvements, a member may withdraw.



Source: Reprinted from *Joint Powers Authorities: What You Need To Know*
2020/2021 Nevada County Grand Jury Report Date: May 19, 2021

The Grand Jury observes that this type of Horizontal JPA would be the best choice for the formation of a cybersecurity JPA. The formation of such a JPA is consistent with the 2019-2020 Grand Jury’s recommendation that “municipalities should pursue shared cybersecurity services, where feasible, to lower costs and raise their level of security.”

²⁹ California State Legislature Senate Local Government Committee, *Governments Working Together, A citizen’s Guide to Joint Powers Agreements*, August 2007, p. 26,
<https://sgf.senate.ca.gov/sites/sgf.senate.ca.gov/files/GWTFinalversion2.pdf>, (accessed 4/29/24).

MIDAS

MIDAS is a consortium of government and nonprofit agencies within Marin. Its participants share this reliable and secure network infrastructure.³⁰ The members include numerous, but not all, municipalities located within the County, along with other public agencies. The MIDAS infrastructure includes internet connections at public buildings, access to law enforcement, emergency response and justice systems, and the ability to share data between agencies.³¹ MIDAS serves government agencies and nonprofits. MIDAS provides access to reliable, secure, shared network services and manages the billing, support, and maintenance of the network infrastructure so that member agencies can focus their in-house resources on technology strategy and line-of-business applications.

The County manages the funding and operation of MIDAS through the County's Information Services and Technology department. The County relies on charges to members to cover the cost of operations of the MIDAS network. There are two types of charges made to MIDAS members:

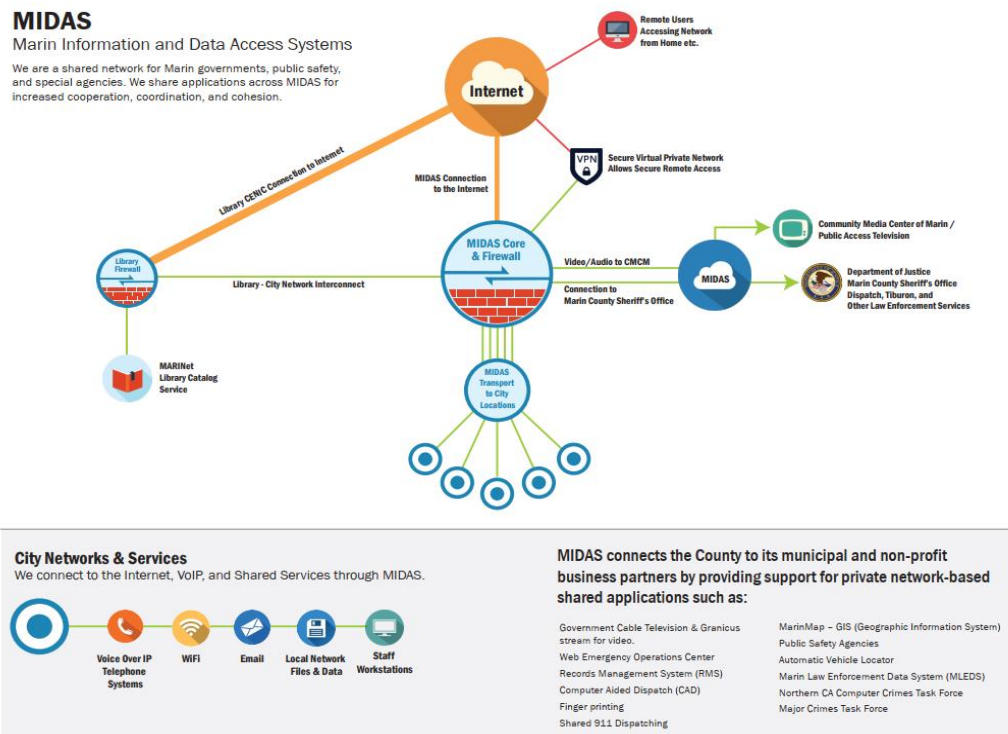
- MIDAS Service - for each MIDAS connection point
- Network Access - variable bandwidth charges for those MIDAS connections being used to access the internet

The MIDAS network infrastructure is maintained, through a professional services contract, by Marin IT, a private, third-party supplier of network services, founded in May of 2006. Its services range from as-needed to daily, full service support including project management, IT management, network management/administration, network monitoring, and help desk support. Through its contract, Marin IT provides managed network services up to the MIDAS router at each member remote location.

³⁰ Digital Marin website, Marin Information and Data Access Systems, <https://godigitalmarin.org/marin-information-and-data-access-systems>, (accessed 4/24/24).

³¹ Digital Marin website, Marin Information and Data Access Systems, (accessed 5/9/24).

Configuration of the MIDAS Network



Source: County of Marin Department of Information Services and Technology

MIDAS originally included 21 members, spread amongst municipalities, nonprofits and special districts. As of the conclusion of the Grand Jury’s investigation, MIDAS had 18 members, which are Marin County public agencies, as well as the Sonoma Marin Area Rail Transit (SMART). The set cost structure of MIDAS is shared on an equal basis by the members, while bandwidth charges are allocated on a “per-location” basis depending on the specific speed of each connection at the individual site. Over the years, some members who were using MIDAS other than for access to law enforcement, emergency response and justice systems, have chosen to leave MIDAS, because they were able to contract for equivalent bandwidth at less expensive rates than what is offered through their MIDAS membership. In addition, some municipalities who continue to use MIDAS for access to law enforcement, have either reduced or eliminated their non-law enforcement MIDAS connections. These changes have resulted in increases to the monthly charges to the remaining members of MIDAS due to the static fixed charge for the system being allocated among fewer constituents.

A review of the 2021-2022 County of Marin Annual Comprehensive Financial Report (ACFR), shows that MIDAS (referred to as ‘Marin.org’ in the report) was slightly profitable.³² However, a copy of the draft 2022-2023 County Marin ACFR obtained by the Grand Jury, details that Marin.org’s expenses were greater than its revenues. Finally, a review of IST’s fourth quarter 2023 invoicing of MIDAS members for services, suggests that this cost differential may now be

³² County of Marin website, *Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2022*, p. 30, https://www.marincounty.org/-/media/files/departments/df/acfr/2022-county-of-marin-acfr_adagio_ada.pdf?la=en, (accessed 4/4/24).

even greater. Estimated revenues for calendar year 2023 appear to be less than \$900,000, while expenses now appear to be significantly more than \$1,000,000.³³

One of the recommendations made in the 2019-2020 Grand Jury's report on cyberattacks was that The Marin County Information Services and Technology Department should complete a plan for enhancing MIDAS to improve cybersecurity for its users. As of the writing of this report, that plan has yet to be completed.

Collective Bargaining Agreements (CBA), Managed Service Agreements

In 1968, with the passage of the Meyers-Milias-Brown Act (MMBA), employees of cities, counties and special districts in California gained the right to form unions and collectively bargain contracts over changes in wages, hours, benefits, rights, and other terms of employment.³⁴ Two unions represent the County's IST's employees, the Marin Association of Public Employees (MAPE)³⁵ and the Marin County Management Employees Association (MCMEA).³⁶

MAPE represents the vast majority of rank and file employees, while MCMEA represents about 350 mid-managers and supervisors across different County departments.

The current CBA with MAPE expires on June 30, 2026, while the MCMEA CBA expires on June 30, 2025. The agreements do not include language which would allow the IST or other County departments, the employees of which the two unions represent, to *unilaterally* negotiate managed service agreements (outsourcing work to third parties).

The CBA with MCMEA states that "Any work within the class specification for any classification currently represented by MCMEA shall not be contracted out during the lifetime of the contract without completion of the parties' meet and confer obligations or until negotiations for a successor agreement have concluded."³⁷ This language then allows for outsourcing; however, only through negotiation with either of the unions.

³³ Grand Jury work paper, *MIDAS Q4'24 Invoicing Reconciliation*, <https://rebrand.ly/MarinCountyMIDASReconciliation>, (accessed 4/4/24);

IST Flier describing some of the structure and responsibilities of MIDAS, as well as 2024 projected revenues and expenses, <https://rebrand.ly/MarinCountyISTDeptMidasFlyer>, (accessed 4/4/24).

³⁴ California Public Employment Relations Board website, *Laws*, <https://perb.ca.gov/laws-and-regulations>, (accessed 4/4/24).

³⁵ Marin Association of Public Employees website, <https://www.newmape.org>, (accessed 4/4/24).

³⁶ Marin County Management Employee's Association website, <https://newmcmea.org>, (accessed 4/4/24).

³⁷ Collective Bargaining Agreement Marin County Management Employees' Association County of Marin, July 1, 2022-June 30, 2025, p. 59, https://www.hr.marincounty.org/-/media/files/departments/hr/labor-relations/labor_agreements/mou--mcmea-20222025-for-web.pdf?la=en, (accessed 4/29/24).

The CBA with MAPE does not contain any language specific to contracting out work. However, the language in the MMBA, which governs such CBAs, does cover this (other than for custodial services).³⁸

There is no prohibition of outsourcing for the purpose of changing the way services (that are currently being done by represented employees) can be done by a public entity, regardless of whether or not there is any flexibility or language in an CBA. However, the entity has to make sure the effects of the decision are properly negotiated with the union(s) if such outsourcing were to be done. If not, an unfair labor practice charge could be filed.

When the CBAs are renegotiated, it is vital that the County negotiate for expanded rights with respect to entering into managed-service agreements. Expanded rights for these types of agreements would allow IST to more easily contract for expanded cybersecurity services such as SIEM systems, Managed Detection and Response (MDR) or Endpoint Detection and Response (EDR). Additionally, the outsourcing of lower priority tasks such as desktop equipment deployment and support, would allow shifting and retraining of existing staff to higher priority, more strategic work. This retraining has the added benefit of allowing these employees to learn valuable new skills and be in a better position for career advancement in the cyber security area.

The Grand Jury has found that the level of cybersecurity preparedness has generally improved since the 2019-2020 Grand Jury report on cyber-attacks. However, due to the dynamic nature of the subject, this will require constant vigilance and investment in technologies.

³⁸ Collective Bargaining Agreement Marin Association of Public Employees General Bargaining Unit and the County of Marin, September 19, 2021-June 30, 2026, https://www.hr.marincounty.org/-/media/files/departments/hr/labor-relations/labor_agreements/mou--mape-gu-20212026--final-for-web.pdf?la=en, (accessed 4/30/24).

FINDINGS

- F1.** Contracts for Information Technology, Information Systems, and Cybersecurity services between third-party providers and Marin County governmental agencies should contain a Business Continuity clause, or other language, protecting that agency from a sudden cessation of services provided by the third-party provider.
- F2.** Marin County municipalities should have current, written contracts with third-party providers of Information Technology, Information Systems, and Cybersecurity services, and should not continue to use those providers' services without a current contract.
- F3.** Membership in insurance risk pools provides the benefits of cybersecurity assessments and audits, which highlight cybersecurity deficiencies and make suggestions for improvement.
- F4.** Having a completed, adopted and regularly updated cybersecurity plan helps ensure that all staff within a government agency are working together to optimize that organization's cyber preparedness and security.
- F5.** Joint Powers Authorities in Marin County exist to provide more efficient and cost-effective services to the people of Marin.
- F6.** The current County Collective Bargaining Agreements prevent the Marin County Department of Information Systems & Technology from unilaterally negotiating managed service agreements (outsourcing work to third parties).

RECOMMENDATIONS

The Grand Jury recommends that by December 31, 2024:

- R1.** Marin agencies should require a current (executed within the last five years), competitively-bid, written contract which includes business continuity language for any third-party Information Technology services they use.
- R2.** The Board of Supervisors should authorize the creation of a new position within the Department of Information Services and Technology for the 2025-2026 fiscal year, with specific responsibilities to assist other County agencies in cybersecurity awareness, training, implementation, and monitoring of cybersecurity systems.
- R3.** The Board of Supervisors should require that the Marin Department of Information Services and Technology evaluate the formation of a Cybersecurity Joint Powers Authority to raise overall cyber preparedness amongst its members, and for the purpose of acquiring and maintaining perimeter defense protection systems for preventing and eliminating ransomware and other more sophisticated cyberattacks.
- R4.** The Board of Supervisors should create two new system-engineering positions to be filled by cybersecurity experts who would be responsible for conducting security risk assessments, providing recommendations and implementing cybersecurity solutions for public agencies in Marin, among their other tasks.
- R5.** If and when a Joint Powers Authority is created, one of these positions would serve as a County member of the new organization and a liaison with the Chief Information Security Officer.
- R6.** All Marin municipalities should:
 - a) take all steps necessary to acquire an appropriate .gov or .ca.gov domain;
 - b) formulate and adopt a plan for rolling out a .gov or .ca.gov website and emails by the start of the 2025-2026 Fiscal Year.
- R7.** The Board of Supervisors should require that the Marin Department of Information Services and Technology:
 - a) develop a plan to redefine a secure network infrastructure of the MIDAS system which solely focuses on providing access to law enforcement, emergency response and justice systems, or other online County services, and exclude Internet Service Provider services;
 - b) take all steps necessary to transition administration of MIDAS from Marin IT to The County of Marin Department of Information Services and Technology.
- R8.** The Board of Supervisors require that the Marin Department of Information Services and Technology and the Department of Human Resources develop a plan for negotiating the inclusion of language that allows for managed service agreements in new Collective Bargaining Agreements with MAPE and MCMEA that will start in July of 2025.
- R9.** The Board of Supervisors requires that the Marin Department of Information Services and Technology update its Top 10 Cybersecurity Tips for Organizations at least once a year.

R10. The Board of Supervisors requires that the Marin Department of Information Services and Technology more directly promote, through the Marin Security and Privacy Council, its Top 10 Cybersecurity Tips for Organizations to all of Marin's public agencies.

REQUIRED RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requires responses from the following governing bodies within 90 days:

- Marin County Board of Supervisors (F1-F6, R1-R6 (a) and (b), R7 (a) and (b), R8-R10)
- City of San Rafael (F1-F6, R1, R6 (a) and (b))
- City of Belvedere (F1-F6, R1, R6 (a) and (b))
- City of Larkspur (F1-F6, R1, R6 (a) and (b))
- City of Mill Valley (F1-F6, R1, R6 (a) and (b))
- City of Novato (F1-F6, R1, R6 (a) and (b))
- City of Sausalito (F1-F6, R1, R6 (a) and (b))
- Town of Corte Madera (F1-F6, R1, R6 (a) and (b))
- Town of Fairfax (F1-F6, R1, R6 (a) and (b))
- Town of Ross (F1-F6, R1, R6 (a) and (b))
- Town of San Anselmo (F1-F6, R1, R6 (a) and (b))
- Town of Tiburon (F1-F6, R1, R6 (a) and (b))

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code section 933 (c) and subject to the notice, agenda and open meeting requirements of the Brown Act.

INVITED RESPONSES

- Marin County of Marin Department of Information Services and Technology (F1-F6, R2-R4, R6 (a) and (b), R9)
- Marin County Department of Human Resources (F6, R8)

Note: At the time this report was prepared information was available at the websites listed.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.

APPENDIX A

Cybersecurity Terms and Definitions

Adversary/Threat Actor: An individual, group, organization, or government that conducts or has the intent to conduct detrimental activities.

Antivirus software (AVS): A program that monitors a computer or network to detect or identify major types of malicious code and to prevent or contain malware incidents and sometimes by removing or neutralizing the malicious code.

Attack: An attempt to gain unauthorized access to system services, resources, or information, or an attempt to compromise system integrity.

Cybersecurity and Infrastructure Security Agency (CISA): Is responsible for developing a range of cyber and infrastructure security services, publications, and programs for the federal government, state, local, tribal, and territorial (SLTT) governments, industry, small and medium-sized businesses, and the general public. CISA defends critical infrastructure against threats and assists both other government agencies and private sector organizations in addressing cybersecurity issues.

Clickjacking: Involves tricking someone into clicking on one object on a web page while they think they are clicking on another. The attacker loads a transparent page over the legitimate content on the web page so that the victim thinks they are clicking on a legitimate item when they are really clicking on something on the attacker's invisible page. This way, the attacker can hijack the victim's click for their own purposes. Clickjacking could be used to install malware, gain access to one of the victim's online accounts, or enable the victim's webcam.

Cybersecurity: Relates to the processes, computer hardware and software employed to safeguard and secure assets used to carry information of an organization from being stolen or attacked. Cybersecurity requires extensive knowledge of possible threats such as viruses or other malicious objects. Identity management, risk management, and incident management form the crux of the cybersecurity strategies of an organization.

Dark Web: The Dark Web is encrypted parts of the internet that are not indexed by search engines, most notoriously used by all types of criminals including; pedophiles, illicit human and contraband traffickers, and cyber criminals, to communicate and share information without being detected or identified by law enforcement. Malware of all types can be purchased on the dark web. Dark Web pages need special software with the correct decryption key and access rights and knowledge to find content. Users of the Dark Web remain almost completely anonymous due to its P2P network connections which makes network activity very difficult to trace.

Data breach: The unauthorized movement or disclosure of sensitive information to a party, usually outside the organization, that is not authorized to have or see the information.

Denial of Service: An attack that prevents or impairs the authorized use of information system resources or services.

Distributed Denial of Service (DDOS): A denial of service technique that uses numerous systems to perform the attack simultaneously.

Endpoint Detection and Response (EDR): Also referred to as endpoint detection and threat response (EDTR), is an endpoint security solution that continuously monitors end-user devices to detect and respond to cyber threats like ransomware and malware.

Firewall: A Firewall is a security system that forms a virtual perimeter around a network of workstations preventing viruses, worms, and hackers from penetrating.

Information Systems (IS) is a term for how data is collected and used in an organization including the hardware, software and network communications.

Information Technology (IT) is a common term typically for aspects related to business enterprise computing including hardware, software and infrastructure.

Interactive Intrusion Techniques: Malicious activities where an Adversary actively interacts with and executes actions on a host to achieve their goals. Unlike automated Malware attacks that rely on the mass deployment of scripts and tools, interactive intrusions leverage the ingenuity and problem solving skills of human adversaries. These individuals can mimic expected user and administrator behavior, making it difficult for defenders to differentiate between legitimate user activity and a cyberattack.

Malware: Software that compromises the operation of a system by performing an unauthorized function or process.

Managed Detection and Response (MDR): A (third-party) cybersecurity service that provides organizations with a team of experts who monitor your endpoints, networks and cloud environments and respond to cyber threats 24/7.

MIDAS is a consortium of government and nonprofit agencies within Marin County. It provides a reliable and secure network infrastructure.

Multi Factor Authentication (MFA): A form of authentication that requires a user to provide two or more verification factors to access a resource such as an online account.

Phishing: Phishing is a type of internet fraud that seeks to acquire a user's credentials by deception. It includes the theft of passwords, credit card numbers, bank account details, and other confidential information. Phishing messages usually take the form of fake notifications from banks, providers, online payment systems, and other, legitimate-looking organizations. The phishing attempt will try to encourage a recipient, for one reason or another, to enter/update personal data. Common reasons given can include "suspicious login to the account," or "expiration of the password."

Ransomware: Is the name given to malicious programs designed to extort money from victims by blocking access to the computer or encrypting stored data. The malware displays a message offering to restore the system/data in return for payment.

Security Information and Event Management (SIEM): A cyber security solution that helps organizations detect, analyze, and respond to security threats before they harm business operations. SIEM combines both security information management (SIM) and security event management (SEM) into one security management system. SIEM technology collects event log data from a range of sources, identifies activity that deviates from the norm with real-time analysis, and takes appropriate action.

Spoofing: A Spoof is an attack attempt by an unauthorized entity or attacker to gain illegitimate access to a system by posing as an authorized user. Spoofing includes any act of disguising a communication from an unknown source as being from a known, trusted source. Spoofing can apply to emails, phone calls, and websites, or can be more technical, such as a computer spoofing an IP address.

Third-party relationship exploitation: This type of cyberattack takes advantage of vendor-client relationships to deploy malicious tooling via two key techniques: 1) compromising the software supply chain using trusted software to spread malicious tooling and 2) leveraging access to vendors supplying IT services.

Zero Trust Architecture: Zero Trust Architecture is a security concept centered around the idea that organizations should not automatically trust anything inside or outside of their perimeters and instead must verify anything and everything trying to connect to their systems before granting access. This approach is based on the principle of "never trust, always verify." Zero Trust Architecture operates on the assumption that threats exist both inside and outside the network, and it focuses on maintaining strict access controls and continuously verifying the trustworthiness of users and devices. This is done through various methods such as multi-factor authentication, micro-segmentation, least privilege access, and continuous monitoring of network traffic and user behavior.




Agenda Item No: 6.c
Meeting Date: July 15, 2024

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Library and Recreation

Prepared by: Paul Navazio, Finance Director
Craig Veramay, Assistant Library and Recreation Director

City Manager Approval: 

TOPIC: PROPOSED UPDATE TO MASTER FEE SCHEDULE - CHILDCARE

SUBJECT: RESOLUTION AUTHORIZING AN UPDATE TO THE MASTER FEE SCHEDULE TO ESTABLISH CHILDCARE PROGRAM RATES FOR THE 2024-25 SCHOOL YEAR

RECOMMENDATION:

Adopt the resolution authorizing an update to the Master Fee Schedule to establish Childcare Program rates for the 2024-25 school year.

BACKGROUND:

The City’s Library and Recreation Department provides Childcare Program services, which are, in general, fully cost-covered through fees paid by program participants. The Childcare Program also provides subsidized services supported by State Childcare Grant funds allocated to the City for this purpose.

The City Council’s policy regarding the City’s childcare program is for the program to be fully self-sustaining financially, such that the program revenues are adequate to cover all programmatic expenditures.

In December 2022, following a comprehensive rate study, the City Council adopted [Resolution No. 15178](#) authorizing updates to its Master Fee Schedule to include fees charged for Childcare Program services to become effective in August 2023 for the 2023-24 school year. Furthermore, the adopted resolution authorizes annual fee increases, based on annual increases in the San Francisco-Oakland-Hayward All Urban Consumers’ Price Index (CPI-U), not to exceed 3.0% per year.

ANALYSIS:

The February-to-February increase in the referenced CPI index was 2.37%. This CPI-based adjustment is insufficient to maintain full-cost recovery for the City’s Childcare Program. Staff recommend that the City Council approve an increase to the Childcare Program fees for the 2024-25 school year by 9.0%, rounded up to the nearest whole dollar, as shown in Attachment 1 (Proposed Fiscal Year 2024-25 Childcare Program Fee Comparison). This level of increase is required in order to cover projected Fiscal Year 2024-25 program costs, as the collective bargaining agreement with the Service Employees International Union (SEIU), Local 1021, will significantly increase employee compensation in order to be competitive in the labor market and to recruit and retain the most talented childcare staff. Therefore, staff

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

recommends Childcare Program rates be updated to cover increased employee compensation. The City Council will consider approval of the new agreement during its July 15, 2024, City Council meeting.

Additionally, the existing childcare program fee schedule currently includes several fee categories that are no longer in use. These fees are no longer required, and staff recommend the elimination of those fees, as shown in Attachment 1.

FISCAL IMPACT:

The City's Childcare Program currently generates fee-based revenues of approximately \$3.2 million. Applying a CPI-based (2.37%) rate adjustment would yield increased program revenues of approximately \$75,000. In contrast, Childcare Program costs are projected to increase by an estimated \$290,000 for Fical Year 2024-25. To cover this increased cost and maintain full-cost-recovery for the City's fee-based Childcare Program, fee adjustments of 9.0% are required for the 2024-25 school year. This fee increase is projected to yield increased program revenues of approximately \$288,000.

OPTIONS:

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

1. Adopt the resolution authorizing the recommended 9.0% increase in Childcare Program fees for the 2024-25 school year.
2. Adopt a reduced rate adjustment for 2024-25 and allocate City General Fund resources to subsidize 2024-25 Childcare Program costs.
3. Direct staff to return with more information.
4. Take no action.

RECOMMENDED ACTION:

Adopt the resolution authorizing an update to the Master Fee Schedule to establish Childcare Program rates for the 2024-25 school year.

ATTACHMENTS:

1. Proposed 2024-25 Childcare Program Fee Comparison
2. Resolution amending the Master Fee Schedule to establish Childcare Program rates for the 2024-25 school year.
 - a. Exhibit A – Proposed 2024-25 Childcare Program Fees

Attachment 1 - Childcare Fee Comparison - Current and Proposed Fee Schedule Effective August 1, 2024				
PROPOSED Child Care Fees - Effective August 1, 2024				
Program Category	Unit of Measure	Fee Type	CURRENT FEES	PROPOSED FEE Effective August 1, 2024
CHILDCARE REGULAR FEES				
Full Day Program	Day	Regular Rate	\$61	\$66
Recreation Day	Day	Regular Rate	\$48	ELIMINATE
After School Day Rate	Day	Regular Rate	\$27	ELIMINATE
Minimum Day/K-Full	Day	Regular Rate	\$39	ELIMINATE
Minimum Day Conf/ * K-Full 8/23-9/07	Day	Regular Rate	\$50	ELIMINATE
K-Part/TK-Part	Day	Regular Rate	\$18	ELIMINATE
*K-Part 8/23-9/07	Day	Regular Rate	\$23	ELIMINATE
Preschool Tuition	Month	Regular Rate	\$1,595	\$1,739
Registration Fee	Annual	Regular Rate	\$77	\$84
Summer Kid's Camp	Week	Regular Rate	\$365	\$398
CHILDCARE AFTERSCHOOL PROGRAM FEES - MILLER CREEK SCHOOL DISTRICT SITES				
5 Days/wk	Month	Regular Rate	\$531	\$579
3 Days/wk	Month	Regular Rate	\$281	\$306
3 days/wk incl. Wed	Month	Regular Rate	\$345	\$376
Kindergarten Part Day (3 Days/Wk)	Month	Regular Rate	\$190	\$207
Kindergarten Part Day (4 Days/Wk)	Month	Regular Rate	\$242	\$264
Kindergarten Full Day (3 Days/Wk)	Month	Regular Rate	\$418	\$456
Kindergarten Full Day (5 Days/Wk)	Month	Regular Rate	\$717	\$782
CHILDCARE AFTERSCHOOL PROGRAM FEES - SAN RAFAEL CITY SCHOOL DISTRICT SITES				
5 Days/wk	Month	Regular Rate	\$547	\$596
3 Days/wk	Month	Regular Rate	\$302	\$329
3 days/wk incl. Wed	Month	Regular Rate	\$359	\$391
CHILDCARE DROP IN FEES				
Full Day Program	Day	Drop In Rate	\$66.00	ELIMINATE
Recreation Day	Day	Drop In Rate	\$53.00	ELIMINATE
After School Day Rate	Day	Drop In Rate	\$35.00	ELIMINATE
Minimum Day/K-Full	Day	Drop In Rate	\$44.00	ELIMINATE
Minimum Day Conf/ * K-Full 8/23-9/07	Day	Drop In Rate	\$55.00	ELIMINATE
K-Part/TK-Part	Day	Drop In Rate	\$23.00	ELIMINATE
*K-Part 8/23-9/07	Day	Drop In Rate	\$28.00	ELIMINATE

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AUTHORIZING AN UPDATE TO THE MASTER FEE SCHEDULE TO ESTABLISH CHILDCARE PROGRAM RATES FOR THE 2024-25 SCHOOL YEAR

WHEREAS, the City's Library and Recreation Department provides Childcare Program services which are, in general, fully cost-covered through fees paid by program participants; and

WHEREAS, in December 2022, following a comprehensive rate study, the City Council adopted Resolution No. 15178, a resolution authorizing updates to its Master Fee Schedule, to include fees charged for Childcare Program services to become effective in August 2023 for the 2023-24 school year; and

WHEREAS, Resolution No.15178 authorizes annual fee increases, based on annual increases in the San Francisco-Oakland-Hayward All Urban Consumers' Price Index (CPI-U), not to exceed 3.0% per year and

WHEREAS, an increase in Childcare Program fees of 9.0% is required in order to cover FY2024-25 program costs, particularly in light of new labor agreements with the collective bargaining group representing Childcare Program employees.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of San Rafael does hereby approve and authorize increases in Childcare Program fees for the 2024-25 school year of 9.0%, rounded to the nearest whole dollar, as reflected in Exhibit A attached hereto, to be effective August 1, 2024; and be it,

FURTHER RESOLVED, that the City Council authorizes staff to make modifications to the Childcare Program Fee Schedule, as may be required, to address changes in program offerings, provided that any fee modifications are consistent with the structure of the approved fees and support overall cost-recovery targets for the City's Childcare Program.

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 on Monday, the 15th of July 2024, by the following vote, to wit:

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

LINDSAY LARA, City Clerk

Child Care Fees - Effective August 1, 2024			
Program Category	Unit of Measure	Fee Type	REGULR FEE
CHILDCARE REGULAR FEES			
Full Day Program	Day	Regular Rate	\$66
Preschool Tuition	Month	Regular Rate	\$1,739
Registration Fee	Annual	Regular Rate	\$84
Summer Kid's Camp	Week	Regular Rate	\$398
CHILDCARE AFTERSCHOOL PROGRAM FEES - MILLER CREEK SCHOOL DISTRICT SITES			
5 Days/wk	Month	Regular Rate	\$579
3 Days/wk	Month	Regular Rate	\$306
3 days/wk incl. Wed	Month	Regular Rate	\$376
Kindergarten Part Day (3 Days/Wk)	Month	Regular Rate	\$207
Kindergarten Part Day (4 Days/Wk)	Month	Regular Rate	\$264
Kindergarten Full Day (3 Days/Wk)	Month	Regular Rate	\$456
Kindergarten Full Day (5 Days/Wk)	Month	Regular Rate	\$782
CHILDCARE AFTERSCHOOL PROGRAM FEES - SAN RAFAEL CITY SCHOOL SITES			
5 Days/wk	Month	Regular Rate	\$596
3 Days/wk	Month	Regular Rate	\$329
3 days/wk incl. Wed	Month	Regular Rate	\$391



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Human Resources

Prepared by: Angela Robinson Piñon,
Assistant City Manager

City Manager Approval: _____

Marissa Sanchez,
Human Resources Director

TOPIC: SALARY AND BENEFIT PLANS FOR TEMPORARY EMPLOYEES

SUBJECT: RESOLUTIONS REGARDING SALARY AND BENEFIT PLANS FOR TEMPORARY EMPLOYEES

1. **RESOLUTION RESCINDING RESOLUTION NO. 15020 AND ESTABLISHING A SALARY AND BENEFIT PLAN FOR TEMPORARY, SEASONAL AND RETIREE EMPLOYEES**
2. **RESOLUTION ESTABLISHING A SALARY AND BENEFIT PLAN FOR NON-EXEMPT FIXED-TERM EMPLOYEES**
3. **RESOLUTION ESTABLISHING A SALARY AND BENEFIT PLAN FOR EXEMPT FIXED-TERM EMPLOYEES**

RECOMMENDATION:

1. Adopt a resolution rescinding Resolution No. 15020 and establishing a Salary and Benefit Plan for Temporary, Seasonal and Retiree Employees. (Attachment 1)
2. Adopt a resolution establishing a Salary and Benefit Plan for Non-Exempt Fixed-Term Employees. (Attachment 2)
3. Adopt a resolution establishing a Salary and Benefit Plan for Exempt Fixed-Term Employees. (Attachment 3)

BACKGROUND:

The City utilizes a variety of positions to deliver City services, including jobs that are temporary, seasonal, or are authorized for only a fixed duration of time based on funding and limitations or special project and program needs. These positions perform job duties or services that are either outside of regular classified

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

services or are established to meet coverage needs, utilize part-time retiree expertise, or help departments respond to workload surges. There are five types of positions/classifications (temporary, seasonal, retiree, exempt fixed-term, and non-exempt fixed-term) covered under the existing Salary and Benefit Plan attached.

Periodically, the City evaluates the salary and benefits for these positions to ensure successful recruitment and retention of an effective temporary staffing pool. The City Manager has the authority in accordance with the Temporary, Seasonal, Retiree and Fixed-Term resolution to amend the Salary Schedule on July 1 each fiscal year to a rate of pay similar to that of regular or comparable employees performing like work, provided that the City Manager has made a determination that the salary schedule adjustment will be fiscally prudent under projected budget conditions.

Salaries and benefits were last updated in 2022 under [Resolution number 15020](#). Staff recommends rescinding the current resolution number 15020 in order to adopt any recommended updates. Due to the vast difference in the nature and level of work performed by the classifications, the difference in work hours allowed and the different levels of benefits provided, staff recommends that the City establish separate salary and benefit plans to more clearly distinguish between the employment status and benefits for Temporary, Seasonal and Retirees versus Fixed-Term (exempt and non-exempt) employees.

ANALYSIS:

The following reflects highlights of the recommended changes and is consistent with the economic guidelines authorized by the City Council. The attached resolutions include all recommended changes.

1. Salary and Hourly Rate Increases:

- a. Staff evaluated the hourly pay ranges for **temporary, seasonal and retiree** job classes and recommends that adjustments be made to the hourly rates for classes with an associated regular position where the range was less than that of the regular position. The following positions were adjusted to correspond to the hour rates for the regular position: Administrative Specialist, Police Dispatcher, Facilities Attendant, Maintenance Temp, Office Aide, and Records Temp. The Clerical Temp position has not been used for several years; therefore, staff recommends it be deleted from the Salary Schedule. Salary adjustments are proposed for classifications that are historically difficult to fill but are essential for filling temporary coverage needs. These positions include Child Care Aide, Child Care Specialist, Recreation Leader, Recreation Specialist, Substitute Librarian, and Substitute Library Assistant. No other changes are recommended. Hourly rates for all temporary, seasonal and retiree classifications are listed in Exhibit B to the Resolution Establishing a Salary and Benefit Plan for Temporary, Seasonal and Retiree Employees.
- b. Staff evaluated the hourly pay rates for **non-exempt fixed-term** job classes and recommends the Child Care Specialist range be adjusted to remain similar in the rate of pay for the associated regular position. Exhibit B to the Resolution Establishing a Salary and Benefit Plan for Non-Exempt Fixed-Term Employees reflects the new recommended hourly rate pay range for this position.
- c. Staff evaluated the compensation for **exempt fixed-term** job classes and recommends the Project Manager salary range be adjusted to remain similar in the rate of pay for the associated regular positions. Exhibit B to the Resolution Establishing a Salary and Benefit Plan for Exempt Fixed-Term Employees reflects a three percent (3.0%) cost of living increase for this position. The Advanced Professional and Executive Professional salary ranges are comparable with similar regular positions; therefore, no adjustments are proposed at this time.

2. Increases to the City’s Medical and Dental Insurance Contributions: To address rising healthcare costs and improve the City’s ability to recruit and retain employees and to improve the market position among comparator agencies staff proposed changes to the City’s contributions to medical and dental benefits for full-time, fixed-term employees.

- a. **Exempt fixed-term** employees will receive an increase in their monthly Flex Dollar Allowance as noted in the table on the next page. These positions are at the management level, and often require specialized experience and/or a unique technical background for a specific, time-limited period of time. Most public agencies provide similar benefits to these positions as those provided to employees appointed to regular positions. The proposed health insurance contribution increases to the cafeteria benefit plan are consistent with those being offered to all City of San Rafael employees in their successor collective bargaining agreements.

Health Tier	Current	Increase	Effective Dec 2024
Employee Only	\$ 634.57	\$ 315.43	\$ 950.00
Employee +1 dependent	\$ 1,269.14	\$ 630.86	\$ 1,900.00
Employee + Family	\$ 1,649.88	\$ 750.12	\$ 2,400.00

- b. **Non-exempt fixed-term** employees shall receive a contribution of \$950.00 per month towards their health and dental insurance premiums.

3. Non-Economic Items: The attached resolutions also include the following changes:

- Gender Neutral Language: Replaces references to “he,” “she,” “his,” and “hers” with “they,” “them,” and “their.”
- Bereavement Leave: Adds language regarding bereavement leave to comply with changes in state law.
- Holidays: Updates the number of holidays for fixed term employees to align with regular positions.

FISCAL IMPACT:

The total costs associated with implementing the recommended salary and benefit adjustments are estimated to be within a range of \$150,000 – \$200,000 per fiscal year. Specifically, the increase in health benefit contributions for the current fixed-term positions is projected to cost \$32,770 annually. The salary schedule adjustments as noted on the attached salary schedules is projected to cost up to \$162,500 annually. All City departments have sufficient funds in their budgets to absorb the additional compensation costs and will include in their budget proposals for the ongoing costs in future fiscal years.

OPTIONS:

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

- Accept staff’s recommendation to adopt the resolution.
- Adopt resolution with modifications.
- Direct staff to return with more information.
- Take no action.

RECOMMENDED ACTION:

1. Adopt a resolution rescinding Resolution No. 15020 and establishing a Salary and Benefit Plan for Temporary, Seasonal and Retiree Employees. (Attachment 1)
2. Adopt a resolution establishing a Salary and Benefit Plan for Non-Exempt Fixed-Term Employees. (Attachment 2)
3. Adopt a resolution establishing a Salary and Benefit Plan for Exempt Fixed-Term Employees. (Attachment 3)

ATTACHMENTS:

1. Resolution rescinding Resolution No. 15020 and establishing a Salary and Benefit Plan for Temporary, Seasonal and Retiree Employees, along with Exhibit A – Salary and Benefit Plan and Exhibit B – Salary Schedule
2. Resolution establishing a Salary and Benefit Plan for Non-Exempt Fixed-Term Employees, along with Exhibit A – Salary and Benefit Plan and Exhibit B – Salary Schedule
3. Resolution establishing a Salary and Benefit Plan for Exempt Fixed-Term Employees, along with Exhibit A – Salary and Benefit Plan and Exhibit B – Salary Schedule

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL RESCINDING
RESOLUTION NO. 15020 AND ESTABLISHING A SALARY AND BENEFIT PLAN FOR
UNREPRESENTED TEMPORARY, SEASONAL AND RETIREE EMPLOYEES**

WHEREAS, it is the intent of the City of San Rafael to compensate Unrepresented Temporary, Seasonal and Retiree employees at a rate of pay similar to that of regular or comparable employees performing like work; and

WHEREAS, there is a need to update benefits and apply salary adjustments to the City's Unrepresented Temporary, Seasonal and Retiree classifications; and

WHEREAS, the revised salary and benefit plan would replace the salary and benefit plan previously approved by the City Council pursuant to Resolution No. 15020;

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

- (1) That Resolution No. 15020 is rescinded;
- (2) That the changes made to the Unrepresented Temporary, Seasonal and Retiree Employees Salary and Benefit Plan are effective July 1, 2024;
- (3) That the Unrepresented Temporary, Seasonal and Retiree Employees Salary and Benefit Plan attached as Exhibit "A" hereto, including the Salary Schedule effective July 1, 2024, attached hereto as Exhibit "B", are adopted for the classifications identified therein;
- (4) That the Unrepresented Temporary, Seasonal and Retiree Employees covered by the foregoing Salary and Benefit Plan shall be paid on an hourly basis at the rates established in the aforementioned salary schedule, only for time actually worked.

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 Council of said City on Monday, the 15th day of July 2024, by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Lindsay Lara, City Clerk

**UNREPRESENTED TEMPORARY, SEASONAL AND RETIREE EMPLOYEES
SALARY AND BENEFIT PLAN**

DEFINITION

Unrepresented Temporary, Seasonal and Retiree employees serve important roles in supporting City business. These positions perform job duties and provide city services that are outside of the regular classified services. All positions covered by this resolution are at-will and as such serve at the pleasure of the appointing authority and may be removed at any time without cause and without right of appeal. Unrepresented Temporary and Seasonal employees who wish to secure a regular position with the City must compete in the applicable recruitment and examination process for any such regular position.

Unrepresented Seasonal

Unrepresented Seasonal is defined as those employees who perform specific job responsibilities that are for a specific period of time. The period is typically for a period of four (4) months or less. Seasonal employees often work in recreation or park programs. Seasonal employees may work a maximum of 1,000 hours in a fiscal year.

Unrepresented Retiree

Unrepresented Retirees who return to fill temporary or seasonal positions may work a maximum of 960 hours per fiscal year. Once the retiree employee reaches 960 hours in a fiscal year, they shall no longer be eligible to work for the City until the next fiscal year.

Unrepresented Temporary

Unrepresented Temporary positions do not have the same title as classified City positions (those covered by a City MOU) and may not exceed 1,000 hours in a fiscal year.

The Department Director or designee has the authority to make temporary appointments provided there are sufficient funds in the department budget. Temporary appointments are typically made to meet short-term employment needs such as peak workload, illness, vacations of full-time employees, or pending the establishment of a new eligibility list.

There are four types of Temporary Appointments:

- A. **Standard Temporary Appointment:** Appointment to one of the temporary job classifications listed in this resolution for a specific purpose that is of temporary nature.
- B. **Special Appointment:** Special temporary appointments to perform work outside an existing City classification and for which no temporary job classification exists may be made under special circumstances, when the individual has a unique combination of expertise, background and skills and is needed to help the department respond to a priority work issue. City Manager approval is required.
- C. **Emergency Appointment:** Temporary appointment of an employee to prevent stoppage of public business, loss of life, or damage to persons or property, or when qualified personnel cannot be readily obtained due to emergency conditions. An employee appointed in this category need not meet the minimum qualifications of the job.

- D. **Per Diem**: Per Diem is defined as those temporary employees who are not regularly scheduled to work but serve in an as-needed capacity. Per Diem employees are typically on a list to be called when needed. Per Diem temporary appointments are made to one of the temporary classifications listed in this resolution.

SALARY, BENEFITS, WORK HOURS, AND CLASSIFICATION

Rate of Pay

It is the intent of the City of San Rafael to compensate Unrepresented Temporary, Seasonal and Retiree employees at a rate of pay similar to that of regular employees performing like work. The hourly rate is based upon the level of duties performed. The attached Unrepresented Temporary/Seasonal/Retiree Salary Schedule lists the rates of pay for each position.

Effective July 1 of each fiscal year, such Salary Schedule may be adjusted by the City Manager to a rate of pay similar to that of regular or comparable employees performing like work, provided that the City Manager has made a determination that the salary schedule adjustment will be fiscally prudent under projected budget conditions. Such compensation may also be adjusted as necessary to comply with State Minimum Wage requirements.

Benefits for Unrepresented Temporary, Seasonal and Retiree employees

Unrepresented Temporary and Seasonal, employees do not receive benefits with the exception of a retirement plan and paid sick leave. Participation in a retirement plan is mandated by Federal Law and San Rafael enrolls hourly employees in the Public Agency Retirement System (PARS). Under PARS, employees covered by this resolution contribute 3.75% of their salary to the retirement plan and the City contributes the same amount. Contributions are tax-deferred. Unrepresented Temporary and Seasonal employees are entitled to sick leave in accordance with California's Paid Sick Leave Law (AB 1522) as outlined in the City's Paid Sick Time Policy. Unrepresented Retiree employees are not eligible to participate in PARS or receive Paid Sick Leave.

Unrepresented Unrepresented Temporary, Seasonal, and Retiree employees are eligible for statutory bereavement leave if they have been employed for at least thirty (30) days before the leave commences. Up to five (5) days of bereavement leave may be taken for the death of a family member, which means a spouse, child, parent, sibling, grandparent, grandchild, domestic partner, or parent-in-law. The bereavement leave must be completed within three (3) months of the date of death, but need not be taken consecutively. Employees with accrued sick leave may use that time for bereavement leave. The above bereavement clause shall also apply in the event of a reproductive loss for an employee. The City agrees to maintain employee confidentiality related to the reproductive loss leave.

Limitation on Annual Hours Worked

Unrepresented Temporary and Seasonal employees covered by this resolution may not work more than 1,000 hours in a fiscal year, unless they work in Police or Fire in a position that is staffed 24 hours per day. Employees in these positions (dispatch and police records) may work up to 1,250 hours in a calendar year.

Unrepresented Retirees under the 1937 Retirement Act working in any positions may not exceed the 960 hours per fiscal year limit.

Work Week and Overtime

Unrepresented Temporary, Seasonal and Retiree employees are eligible to receive overtime pay in accordance with the Fair Labor Standards Act (FLSA). Overtime is paid when the employee works in excess of 40 hours per week. The work week period is defined as Sunday at 12:01am to the following Saturday at 11:59pm.

Classification

Following is a list of the positions covered by this resolution. Department Directors may appoint from one of these positions at any point in the salary range based on the qualifications of the person filling the Unrepresented Temporary, Seasonal or Retiree position.

**Unrepresented Temporary/Seasonal/Retiree Job
Descriptions**

Administrative Specialist

Provides responsible work on complex administrative assignments. Performs more complex accounting tasks with more independence and prepares financial and statistical reports with a minimum of supervision. Researches and compiles a variety of informational materials, types drafts and finished documents including confidential materials, brief instructions, or written materials. Organizes and maintains files and records, schedules appointments, and arranges for facilities and supplies. Five years of responsible secretarial or office administrative experience is typically required.

Child Care Aide

Works with the children in the childcare program to carry out the day-to-day activities of the pre-school or elementary childcare programs. Responsible for assisting in planning and scheduling activities. Prior experience working with children in recreation, education or similar setting is preferred.

Child Care Specialist

Under general direction, this classification works with child care staff to plan and implement curriculum and instructional activities and ensure a safe environment for participants. Employees in this classification rely on experience and judgment to ensure the efficient and effective functioning of the childcare program. High School Diploma or GED and twelve (12) college units in recreation, education, or related field; BA preferred. One (1) year working with youth in a group setting preferred.

Dispatcher Temp

Operates emergency dispatching equipment to communicate with the public and Department personnel for the purpose of receiving, interpreting, and transmitting information essential to the delivery of emergency police services. Responsibilities include operation of Department telephone and radio communication equipment to receive and transmit information essential to the delivery of emergency police services, maintenance of radio logs and other related records, assisting in preparing, checking and indexing reports, operating personal computers and related software, providing information to the public, and related duties as required.

Events Specialist

Assists in set up, delivery, and breakdown of sound equipment, stages, band equipment, lighting, tents, generators and display equipment. Provides guest services such as making announcements, operating soundboards, and lighting equipment. May supervise maintenance crews and security at events. Special Events Assistants work independently and must be able to manage multiple tasks at a time to trouble-shoot and to make sound decisions. Requires the ability to move heavy equipment

Facilities Attendant

Under general direction of the Recreation Program Coordinator or Recreation Supervisor, this position is responsible for supervision of a Community Center during assigned work hours. Job duties includes the supervision of front counter/reception area, managing daily registration process, set-up and breakdown of equipment for scheduled activities, custodial and cleaning including but not limited to emptying trash, vacuuming, cleaning windows, cleaning restrooms, etc. Opening and securing facility before and after building use and interacting with instructors, clients and general public. Bilingual in Spanish and/or Vietnamese preferred.

Head Lifeguard

Under general supervision of the Pool Manager, Recreation Program Coordinator or Recreation Supervisor, the Head Lifeguard is responsible for pool safety, assisting with staff training and scheduling, staff supervision, daily administrative duties, sanitation and public relations of the pool facility. The Head Lifeguard is in charge of the pool in the absence of the Pool Manager, Recreation Program Coordinator or Recreation Supervisor. A minimum of two years pool guarding experience, current certifications as required for the position including, lifeguard training, CPR for the Professional Rescuer and A.E.D. training. Water Safety Instruction certification is desirable. Knowledge of: Aquatic facility safety principals and injury prevention strategies.

Intern

These positions provide work-experience to students who are interested in gaining entry-level experience in a profession of interest. Interns perform support tasks including research, surveys, data collection, drafting reports, and other related administrative tasks.

Library Page

Shelves incoming material maintains the shelves in order and assists library staff as needed. This is an entry-level position.

Lifeguard

Responsible for the enforcement of all rules and regulations pertaining to the safety and wellbeing of pool users and patrons. Responsibilities include maintaining health and safety standards, performing, emergency rescue techniques and rendering first aid to the injured, performing routine maintenance and custodial duties. Incumbent must possess a current Lifeguard Certification which includes CPR for the Professional Rescuer, First Aid and Automated External Defibrillator.

Maintenance Temp

Performs a variety of manual and semi-skilled tasks involved in the maintenance, improvement and operation of the City's sewage pumping stations and gravity sewer lines, and/or construction, repair, maintenance, and cleaning of streets, sidewalks, other concrete structures, storm drainage or related Public Works facilities.

Office Aide

Answers phones, prepares letters and reports, keeps schedules up-to-date, processes mail, performs payroll related functions, and other miscellaneous duties. Performs routine basic accounting duties including maintenance of journal vouchers, accounting records, subsidiary and general ledger entries, fixed asset record documentation, payroll timekeeping, accounts and grants receivables, audit preparation; financial, budgeting and statistical reports.

Officer Temp

Performs routine police reporting duties, including crime scene investigation, maintains training records, manages training schedules and reservations, assists the COPPs manager, maintains regulatory alarm permit program, prepares statistical information through the PD records management system, participates in guest speaking engagements, maintains a fair booth at the Marin County fair, and assists with crime prevention programs. Maintains files for all regulatory services within the purview of the police department, including alarm permits, concealed weapon permits, etc. Conducts background checks on body workers and fingerprints job applicants.

Paraprofessional Temp

A paraprofessional temp is trained in or knowledgeable of a specific field and is qualified to provide assistance to the work of a professional.

Parking Aide

This position provides general service and information to the public, and is responsible for the upkeep, presentation, and general operations of all City parking areas. Duties include assisting the public at all City parking locations, providing general information about the City of San Rafael, and specific information about rates, locations, and various programs. Operates all parking equipment and collects parking fees and provides change to customers, maintains records of transactions and parking activities, prepares cash deposits and delivers to designated drop areas, and may include basic parking enforcement duties of a limited nature.

Pool Cashier

Under general supervision, Pool Cashier are responsible for receiving and processing daily pool admissions, season passes, operating the cash register and maintaining security and accuracy of funds. Essential and important duties include: answering phones and handling customer service, ensuring customer sign in and checking identification, creating and maintaining good working relations with the public and staff, handling financial transactions at the pool including but not limited to class registration, season pass purchases, daily admission and swim diaper sales, ensuring accuracy of daily attendance and financial transactions, and assisting in an emergency and rendering first aid. Must have a certificate in American Red Cross CPR for the Professional Rescuer, First Aid and Automated External Defibrillator.

Pool Manager

Under the general supervision of the Recreation Program Coordinator or Recreation Supervisor, the Pool Manager is responsible for the organization and supervision of the City's aquatics program. Duties include the development and management of group and private swim lesson programs, managing pool schedules, developing staff training and curriculum, leading staff trainings and working directly with course instructors, pool party users and outside user groups.

Provides direction and motivation to part time staff. This position receives direction from the Recreation Supervisor.

Records Temp

Performs routine duties of Records Specialist including answering phones, entering calls for service into CAD, assisting customers at public counter, processing all forms of police records and reports.

Recreation Leader

Maintains a safe and enjoyable environment for recreation program participants. Responsibilities include planning, conducting and supervising activities such as organized games, group singing, art projects, field trips, and other activities for participants in a recreational/park setting.

Recreation Specialist

Under the supervision of a Recreation Program Coordinator or Recreation Supervisor, provides leadership and functional supervision to a recreation program, activity or service; directs and/or leads the activities of a program, activity or service; organizes and implements program elements and oversees participants, and performs related work as required. This is a higher-level position as distinguished from the Recreation Leader utilized in the Library and Recreation Department. This class is distinguished from the entry-level Recreation Leader by responsibility for on-site coordination of a specific program area. One (1) year of work experience in parks, recreation or related field required.

Substitute Librarian

Performs professional-level library public service work, including answering reference questions, providing readers' advisory, providing technical assistance, and presenting programs.

Substitute Library Assistant

Check's material in and out, answers simple questions, creates new patron accounts, and performs circulation tasks as needed.

Swim Instructor

Under general supervision, is responsible for the instruction of swim lesson programs. Swim Instructors must be able to demonstrate skills for class taught and must ensure the safety of all swimmers in their class. Swim Instructors may be assigned to teach group or private lessons for children 6 months through adults. Instructors are required to assist as needed in an emergency at the pool. Must possess current Lifeguard Certification which includes CPR for the Professional Rescuer, First Aid and Automated External Defibrillator. American Red Cross Water Safety Instructor highly desirable.

**Temporary / Seasonal / Retiree
Salary Schedule
Effective July 1, 2024**

Grade	Job Title	A	B	C	D	E	F	G	H	I	J
9916	<i>Administrative Specialist</i>	\$ 29.04	\$ 30.49	\$ 32.02	\$ 33.62	\$ 35.30	\$ 37.06	\$ 38.92	\$ 40.86	\$ 42.91	\$ 45.05
9903	<i>Child Care Aide</i>	\$ 16.00	\$ 16.80	\$ 17.64	\$ 18.52	\$ 19.45	\$ 20.42	\$ 21.44	\$ 22.51	\$ 23.64	\$ 24.82
9937	<i>Child Care Specialist</i>	\$ 21.50	\$ 22.58	\$ 23.70	\$ 24.89	\$ 26.13	\$ 27.44	\$ 28.81	\$ 30.25	\$ 31.77	\$ 33.35
9904	<i>Clerical Temp</i>	\$ 16.00	\$ 16.27	\$ 16.54	\$ 17.37	\$ 18.24	\$ 19.15	\$ 20.10	\$ 21.11	\$ 22.17	\$ 23.27
9935	<i>Dispatcher Temp</i>	\$ 30.46	\$ 31.99	\$ 33.59	\$ 35.27	\$ 37.03	\$ 38.88	\$ 40.82	\$ 42.87	\$ 45.01	\$ 47.26
9921	<i>Events Specialist</i>	\$ 16.00	\$ 16.70	\$ 17.54	\$ 18.41	\$ 19.33	\$ 20.30	\$ 21.31	\$ 22.38	\$ 23.50	\$ 24.67
9922	<i>Facilities Attendant</i>	\$ 23.42	\$ 24.59	\$ 25.82	\$ 27.11	\$ 28.47	\$ 29.89	\$ 31.39	\$ 32.95	\$ 34.60	\$ 36.33
9918	<i>Head Lifeguard</i>	\$ 19.25	\$ 20.21	\$ 21.22	\$ 22.28	\$ 23.40	\$ 24.57	\$ 25.80	\$ 27.09	\$ 28.44	\$ 29.86
9923	<i>Intern</i>	\$ 16.00	\$ 16.27	\$ 16.54	\$ 17.37	\$ 18.24	\$ 19.15	\$ 20.10	\$ 21.11	\$ 22.17	\$ 23.27
9932	<i>Library Page</i>	\$ 16.00	\$ 16.80	\$ 17.64	\$ 18.52	\$ 19.45	\$ 20.42	\$ 21.44	\$ 22.51	\$ 23.64	\$ 24.82
9902	<i>Lifeguard</i>	\$ 17.00	\$ 17.85	\$ 18.74	\$ 19.68	\$ 20.66	\$ 21.70	\$ 22.78	\$ 23.92	\$ 25.12	\$ 26.37
9907	<i>Maintenance Temp</i>	\$ 25.83	\$ 27.12	\$ 28.48	\$ 29.90	\$ 31.40	\$ 32.97	\$ 34.62	\$ 36.35	\$ 38.17	\$ 40.07
9924	<i>Office Aide</i>	\$ 24.46	\$ 25.68	\$ 26.97	\$ 28.31	\$ 29.73	\$ 31.22	\$ 32.78	\$ 34.42	\$ 36.14	\$ 37.94
9928	<i>Officer Temp</i>	\$ 26.50	\$ 27.83	\$ 29.22	\$ 30.68	\$ 32.21	\$ 33.82	\$ 35.51	\$ 37.29	\$ 39.15	\$ 41.11
9908	<i>Paraprofessional Temp</i>	\$ 21.20	\$ 22.26	\$ 23.37	\$ 24.54	\$ 25.77	\$ 27.06	\$ 28.41	\$ 29.83	\$ 31.32	\$ 32.89
9925	<i>Parking Aide</i>	\$ 16.00	\$ 16.27	\$ 16.54	\$ 17.37	\$ 18.24	\$ 19.15	\$ 20.10	\$ 21.11	\$ 22.17	\$ 23.27
9929	<i>Pool Cashier</i>	\$ 16.00	\$ 16.27	\$ 16.54	\$ 17.37	\$ 18.24	\$ 19.15	\$ 20.10	\$ 21.11	\$ 22.17	\$ 23.27
9930	<i>Pool Manager</i>	\$ 21.20	\$ 22.26	\$ 23.37	\$ 24.54	\$ 25.77	\$ 27.06	\$ 28.41	\$ 29.83	\$ 31.32	\$ 32.89
9926	<i>Records Temp</i>	\$ 26.60	\$ 27.93	\$ 29.32	\$ 30.79	\$ 32.33	\$ 33.95	\$ 35.64	\$ 37.43	\$ 39.30	\$ 41.26
9910	<i>Recreation Leader</i>	\$ 16.00	\$ 16.80	\$ 17.64	\$ 18.52	\$ 19.45	\$ 20.42	\$ 21.44	\$ 22.51	\$ 23.64	\$ 24.82
9911	<i>Recreation Specialist</i>	\$ 22.00	\$ 23.10	\$ 24.26	\$ 25.47	\$ 26.74	\$ 28.08	\$ 29.48	\$ 30.96	\$ 32.50	\$ 34.13
9933	<i>Substitute Librarian</i>	\$ 33.28	\$ 34.94	\$ 36.69	\$ 38.53	\$ 40.45	\$ 42.47	\$ 44.60	\$ 46.83	\$ 49.17	\$ 51.63
9931	<i>Substitute Library Assistant</i>	\$ 23.50	\$ 24.68	\$ 25.91	\$ 27.20	\$ 28.56	\$ 29.99	\$ 31.49	\$ 33.07	\$ 34.72	\$ 36.46
9934	<i>Swim Instructor</i>	\$ 17.50	\$ 18.38	\$ 19.29	\$ 20.26	\$ 21.27	\$ 22.33	\$ 23.45	\$ 24.62	\$ 25.86	\$ 27.15

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL ESTABLISHING A SALARY AND BENEFIT PLAN FOR UNREPRESENTED NON-EXEMPT FIXED-TERM EMPLOYEES

WHEREAS, it is the intent of the City of San Rafael to compensate Unrepresented Non-Exempt Fixed-Term Employees at a rate of pay similar to that of regular or comparable employees performing like work; and

WHEREAS, there is a need to update benefits and apply salary adjustments to the City's Unrepresented Non-Exempt Fixed-Term classifications; and adopt a Unrepresented Non-Exempt Fixed-Term Employees Salary and Benefit Plan; and

WHEREAS, the revised salary and benefit plan would replace the salary and benefits previously approved by the City Council pursuant to Resolution No. 15020;

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

- (1) That Resolution No. 15020 is rescinded;
- (2) That the salary and benefit information reflected in the Unrepresented Non-Exempt Fixed-Term Employee Salary and Benefit Plan are effective July 1, 2024;
- (3) That the Unrepresented Non-Exempt Fixed-Term Employees Salary and Benefit Plan attached as Exhibit "A" hereto, including the Salary Schedule effective July 1, 2024, attached hereto as Exhibit "B", are adopted for the classifications identified therein;
- (4) That the Unrepresented Non-Exempt Fixed-Term Employees covered by the foregoing Salary and Benefit Plan shall be paid on an hourly basis at the rates established in the aforementioned salary schedule, only for time actually worked; and
- (5) The City Manager is hereby authorized to enter into employment agreements in accordance with the Unrepresented Non-Exempt Fixed-Term Employees Salary and Benefit Plan.

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 Council of said City on Monday, the 15th day of July 2024, by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Lindsay Lara, City Clerk

**UNREPRESENTED NON-EXEMPT FIXED-TERM EMPLOYEES
SALARY AND BENEFIT PLAN**

DEFINITION

Unrepresented Non-Exempt Fixed-Term employees serve important roles in supporting City business. These positions perform job duties and provide city services that are outside of the regular classified services. All positions covered by this resolution are at-will and as such serve at the pleasure of the appointing authority and may be removed at any time without cause and without right of appeal. Unrepresented Non-Exempt Fixed-Term employees who wish to secure a regular position with the City must compete in the applicable recruitment and examination process for any such regular position.

Unrepresented Non-Exempt Fixed-Term

Unrepresented Non-Exempt Fixed-Term is an appointment of an employee to an allocated and fixed-term appointment that will be needed for longer than six months and with an expected end date. Unrepresented Non-Exempt Fixed-Term positions are established due to limits on grant funding or other known limits to the position's duration and are not subject to the 1,000 hour per year limit on working hours. Employees appointed to Unrepresented Non-Exempt Fixed-Term appointments must accept the position with the understanding that continued appointment is contingent upon grant funds and job performance. Unrepresented Non-Exempt Fixed-Term appointments may be made for up to a three-year period and may be extended by approval of the City Manager.

SALARY, BENEFITS, WORK HOURS, AND CLASSIFICATION

Rate of Pay

It is the intent of the City of San Rafael to compensate Unrepresented Non-Exempt Fixed-Term employees at a rate of pay similar to that of regular employees performing like work. The hourly rate is based upon the level of duties performed. The attached Unrepresented Non-Exempt Fixed-Term Salary Schedule lists the rates of pay for each position.

Effective July 1 of each fiscal year, such Salary Schedule may be adjusted by the City Manager to a rate of pay similar to that of regular or comparable employees performing like work, provided that the City Manager has made a determination that the salary schedule adjustment will be fiscally prudent under projected budget conditions. Such compensation may also be adjusted as necessary to comply with State Minimum Wage requirements.

Benefits for Unrepresented Non-Exempt Fixed-Term employees

Unrepresented Non-exempt Fixed-Term employees participate in the PARS retirement plan and receive the following basic benefits package (prorated for part-time): health and dental insurance up to a maximum of \$950.00 per month, twelve (12) days of paid sick leave per year, ten (10) vacation days per year, twelve (12) City holidays, and one (1) floating holiday. An Unrepresented Non-Exempt Fixed-Term employee may accrue a maximum of 200 hours of vacation. Upon termination, any unused accrued vacation leave will be paid out to the employee.

Additional Leave Benefits

Bereavement Leave

Employees are eligible for statutory bereavement leave if they have been employed for at least thirty (30) days before the leave commences. Up to five (5) days of bereavement leave may be taken for the death

of a family member, which means a spouse, child, parent, sibling, grandparent, grandchild, domestic partner, or parent-in-law. The bereavement leave must be completed within three (3) months of the date of death, but need not be taken consecutively. Employees with accrued leave balances may use that time for bereavement leave. The above bereavement clause shall also apply in the event of a reproductive loss for an employee. The City agrees to maintain employee confidentiality related to the reproductive loss leave.

Work Week and Overtime

Unrepresented Non-Exempt Fixed-Term employees are eligible to receive overtime pay in accordance with the Fair Labor Standards Act (FLSA). Overtime is paid when the employee works in excess of 40 hours per week. The work week period is defined as Sunday at 12:01am to the following Saturday at 11:59pm. The work week for full-time Unrepresented Non-Exempt Fixed-Term positions is thirty-seven and one-half (37.5) hours. For full-time Unrepresented Non-Exempt Fixed-Term positions in the Police department, the work week is forty (40) hours.

Classification

Following is a list of the positions covered by this resolution. Department Directors may appoint from one of these positions at any point in the salary range based on the qualifications of the person filling the Unrepresented Non-Exempt Fixed-Term position.

Unrepresented Non-Exempt Fixed-Term Job Descriptions

Child Care Specialist

Under general direction, this classification works with child care staff to plan and implement curriculum and instructional activities and ensure a safe environment for participants. Employees in this classification rely on experience and judgment to ensure the efficient and effective functioning of the childcare program. High School Diploma or GED and twelve (12) college units in recreation, education, or related field; BA preferred. One (1) year working with youth in a group setting preferred.

Police Cadet

Provides general information and referral assistance to the public in person or on the telephone. Performs routine data entry and filing duties. General supervision is provided by the Police Sergeant. Responsibilities may include training of newly hired personnel in the same classification. This is an entry level police civilian classification and performs all duties required to effectively support police services.

Professional Temp

Performs job duties that require a form of specialization which typically requires a Bachelor's degree or equivalent work experience. Appointments to professional temp positions are typically made to mid-management level positions. They require some degree of a specialized profession and job knowledge.

Technical Professional Temp

Performs advanced professional work. Performs a variety of management and complex functions that require a high level of expertise in the field of need. May provide supervision to professional and support staff members. Conducts research and analysis. Works with stakeholders, architects, engineers, and/or contractors to assure the authorized projects are accomplished in accordance with approved regulations, policies and procedures and may act as liaison between the City and those groups.

**Non-Exempt Fixed-Term
Salary Schedule
Effective July 1, 2024**

Grade	Job Title	A	B	C	D	E	F	G	H	I	J
9937	<i>Child Care Specialist</i>	\$ 21.50	\$ 22.58	\$ 23.70	\$ 24.89	\$ 26.13	\$ 27.44	\$ 28.81	\$ 30.25	\$ 31.77	\$ 33.35
9939	<i>Police Cadet</i>	\$ 19.25	\$ 19.56	\$ 19.87	\$ 20.19	\$ 20.51	\$ 20.84	\$ 21.18	\$ 21.51	\$ 21.86	\$ 22.21
9909	<i>Professional Temp</i>	\$ 31.80	\$ 33.39	\$ 35.06	\$ 36.81	\$ 38.65	\$ 40.59	\$ 42.62	\$ 44.75	\$ 46.98	\$ 49.33
9938	<i>Technical Prof Temp</i>	\$ 45.00	\$ 47.25	\$ 49.61	\$ 52.09	\$ 54.70	\$ 57.43	\$ 60.30	\$ 63.32	\$ 66.49	\$ 69.81

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL ESTABLISHING A SALARY AND BENEFIT PLAN FOR UNREPRESENTED EXEMPT FIXED-TERM EMPLOYEES

WHEREAS, it is the intent of the City of San Rafael to compensate Unrepresented Exempt Fixed-Term Employees at a rate of pay similar to that of regular or comparable employees performing like work; and

WHEREAS, there is a need to update benefits and apply salary adjustments to the City's Unrepresented Exempt Fixed-Term classifications; and adopt an Unrepresented Exempt Fixed-Term Employees Salary and Benefit Plan; and

WHEREAS, the salary and benefit plan would replace the salary and benefits previously approved by the City Council pursuant to Resolution No. 15020;

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

- (1) That Resolution No. 15020 is rescinded;
- (2) That the salary and benefit information reflected in the Unrepresented Exempt Fixed-Term Employee Salary and Benefit Plan are effective July 1, 2024;
- (3) That the Unrepresented Exempt Fixed-Term Employees Salary and Benefit Plan attached as Exhibit "A" hereto, including the Salary Schedule effective July 1, 2024, attached hereto as Exhibit "B", are adopted for the classifications identified therein;
- (4) That FLSA Unrepresented Exempt Fixed-Term Employees covered by the foregoing Salary and Benefit Plan shall be paid on a salaried basis, at the salary established in the aforementioned salary schedule; and
- (5) The City Manager is hereby authorized to enter into employment agreements in accordance with the Unrepresented Exempt Fixed-Term Employees Salary and Benefit Plan.

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 Council of said City on Monday, the 15th day of July 2024, by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Lindsay Lara, City Clerk

**UNREPRESENTED EXEMPT FIXED-TERM EMPLOYEES
SALARY AND BENEFIT PLAN**

DEFINITION

Unrepresented Exempt Fixed-Term employees serve important roles in supporting City business. These positions perform job duties and provide city services that are outside of the regular classified services. All positions covered by this resolution are at-will and as such serve at the pleasure of the appointing authority and may be removed at any time without cause and without right of appeal. Unrepresented Exempt Fixed-Term employees who wish to secure a regular position with the City must compete in the applicable recruitment and examination process for any such regular position.

Unrepresented Exempt Fixed-Term

Unrepresented Exempt Fixed-Term is an appointment of an employee to an allocated and fixed-term position that will be needed longer than six months and with an expected end date. Unrepresented Exempt Fixed-Term positions are established due to limits on grant funding or other known limits to the position's duration and are not subject to a limit on working hours. Employees appointed to Unrepresented Exempt Fixed-Term appointments must accept the position with the understanding that continued appointment is contingent upon grant funds and job performance. Unrepresented Exempt Fixed-Term appointments may be made for up to a three-year period and may be extended by approval of the City Manager.

SALARY, BENEFITS, WORK HOURS, AND CLASSIFICATION

Rate of Pay

It is the intent of the City of San Rafael to compensate Unrepresented Exempt Fixed-Term employees at a rate of pay similar to that of regular employees performing like work. The hourly rate is based upon the level of duties performed. The attached Unrepresented Exempt Fixed-Term Salary Schedule lists the rates of pay for each position.

Effective July 1 of each fiscal year, such Salary Schedule may be adjusted by the City Manager to a rate of pay similar to that of regular or comparable employees performing like work, provided that the City Manager has made a determination that the salary schedule adjustment will be fiscally prudent under projected budget conditions. Such compensation may also be adjusted as necessary to comply with State Minimum Wage requirements.

Benefits for Unrepresented Exempt Fixed-Term employees

Unrepresented Exempt Fixed term employees shall receive the following benefits:

PARS retirement: employer contribution of 3.75% and employee contribution of 3.75% of their salary to the retirement plan.

Sick Leave: twelve (12) days of paid sick leave per year shall accrue each year. Accrued sick leave will not be paid out to the employee upon termination.

Vacation: ten (10) days of paid vacation per year. An Unrepresented Exempt Fixed-Term employee may accrue a maximum of 200 hours of vacation. Unused accrued vacation leave will be paid out to the employee upon termination.

Holidays: twelve (12) designated holidays and one (1) floating holidays per calendar year. The

hours for the floating holidays are automatically added to an employees' vacation accrual on a semi-annual basis.

Administrative Leave: ten (10) Administrative Leave days (75 hours) each calendar year subject to the approval of the Department Director and the City Manager. Unused Administrative Leave shall not carry over from one calendar year to the next, nor shall unused Administrative Leave balances be paid upon termination.

Full-flex cafeteria plan: Unrepresented Exempt Fixed-Term employees are eligible to participate in the City's full flex cafeteria plan and shall receive a monthly flex dollar allowance to purchase benefits under the full flex cafeteria plan. The monthly flex dollar allowance effective the paycheck of December 15, 2024, shall be::

For employee only:	\$950.00
For employee and one dependent:	\$1,900.00
For employee and two or more dependents:	\$2,400.00

Dental Insurance: The City shall pay dental premiums on behalf of the employee and eligible dependents.

Vision Plan: The City will pay for a vision plan for "employee plus dependent" vision benefits.

Car Allowance: A monthly car allowance of \$350 or use of a city car in lieu of a monthly car allowance may be authorized at the discretion of the City Manager.

In recognition of exempt status under FLSA, time off for Vacation, Sick Leave, and Administrative leave purposes shall not be deducted from an Unrepresented Exempt Fixed-Term employee leave accrual unless the employee is absent for the full work day.

Additional Leave Benefits

Bereavement Leave

Employees are eligible for statutory bereavement leave if they have been employed for at least thirty (30) days before the leave commences. Up to five (5) days of bereavement leave may be taken for the death of a family member, which means a spouse, child, parent, sibling, grandparent, grandchild, domestic partner, or parent-in-law. The bereavement leave must be completed within three (3) months of the date of death, but need not be taken consecutively. Employees with accrued leave balances may use that time for bereavement leave. The above bereavement clause shall also apply in the event of a reproductive loss for an employee. The City agrees to maintain employee confidentiality related to the reproductive loss leave.

Work Week and Overtime

The work week period is defined as Sunday at 12:01am to the following Saturday at 11:59pm. The regular work week for full-time Unrepresented Exempt Fixed-Term positions is thirty-seven and one-half (37.5) hours. For full-time Unrepresented Exempt Fixed-Term positions in the Police department, the regular work week is forty (40) hours.

Unrepresented Exempt Fixed-Term employees are not eligible for overtime pay.

Classification

Following is a list of the positions covered by this resolution. Department Directors may appoint from

one of these positions at any point in the salary range based on the qualifications of the person filling the Unrepresented Exempt Fixed-Term position.

Unrepresented Exempt Fixed-Term Job Descriptions

Advanced Professional Fixed -Term (exempt)

Typically performs specialized professional work of greater complexity and more autonomy than the Professional Temp position. Responsibilities of an advanced professional temp are similar to those of a management position and may involve supervision. The terms of this resolution shall only apply to the Senior Human Resources Analyst (Advanced Professional Fixed-Term).

Executive Professional Fixed Term (Exempt)

Directs, plans, and coordinates City activities and are responsible for devising policies and strategies to meet the goals and objectives of the City. Oversee budgetary activities. Consult, interact with other high-level staff, City Council, and various local agencies. Negotiate or approve contracts and agreements. May have direct supervision over staff. Ability to travel to attend meetings and conferences.

Project Manager Fixed Term (exempt)

Performs highly responsible, complex, and varied professional administrative and analytical work in the planning, organization, implementation and oversight of City projects of defined duration, physical scale, budget, and community impact; conducts analysis of operational needs and strategic planning, productivity studies, and other complex analyses; participates in the review of plans for city facilities, municipal building construction or public works projects; escalates issues as required, facilitates higher level decision making, and authorizes change orders to keep construction moving; and serves as liaison with the department heads, community organizations, and other agencies.

Exempt Fixed-Term Salary Schedule
Effective July 1, 2024

Grade	Job Title	A	B	C	D	E	F	G	H	I	J
9917	<i>Advanced Professional Temp</i>	\$ 8,250	\$ 8,662	\$ 9,096	\$ 9,550	\$ 10,028	\$ 10,529	\$ 11,056	\$ 11,609	\$ 12,189	\$ 12,798
9919	<i>Executive Professional Temp</i>	\$ 11,137	\$ 11,694	\$ 12,279	\$ 12,893	\$ 13,538	\$ 14,215	\$ 14,925	\$ 15,672	\$ 16,455	\$ 17,278
2133	<i>Project Manager</i>	\$ 6,498	\$ 6,823	\$ 7,164	\$ 7,523	\$ 7,899	\$ 8,294	\$ 8,708	\$ 9,144	\$ 9,601	\$ 10,081



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Manager’s Office/Human Resources

Prepared by: Angela Robinson Piñon,
Assistant City Manager

City Manager Approval: _____

Marissa Sanchez, Human
Resources Director

TOPIC: SUCCESSOR MEMORANDUM OF UNDERSTANDING WITH THE SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 1021 (SEIU LOCAL 1021)

SUBJECT: RESOLUTION APPROVING A SUCCESSOR MEMORANDUM OF UNDERSTANDING PERTAINING TO COMPENSATION AND WORKING CONDITIONS FOR THE SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 1021 (JULY 1, 2024, THROUGH JUNE 30, 2027)

RECOMMENDATION:

Adopt a resolution approving a successor memorandum of understanding (MOU) pertaining to compensation and working conditions for the Service Employees International Union, Local 1021 (SEIU Local 1021) beginning July 1, 2024, and ending June 30, 2027.

BACKGROUND:

The Service Employees International Union, Local 1021 (SEIU Local 1021) represents 146.14 FTE employees in various City departments. The most recent Memorandum of Understanding (“MOU”) for SEIU Local 1021 expired on June 30, 2024. Representatives of the City and SEIU Local 1021 have met in good faith and worked diligently to negotiate the terms of a successor MOU. The City and SEIU Local 1021 signed a total package tentative agreement for a three-year successor MOU effective July 1, 2024, and SEIU Local 1021 membership ratified the proposal on Thursday, June 27, 2024.

The City’s negotiations were informed by the following:

- Fiscal Sustainability and Predictability
 - Revenue Assumptions
 - Expenditure Assumptions
 - Inflation and recession predictions
- Three-year MOUs
- Recruitment and Retention of Employees
 - Vacancy and Attrition Rates
 - Hard to fill job classifications

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

- Compensation of Comparable Agencies as Specified in the Current MOU
- Internal Equity and Compaction

ANALYSIS:

The following section summarizes the terms and significant economic items in the successor MOU between the City and SEIU Local 1021. In addition to the economic items, some operational items were addressed in the final agreement.

- 1. Term of the Agreement:** July 1, 2024, through June 30, 2027
- 2. Salary Increase (Article 3.1.2):** All classifications in the bargaining group will receive a 3.0% general salary increase each year of the MOU. In addition, individual classifications will receive equity adjustments based on the labor market adjustment agreed to for each position. The total value of the salary increases applied across the bargaining group is as follows:
 - a. Year 1: A 3.0% cost of living increase and up to a 9.0% equity adjustment (dependent upon position) for a total increase of 5.0% to 12.0%
 - b. Year 2: A 3.0% cost of living increase and up to a 3.0% equity adjustment (dependent upon position) for a total increase of 4.0% to 6.0%
 - c. Year 3: A 3.0% cost of living increase and up to a 3.0% equity adjustment (dependent upon position) for a total increase of 4.0% to 6.0%

The salary schedule included in the attached MOU authorizes the proposed new salary range for each position.

- 3. Full Flex Cafeteria Plan (Article 4.2.1):** To address rising healthcare costs and improve the City’s ability to recruit and retain employees and to improve the market position among comparator agencies, employees will receive an increase in their monthly Flex Dollar Allowance as noted below:

Health Tier	Current	Increase	Effective Dec 2024
Employee Only	\$ 853.35	\$ 96.65	\$ 950.00
Employee +1 dependent	\$ 1,614.17	\$ 285.83	\$ 1,900.00
Employee + Family	\$ 1,768.81	\$ 631.19	\$ 2,400.00

For the term of this MOU, on December 15, 2025, and December 15, 2026, the flex dollar amount shall increase up to a maximum of 5%, based on the Kaiser Bay Area premium rate increase. If the Kaiser Bay Area premium rate increase is between 10%-15%, the City and represented employees will split the cost of the increase above ten percent (10%) evenly. Should the rate increase exceed 15%, the City and the Association agree to reopen the MOU to negotiate the employer’s contribution to healthcare. Upon expiration of the MOU, the flex dollar amount increase shall revert to a maximum of 3%, based on the Kaiser Bay Area premium rate increase.

- 4. Bilingual Pay (Article 3.5.4):** Increases compensation for employees fluent in a language other than English. Employees who demonstrate proficiency in speaking and writing a language may receive up to an additional \$250.00 monthly.
- 5. Uniform Allowance (Article 3.5.7):** Increases the safety boot allowance from \$200 to \$400 for employees required to wear safety boots.

6. Life Insurance (Article 4.5): Increases the life insurance and Accidental Death & Dismemberment (AD&D) from \$5,000 to \$20,000.

7. Non-Economic Items: In addition to the items discussed above, an agreement was reached on other proposals, which reflect minor changes to existing provisions with no additional cost. Several of these items relate to the consolidation of the prior SEIU - Child Care Unit MOU into the general SEIU MOU. The Child Care related changes includes Educational Reimbursement – Child Care Unit (Article 3.5.2), Hours of Work (Article 6.1), CPR/First Aid Training (Article 6.8.9) and the Childcare Division Employee Program Discount (Article 6.8.10). The attached MOU includes all the changes agreed to by the parties. A brief overview of these negotiated MOU sections includes:

- Gender Neutral Language (Throughout MOU): Replaced references to “he,” “she,” “his,” and “hers” with “they,” “them,” and “their.”
- Change of Shift (Article 3.4.4): Describes the notification process for employees when a supervisor seeks to change their shift.
- Educational Reimbursement – Child Care Unit (Article 3.5.2): Incorporates existing language from the prior SEIU agreement for Child Care employees related to educational reimbursements.
- Eligibility (Article 5.2.1): Employees no longer have to wait until after they have six (6) months of employment before they can use their accrued vacation leave.
- Holidays – Days Observed (Article 5.3.1): Incorporates side letter recognizing Juneteenth as a City holiday.
- Bereavement Leave (Article 5.4.3): Updated existing bereavement language to comply with changes in state law.
- Emergency/Smoke Leave (Article 5.4.10): Clarifies that employees may be assigned to an alternate worksite in the event the City declares an emergency. It also adds a provision for emergency leave for employees subject to a residential evacuation.
- Paid Parental Leave (Article 5.4.11): Provides 300 hours of paid parent leave for employees following the birth or adoption of a child.
- End of Life Care Leave (Article 5.4.12): Provides up to 80 hours of paid leave for an employee who is providing care to a family member at the end of their life.
- Hours of Work (Article 6.1): Specifies the hours of work for full-time child-care instructors are thirty-five hours vs. thirty-seven and one-half (37.5) hours for all other full-time represented employees.
- Consecutive Two-Day Weekends (Article 6.1.1): Updates language to state that employees that may be scheduled to work a weekend shall be given the option to receive two (2) consecutive days off.
- CPR/First Aid Training (Article 6.8.9): Incorporates language from the SEIU Child Care MOU related to CPR and first aid certifications.
- Childcare Division Employee Program Discount (Article 6.8.10): Incorporates language from the SEIU Child Care MOU to permit child-care employees with children enrolled in a City program to receive a fifty percent (50%) discount on program fees based on their level of enrollment.
- Hazardous Materials (Article 6.9.1): Clarifies responsibilities for streets, park maintenance and facilities employees.

FISCAL IMPACT:

The current total annual salary and benefit cost for the 146.14 FTE employees of SEIU Local 1021 is \$18,739,417. The additional ongoing incremental cost of the successor MOU is:

	Incremental FY 2024-25	Incremental FY 2025-26	Incremental FY 2026-27
Wages:			
Salary	\$732,869	\$522,759	\$547,014
Other Costs:			
Pension*	\$305,740	\$220,485	\$230,700
Taxes (Medicare, WC)	\$33,973	\$25,749	\$26,885
Benefits	<u>\$567,628</u>	<u>\$140,967</u>	<u>\$147,723</u>
Total Annual Incremental Costs:	\$1,640,210	\$909,960	\$952,322
Total Over Term of Contract	\$4,920,630	\$1,819,920	\$952,322
			\$7,692,872

**This incremental pension cost results only from the negotiated wage increase and does not include the cost of associated MCERA rate changes. The terms and conditions of the pension benefit plan remain unchanged.*

Over the term of the agreement, the contract costs are \$7,692,872 with an effective date of July 1, 2024. The increase in compensation included in this resolution is being reflected in the City's FY 2024-25 budget and updated budget projections.

OPTIONS:

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

- Adopt the resolution.
- Adopt resolution with modifications.
- Direct staff to return with more information.
- Take no action.

RECOMMENDED ACTION:

Adopt a resolution approving a successor memorandum of understanding (MOU) pertaining to compensation and working conditions for the Service Employees International Union, Local 1021 (SEIU Local 1021) beginning July 1, 2024, and ending June 30, 2027.

ATTACHMENTS:

1. Resolution with attached MOU between the City of San Rafael and the Service Employees International Union, Local 1021 (SEIU Local 1021) for July 1, 2024, to June 30, 2027 (and all exhibits)
2. Draft MOU with tracked changes

RESOLUTION NO.

RESOLUTION OF THE SAN RAFAEL CITY COUNCIL APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 1021 (SEIU LOCAL 1021) PERTAINING TO COMPENSATION AND WORKING CONDITIONS (JULY 1, 2024 THROUGH JUNE 30, 2027)

WHEREAS, the City of San Rafael and representatives of SEIU Local 1021 have met and conferred in good faith with regard to wages, hours and working conditions in accordance with the provisions of the Meyers-Milias-Brown Act; and

WHEREAS, a Memorandum of Understanding (“MOU”) pertaining to the three-year period from July 1, 2024, through June 30, 2027, has been ratified by SEIU Local 1021 members.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1: From and after the date of adoption of this Resolution, the City of San Rafael and the Service Employees International Union, Local 1021 (SEIU Local 1021) shall utilize the MOU for the period beginning July 1, 2024, attached hereto, as the official document of reference respecting compensation and working conditions for employees represented by SEIU Local 1021.

Section 2: The schedules describing classes of positions and salary ranges are attached to said MOU and, together with the MOU itself, are hereby adopted and shall be attached hereto and incorporated in full.

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 the City of San Rafael, held on the 15th of July 2024, by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Lindsay Lara, City Clerk

MEMORANDUM OF UNDERSTANDING

between

CITY OF SAN RAFAEL

and

SEIU Local 1021

JULY 1, 2024 - JUNE 30, 2027

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- Exhibit A Salary Schedule for July 1, 2024 – June 30, 2027
- Exhibit B Benchmarks and Internal Relationships Table

MEMORANDUM OF UNDERSTANDING
between
CITY OF SAN RAFAEL
and
SEIU LOCAL 1021

This Memorandum of Understanding is entered into pursuant to the provisions of Section 3500, et seq. of the Government Code of the State of California.

The parties have met and conferred in good faith regarding wages, hours and other terms and conditions of employment for the employees in said representation unit, and have freely exchanged information, opinions and proposals and have reached agreement on all matters relating to the employment conditions and employer-employee relations of such employees.

This Memorandum of Understanding shall be presented to the City Council of the City of San Rafael as the joint recommendation of the undersigned parties for salary and employee benefit adjustments for the period commencing July 1, 2024 and ending June 30, 2027. When ratified by the Local 1021 Bargaining Unit membership and approved by City Council, this Memorandum of Understanding shall be binding upon the SEIU Local 1021, the employees it represents, and the City of San Rafael.

1 GENERAL PROVISIONS

1.1 INTRODUCTION

1.1.1 Scope of Agreement

The salaries, hours, fringe benefits and working conditions set forth have been mutually agreed upon by the designated bargaining representatives of the City of San Rafael (herein-after called "CITY") and SEIU 1021 (herein-after called "UNION") and shall apply to all employees of the City working in the classifications and bargaining unit set forth herein.

1.1.2 Term of MOU

This agreement shall be in effect from July 1, 2024 through June 30, 2027

1.2 RECOGNITION

1.2.1 Bargaining Unit

City hereby recognizes Union as bargaining representative for purpose of establishing salaries, hours, fringe benefits and working conditions for all employees within the Miscellaneous and Supervisory Bargaining Units. (As referenced in Exhibit "A" attached).

1.2.2 Notice to Employees

Whenever a person is hired in any of the job classifications set forth herein, City shall notify such person that the Union is the recognized bargaining representative for employees in that classification.

1.3 NON-DISCRIMINATION

1.3.1 In General

The parties to this contract agree that they shall not, in any manner, discriminate against any person whatsoever because of race, color, age, religion, ancestry, national origin, sex, sexual

orientation, perceived sexual orientation, gender, gender expression, gender identity, marital status, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history) or physical or mental disability. Any employee alleging such discrimination should use the internal, administrative process explained in the City of San Rafael's Policy against Harassment, Discrimination and Retaliation to redress the situation. Such employees shall be entitled to Union representation.

1.3.2 *Union Discrimination*

No member, official, or representative of the Union shall, in any way suffer any type of discrimination in connection with continued employment, promotion, or otherwise by virtue of membership in or representation of Union.

1.4 INSPECTION OF MEMORANDUM OF UNDERSTANDING

Both the City and the Union agree to keep duplicate originals of this Memorandum on file in a readily accessible location available for inspection by any employee or member of the public upon request.

1.5 EXISTING LAWS, REGULATIONS & POLICIES

This agreement is subject to all applicable laws of the State of California, ordinances, regulations, and policies of the City of San Rafael.

1.6 STRIKES & LOCKOUTS

During the term of this Memorandum, the City agrees that it will not lock out employees, and the Union agrees that it will not agree to, encourage or approve any strike or slowdown growing out of any dispute relating to the terms of this Agreement. The Union will take whatever lawful steps are necessary to prevent any interruption of work in violation of this Agreement, recognizing with the City that all matters of controversy within the scope of this Agreement shall be settled by established procedures set forth in the City's charter, ordinances, and regulations, as may be amended from time to time.

1.7 SEVERABILITY

If any article, paragraph or section of this Memorandum shall be held to be invalid by operation of law, or by any tribunal of competent jurisdiction, or if compliance with or any enforcement of any provision hereof be restrained by such tribunal, the remainder of this Memorandum shall not be affected thereby, and the parties shall, if possible, enter into meet-and-confer sessions for the sole purpose of arriving at a mutually satisfactory replacement for such article, paragraph or section.

1.8 PREVAILING RIGHTS

All matters within the scope of meeting and conferring which have previously been adopted through rules, regulation, ordinance or resolution, which are not specifically superseded by this Memorandum of Understanding, shall remain in full force and effect throughout the term of this Agreement.

1.9 FULL UNDERSTANDING, MODIFICATION, WAIVER

1.9.1 *Understanding*

The parties jointly represent to the City Council that this Memorandum of Understanding sets forth the full and entire understanding of the parties regarding the matters set forth herein.

1.9.2 *Waiver & Modification*

Except as specifically otherwise provided herein, it is agreed and understood that each party hereto voluntarily and unqualifiedly waives its right and agrees that the other shall not be required to meet and confer with respect to any subject or matter covered herein, nor as to wages or fringe benefits during the period of the term of this Memorandum.

The foregoing shall not preclude the parties hereto from meeting and conferring at any time during the term of this Agreement with respect to any subject matter within the scope of meeting and conferring by mutual agreement.

2 MMBA

2.1 UNION RIGHTS

2.1.1 Union Stewards Designation

The Union shall, by written notice to the City Manager, designate certain of its members as Union Stewards. Union Stewards shall be permitted reasonable time for Union activities including grievance representation. In all cases, the Stewards shall secure permission from the Stewards' supervisor before leaving a work assignment. Such permission shall not be unreasonably withheld.

Union Stewards for salary discussions shall be in accordance with the Meyers-Milias-Brown (MMBA) Act.

2.1.2 Bulletin Boards

Authorized representatives of the Union shall be allowed to post Union notices on specified bulletin boards maintained on City premises.

2.1.3 New Members

Whenever the City hires an employee within any classification covered by this Memorandum of Understanding and represented by the Union, the City will inform the employee, as soon as possible, of the terms and provisions of this Memorandum of Understanding and will provide said employee with a copy of the current Memorandum of Understanding. The City shall make available up to forty-five (45) minutes, at a mutually agreeable time within thirty (30) days of the City's notice of a new employee to the Union for a new employee orientation by the Union. The City and the Union intend that time (i.e., up to 45 minutes) will occur at employee orientation whenever possible.

The City will provide reasonable advance notice to the Union of employee orientations conducted by the City. The Union Representative shall receive not less than 10 days' notice in advance of a City orientation, except that a shorter notice may be provided in a specific instance where there is an urgent need critical to the City's operations that was not reasonably foreseeable. The structure, time, and manner of Union Representative access shall be determined through mutual agreement between the City and the Union.

If the City has not conducted an in-person new employee orientation within 30 days of a newly hired employee's start date, and the new employee is working in person, the Union Representative shall be entitled to schedule an in-person meeting at the worksite during employment hours, during which newly hired employees shall have the opportunity to attend and shall be relieved of other duties for the purpose of attending the meeting.

2.1.4 Employee Information

The City shall provide the Union with the name, job title, department, work location, work, home and personal cell phone numbers, home address, personal email address hire date and pay rate on file with the City for all employees within the Union every 120 days. In addition, a report with

similar information of each Union new hire will be provided to the Union within 30 days of the hire date.

If the City updates its human resources management system, then the City will notify SEIU within 30-days of transferring to the new system of any additional reports that can be run from the system. After the City provides SEIU with this notice, then either Party may request to open this section for further negotiations.

2.1.5 Union Meeting Space

Upon Union's request, the City shall provide meeting space outside working hours, provided such space is available and Union complies with all departmental rules and City policies. Request for use of facilities may be made in advance to the Department Head, or designee, and will indicate the date, time, and general purpose of the meeting and facilities needed.

2.1.6 Union Communications

The City's communication infrastructure (e.g. City email, postal mail, phone, or online messaging service) may be used for communication between bargaining unit members and Union Representatives. The Union understands that the management of the communication infrastructure is a matter within the discretion of the City. Union Representatives acknowledge they must adhere to all City computer use and privacy policies.

2.2 DUES DEDUCTION

2.2.1 Collection of Dues

City agrees to deduct dues and voluntary union deductions selected by members, as established by the Union, from the salaries of its members. The sums so withheld shall be remitted by City, without delay, along with a list of employees and their respective dues and voluntary deductions. Union bears responsibility for allocating dues and voluntary deductions pursuant to employees' requests.

2.2.2 Dues Collection during Separation from Employment

The provisions specified above (Section 2.2.1.) shall not apply during periods of separation from the representation Unit by any such employee but shall reapply to such employee commencing with the next full pay period following the return of the employee to the representation Unit. The term "separation" includes transfer out of the Unit, layoff, and leave without pay absences with a duration period of more than five (5) working days.

2.2.3 Indemnification

Moneys withheld by the City shall be transmitted to the Treasurer of the Union at the address specified. The Union shall indemnify, defend, and hold the City harmless against any claims made, and against any suit instituted against the City on account of check off of employee organization dues or service fees. In addition, the Union shall refund to the City any amount paid to it in error upon presentation of supporting evidence.

2.3 MANAGEMENT RIGHTS

The City reserves, retains, and is vested with, solely and excessively, all rights of management which have not been expressly abridged by specific provision of this Memorandum of Understanding or by law to manage the City, as such rights existed prior to the execution of this Memorandum of Understanding. The sole and exclusive rights of management, as they are not abridged by this Agreement or by law, shall include, but not be limited to, the following rights:

1. To manage the City generally and to determine the issues of policy;

2. To determine the existence of facts which are the basis of the management decision;
3. To determine the necessity of any organization or any service or activity conducted by the City and expand or diminish services;
4. To determine the nature, manner, means, technology and extent of services to be provided to the public;
5. Methods of financing;
6. Types of equipment or technology to be used;
7. To determine and/or change the facilities, methods, technology, means and size of the work force by which the City operations are to be conducted;
8. To determine and change the number of locations, re-locations and types of operations, processes and materials to be used in carrying out all City functions including, but not limited to, the right (after effect bargaining) to contract for or subcontract any work or operation of the City;
9. To assign work to and schedule employees in accordance with requirements as determined by the City, and to establish and change work schedules and assignments;
10. To relieve employees from duties for lack of work or other legitimate reasons;
11. To discharge, suspend, demote or otherwise discipline employees for proper cause in accordance with the provisions and procedures set forth in City Personnel Rules and Regulations and this MOU;
12. To determine job classifications and to reclassify employees;
13. To hire, transfer, promote and demote employees in accordance with this Memorandum of Understanding and the City's Rules and Regulations;
14. To determine policies, procedures and standards for selection, training and promotion of employees;
15. To establish and modify employee and organizational performance and productivity standards and programs including but not limited to, quality and quantity standards; and to require compliance therewith;
16. To maintain order and efficiency in its facilities and operations;
17. To establish and promulgate and/or modify rules and regulations to maintain order and safety in the City which are not in contravention with this Agreement;
18. To take any and all necessary action to carry out the mission of the City in emergencies.

The City and the Union agree and understand that if, in the exercise of any of the rights set forth above, the effect of said exercise of rights by the City impacts an area within the scope of representation as set forth in the Meyers/Milias/Brown Act, case law interpreting said acts, and/or Federal law, the City shall have the duty to meet and confer with the Union regarding the impact of its decision/exercise of rights.

2.4 COMMENCEMENT OF NEGOTIATIONS

It is mutually agreed to begin the Meet and Confer process no later than three (3) months before the expiration date of this MOU, regarding the terms and conditions applicable to successor MOUs. The process will be initiated by the Union through the submittal of potential meeting dates.

3 COMPENSATION

3.1 GENERAL WAGES AND COMPENSATION

3.1.1 *Pay Dates*

City employees are paid twice per month on the 15th and the last working day of the month. When a payday falls on a holiday, the payday will be transferred to the following day of regular business unless Finance is able to complete the payroll by the previous workday. The method of the distributing payroll shall be established by the Finance Director.

The City calculates 1,950 hours as the annual number of work hours per year (37.5 hours per work week times 52 weeks per year equals 1,950 hours) for all classifications except Child Care Instructor I and II. Each semi-monthly pay period is calculated at 81.25 hours (1,950 hours divided by 24 pay periods). The hourly rate of pay is calculated by multiplying the monthly rate of pay identified in Appendix A times 12 months to equal the annual rate of pay, divided by 1,950 hours in a work year, to equal the hourly rate of pay.

The annual number of work hours per year for the classifications of Child Care Instructor I and II shall be 1,820 hours per year (35 hours per week times 52 week per year equals 1,820 hours). Each semi-monthly pay period is calculated at 75.53 hours (1,820 hours divided by 24 pay periods). The hourly rate of pay is calculated by multiplying the monthly rate of pay identified in Appendix A times 12 months to equal the annual rate of pay, divided by 1,820 hours in a work year, to equal the hourly rate of pay.

The City will modify its pay schedule to 26 pay periods effective when administratively feasible subject to addressing technical issues and reaching agreement with all bargaining groups.

3.1.2 *General Wage Increase*

The City shall provide the following salary increases at the following rates by benchmark in each year of the MOU:

Accounting Assistant II

- Effective July 1, 2024, a 3.0% general salary increase plus 2.0% equity adjustment (a 5.0% total wage increase).
- Effective July 1, 2025, a 3.0% general salary increase plus 1.0% equity adjustment (a 4.0% total wage increase).
- Effective July 1, 2026, a 3.0% general salary increase plus 1.0% equity adjustment (a 4.0% total wage increase).

Administrative Assistant II

- Effective July 1, 2024, a 3.0% general salary increase plus 2.0% equity adjustment (a 5.0% total wage increase).
- Effective July 1, 2025, a 3.0% general salary increase plus 1.0% equity adjustment (a 4.0% total wage increase).
- Effective July 1, 2026, a 3.0% general salary increase plus 1.0% equity adjustment (a 4.0% total wage increase).

Associate Planner

- Effective July 1, 2024, a 3.0% general salary increase plus 2.0% equity adjustment (a 5.0% total wage increase).
- Effective July 1, 2025, a 3.0% general salary increase plus 1.0% equity adjustment (a 4.0% total wage increase).
- Effective July 1, 2026, a 3.0% general salary increase plus 1.0% equity adjustment (a 4.0% total wage increase).

Library Assistant II

- Effective July 1, 2024, a 3.0% general salary increase plus 9.0% equity adjustment (a 12.0% total wage increase).
- Effective July 1, 2025, a 3.0% general salary increase plus 3.0% equity adjustment (a 6.0% total wage increase).
- Effective July 1, 2026, a 3.0% general salary increase plus 3.0% equity adjustment (a 6.0% total wage increase).

Parking Enforcement Officer

- Effective July 1, 2024, a 3.0% general salary increase plus 2.0% equity adjustment (a 5.0% total wage increase).
- Effective July 1, 2025, a 3.0% general salary increase plus 1.0% equity adjustment (a 4.0% total wage increase).
- Effective July 1, 2026, a 3.0% general salary increase plus 1.0% equity adjustment (a 4.0% total wage increase).

Street Maintenance Supervisor

- Effective July 1, 2024, a 3.0% general salary increase plus 2.0% equity adjustment (a 5.0% total wage increase).
- Effective July 1, 2025, a 3.0% general salary increase plus 1.0% equity adjustment (a 4.0% total wage increase).
- Effective July 1, 2026, a 3.0% general salary increase plus 1.0% equity adjustment (a 4.0% total wage increase)

Child Care Director, Child Care Instructor I/II

- Effective July 1, 2024, a 3.0% general salary increase plus 9.0% equity adjustment (a 12.0% total wage increase).
- Effective July 1, 2025, a 3.0% general salary increase plus 3.0% equity adjustment (a 6.0% total wage increase).
- Effective July 1, 2026, a 3.0% general salary increase plus 3.0% equity adjustment (a 6.0% total wage increase)
- *The parties agree to reopen negotiations during the term of the MOU to continue to discuss appropriate adjustments for the Child Care Director benchmark. COLA and Equity adjustments for this benchmark shall not preclude further wage adjustments. The parties acknowledge that future compensation adjustments will also be based on Council approval of any side letter to the MOU in open session and based on Council's approval of any additional rate increases to the Childcare Program to ensure that it is funded.*

For all other classifications that are not linked to benchmark positions

- Effective July 1, 2024, a 3.0% general salary increase plus 2.0% equity adjustment (a 5.0% total wage increase).
- Effective July 1, 2025, a 3.0% general salary increase plus 1.0% equity adjustment (a 4.0% total wage increase).
- Effective July 1, 2026, a 3.0% general salary increase plus 1.0% equity adjustment (a 4.0% total wage increase)

3.1.3 Compensation Goal & Definitions

It is the goal of the City to try to achieve a total compensation package for all employees represented by the Union in an amount equal to the following:

1. The average plus one dollar to the total compensation paid to the same or similar classifications in the following nine (9) cities: Fairfield, Vallejo, Hayward, San Leandro, South San Francisco, Alameda, Napa, Novato and Santa Rosa; and,

2. The highest total compensation paid to the same or similar classifications in the following agencies in Marin County: Corte Madera, Larkspur, Marin County, Mill Valley, Novato, and San Anselmo.

Total Compensation for survey purposes shall be defined as: Top step salary (excluding longevity pay steps), educational incentive pay, holiday pay, uniform allowance, employer paid deferred compensation (except for such portion that may be part of employee cafeteria plan), employer's contribution towards employees' share of retirement, employer's retirement contribution, employer paid contributions toward insurance premiums for health, life, long term disability, dental and vision plans, and employer paid cafeteria/flexible spending accounts.

3.1.4 *Compensation Surveys*

To measure progress towards the above-stated goal, the City and the Union will jointly survey the identified benchmark positions, which are identified in the SEIU 1021 Represented Benchmarks and Internal Relationships Table attached as Exhibit "B" and included as part of this MOU, in January of the final year of this Agreement.

Identified benchmark positions from other agencies include positions that are filled as well as those that may be unfilled, so long as the benchmark position is identified by the survey agency as being on the salary schedule and having a job class description. Other city/agency positions are established as benchmark positions in San Rafael's compensation survey based upon similar work and similar job requirements.

Survey data will include all salary and benefit increases, as defined in 'total compensation'. The City and the Union shall review the benchmark and related survey data for accuracy and completeness.

3.1.5 *Compensation Plan*

The Compensation Plan adopted by the City Council shall provide for salary schedules, rates, ranges, steps and any other special circumstances or items related to the total compensation paid employees.

Each position within the classified services shall be allocated to its appropriate class in the classification plan on the basis of duties and responsibilities. Each class shall be assigned a salary range or a rate established in the salary plan. All persons entering the classified service shall be compensated in accordance with the salary plan then in effect.

3.2 STEP INCREASES

3.2.1 *Entry Level Step*

All initial employment shall be at the first step of the salary range, provided that the Department Director may make an appointment to a position at an appropriate higher salary when, in their opinion, it is necessary to obtain qualified personnel, or when it appears that the education or experience of a proposed employee is substantially superior to the minimum requirements of the class and justifies a beginning salary in excess of the first step. City Manager approval is required for entry level appointment above Step C for any position.

3.2.2 *Consideration for Step Increases*

An employee may be considered for a salary step increase in accordance with the time interval established in the salary plan as referenced in Exhibit "A". Unless otherwise noted, salary step increases within established salary ranges are scheduled at yearly intervals. Advancement to a higher salary step within an established salary range is granted for continued improvements and efficient and effective work by the employee in the performance of their duties.

3.2.3 *Temporary Merit Increases*

Temporary merit performance increases of five percent (5%) may be granted to an employee for temporary work performed beyond their current classification based upon the recommendation of the Department Director and approval of the City Manager. Employees at the maximum step of their salary range may be granted a merit performance increase of five percent (5%) above and beyond their salary range. A merit increase may be effective for up to one (1) year. A temporary merit increase may be withdrawn and is not a disciplinary action and is not appealable.

3.2.4 *Anniversary Date*

Based upon job performance, as measured by a Performance Evaluation, employees may receive consideration for a step increase within their salary range on their anniversary date. When an employee is promoted or reclassified to a new position, the first pay date at the new position shall constitute the employee's new anniversary date for purposes of the annual Performance Evaluation.

3.2.5 *Promotions*

Employees promoted to higher-level positions shall be placed at the step in the new salary range that will provide, at a minimum, a five (5%) increase (unless that would exceed the top step in the salary range).

3.2.6 *Performance Evaluations*

Upon completion of the probationary period, a performance evaluation shall be prepared and reviewed on or before the anniversary date and yearly thereafter as a means of determining whether a step increase is merited, and/or as a means of improving employee performance and communication between supervisors and subordinates.

Employees who receive a satisfactory or above rating on their performance evaluation shall receive a step increase. In the event the performance evaluation occurs after the anniversary date and the evaluation is rated satisfactory or above, the step increase shall be retroactive to the anniversary date.

If a performance evaluation is past due by more than 60 days the City shall process a Personnel Action Report (PAR) moving the employee to the next step in the salary range provided the Department Director provides a written statement to the Human Resources Director indicating that the employee's performance is satisfactory or above. The Human Resources Director will work with the employee's supervisor to have a performance evaluation completed as soon as possible.

3.3 SALARY CHANGE ON RECLASSIFICATION

If an occupied position is reclassified, the incumbent shall be affected as outlined below:

3.3.1 *To a Lower Classification*

When a position is re-allocated to a lower classification the incumbent is either:

1. Transferred to a vacant position in the former classification; or

If the incumbent's current salary is greater than the top step of the lower classification, Y-rated at the current salary until the salary of the lower classification is at or above the Y-rate.

3.3.2 *To a Different Classification with the Same Salary Range*

When a position is reallocated to a different classification with the same salary range, the incumbent shall be granted the same status in the new classification, in which they shall be paid at the same step of the range and shall maintain the same salary rights.

3.3.3 To a Higher Classification

When a position is reclassified to a classification with a higher salary range, the incumbent is moved into the higher classification with the position, except in the circumstances prescribed below. Placement in the salary range shall be in accordance with the appropriate salary pay plan.

If the duties upon which the reclassification are based could have been assigned to any of a number of employees in that classification within the division or department, then a promotional exam is held for the reclassified position. Such an exam is a departmental only recruitment limited to employees within that classification. If the incumbent is not successful in this competitive process, she/he is assigned to the position vacated by the promotion.

3.4 SPECIFIED WAGE ADJUSTMENTS / DIFFERENTIALS

3.4.1 Out of Class Compensation

Employees assigned in writing by their supervisor to perform work in a higher paid classification, shall be compensated at a rate 5% greater than the employee's current base salary. Eligibility for out-of-class compensation requires a minimum assignment of five (5) consecutive days. The out-of-class increase shall be retroactive to the first day of the assignment. However, when an employee is moving from a nonlead/supervisory to a lead/supervisory role, the out-of-class pay becomes effective on the first day of the assignment and the five (5) day minimum requirement does not apply. If the assignment extends beyond four consecutive weeks, then the employee shall be compensated at the lower step of the classification within which the duties fall if that is greater. The Department Director is required to complete a Personnel Action Report (PAR), located on the HR page of the Intranet, to initiate out-of-class compensation.

In the event a Parking Enforcement Officer is assigned "field training" duties, the City shall consider this as "out of class" work and the assigned Parking Enforcement Officer will receive 5% of their current pay as compensation for the hours worked in this assignment.

3.4.2 Shift Differential Pay

- a. A three percent (3%) shift differential shall be paid for all employees in the represented bargaining group who are regularly scheduled to work fifty percent (50%) or more of their shift between the hours of 5:00 p.m. and 11:00 p.m.
- b. A five percent (5%) shift differential shall be paid for all employees in the represented bargaining group who are regularly scheduled to work fifty percent (50%) or more of their shift between the hours of 11:00 p.m. and 7:00 a.m.
- c. Employees in job classes not identified in this section who are assigned to work the swing or graveyard shift time periods on a temporary basis and/or on an overtime basis are excluded from shift differential pay for those time periods.
- d. Shift differential shall not be considered an additional percentage on salary for personnel involved but shall apply only to hours actually worked; e.g., differential does not apply to sick leave, vacation or compensatory time, but does include overtime for employees regularly assigned to the swing or graveyard shifts.
- e. Childcare Instructor I/II's covered by this MOU who have a two-hour or more break in shifts during the same day will receive a .5 hour premium pay for that day.

3.4.3 *Court Pay*

Parking Enforcement Officers who are required, in the course and scope of their official employment, to appear in court or other official hearings other than during their work week schedule, shall receive a minimum of four hours pay if that appearance is on a scheduled day off. If a court appearance is required on a scheduled work day, and such appearance commences one half (1/2) hour after completion of an employee's shift, then the employee shall be compensated at the overtime rate for actual time spent, beginning at the conclusion of the regular shift hours and ending upon their release from the court or hearing office.

3.4.4 *Change of Shift*

A shift change is defined as a change in the hours of work in a day and/or the days of work in a week. This section is not to be used to change employee's schedules or shift in order to avoid the payment of overtime.

The City shall provide unit members with notice of any changes to their regularly scheduled shifts prior to the beginning of the work week and not less than 72-hours to when the shift change is scheduled to occur.

The City is not required to provide the above-described advance notice of a shift change when a shift change is made in response to an emergency event, including but not limited to an event that poses immediate danger to life or property or a natural disaster.

In the event that the City is not able to provide notice as described above, then the employee shall be paid a premium of one and one-half times the regular rate of pay for the hours worked outside of their regularly scheduled shift.

3.5 ADDITIONAL PAY

3.5.1 *Educational Reimbursement – Miscellaneous Unit*

The Educational Reimbursement is \$200/fiscal year, maximum, with the City's payment not to exceed 75% of the cost. Educational Reimbursement is available to employees who satisfactorily (grade of C or better, Pass or Complete) complete a course or courses that are pre-determined to be job related and/or that will assist the employee to prepare for career advancement in their field. To be eligible, employees must have completed probation at the time of the reimbursement, which is made at the end of the semester.

The Educational Reimbursement Program will include reimbursement for professional membership dues for work-related organizations for employees in the "Administrative" or "Professional" sections of the Miscellaneous Bargaining Unit. Prior supervisory approval is necessary to be eligible for reimbursement. The total reimbursable amount remains at \$200/fiscal year.

3.5.2 *Educational Reimbursement – Child Care Unit*

An Educational Reimbursement Program is available to employees for courses that are: job related, assist the employee in meeting requirements and/or prepare the employee for career advancement in the childcare field.

The reimbursement may not exceed 75% for the cost of the course, up to \$300 per fiscal year maximum. The Educational Reimbursement Program also includes an additional reimbursement of up to \$60 per fiscal year for professional membership dues for work-related organizations for employees.

To be eligible to receive reimbursement under this program the employee must:

- a. submit a written request and receive prior approval from the Recreation Supervisor for the Childcare Program;
- b. be regularly scheduled to work 20 hours or more per week;
- c. have completed initial probation before reimbursement is received; and satisfactorily complete the course.

3.5.3 *Educational Reimbursement – Supervisory Unit*

The Educational Reimbursement Program is \$225 per fiscal year. This reimbursement is available to employees who have satisfactorily (grade of C or better, Pass or Complete) completed a course or courses that are predetermined to be job-related and/or that will assist the employee to prepare for career advancement in their field. To be eligible, employees must have completed probation at the time of the reimbursement, which is made at the end of the semester.

The Educational Reimbursement Program will accommodate reimbursement of up to \$100 per fiscal year for professional membership dues for work-related organizations for employees in the "Administrative", "Professional", or "Library" sections of the Supervisory Bargaining Unit. Prior supervisory approval is necessary to be eligible for reimbursement. The total reimbursable amount remains at \$225 per fiscal year.

3.5.4 *Bilingual Pay*

Within the job classifications represented by the Union provisions are hereby established whereby an employee may receive bilingual pay for full fluency in a foreign language.

Full fluency is defined as a skill level that will allow the employee to fully assist someone else who does not speak English in coping with situations or problems by translating for, conversing with and/or reading or writing written material.

An employee can petition to their Department Director for this bilingual pay incentive. With the Department Director's recommendation and on review by the Human Resources Director and approval of the City Manager the employee may begin to receive this bilingual pay incentive.

Criteria for approval of the bilingual pay incentive by the City Manager includes:

- a. Certification by a recognized school of the appropriate skill level; and/or
- b. Demonstrated ability of the proficiency level on the job; and
- c. Department Director's recommendation and statement that the bilingual skill of the employee can be of value to the department and the employee in the completion of their regular work assignments.

Employees who have been approved for the bilingual pay incentive and are required in the performance of their duties to converse with the public in a language other than English shall receive an additional \$200.00 per month above their base salary.

Employees who also translate official written documents to or from a language other than English shall receive an additional \$50.00 for a total of \$250.00 per month above their base salary.

This bilingual pay incentive shall be reviewed annually and as long as the employee demonstrates (by work experience or re-testing, as determined by the City of San Rafael) the full fluency skill level; and as long as the Department Director indicates the value of this skill to the department and the employee in the completion of their regular work assignments.

Removal of the bilingual pay incentive would be considered a non-disciplinary action however removal of bilingual pay is appealable to the Human Resources Director. The determination of the Human Resources Director is not subject to any appeal/grievance procedure.

3.5.5 *Garage Employees Uniform Maintenance Program*

Uniform shirts, pants and coveralls will be provided. The City installed laundered facilities on-site and the maintenance employees of the Garage work units will self-laundry their uniforms.

3.5.6 *Sewer Employees Uniform Maintenance Program*

Uniform shirts, pants and coveralls will be provided and laundered for the maintenance employees of the Sanitation Department.

3.5.7 *Uniform Allowance*

Maintenance employees in Parks, Streets, Building Maintenance and Community Services who must wear uniforms shall receive a uniform allowance in the amount of \$157.50 at the completion of each six (6) months of service ending June 30th and December 31st. A pro-ration at the rate of \$26.25/month may be given with the recommendation of the Department Director and the approval of the City Manager. Uniforms and gear must be in accordance with the departmental dress code and safety requirements.

Parking lot attendants and parking maintenance staff will be provided with shirts, hats and jackets by the City if they are required by the City to wear them.

The Environmental Management Coordinator, the Emergency Management Coordinator, Parking Maintenance staff and Fire Prevention Inspector I/II employees, if required to wear a uniform which is not provided by the City, shall receive an annual uniform allowance of \$445 per year, paid in two installments, in June and December.

Parking Enforcement Officers (PEOs) shall receive an annual uniform allowance of \$445 per year, paid in two installments, in June and December. PEOs shall have utility and rain gear provided by the City.

A safety boot allowance of \$400 per Fiscal Year shall be issued to employees in the following job classifications who shall be required to wear safety boots:

- 2119 CONSTRUCTION INSPECTOR- SRSD
- 7224 CUSTODIAN
- 7120 EMERGENCY MANAGEMENT COORDINATOR
- 1201 ENVIRONMENTAL MANAGEMENT COORDINATOR
- 7231 EQUIPMENT SERVICE ATTENDANT
- 7232 FACILITY REPAIR SUPERVISOR
- 7291 FACILITY REPAIR WORKER I
- 7233 FACILITY REPAIR WORKER II
- 7294 FACILITY REPAIR WORKER III
- 7108 FIRE PREVENTION INSPECTOR I
- 7107 FIRE PREVENTION INSPECTOR II
- 6212 PARKING EQUIPMENT TECHNICIAN
- 7256 PARK EQUIPMENT MECHANIC
- 7271 PARKS MAINT. SUPERVISOR

7236 PARKS MAINTENANCE WORKER I
7238 PARKS MAINTENANCE WORKER II
2123 PARKS LEAD MAINTENANCE WORKER
6208 PARKING ENFORCEMENT OFFICER
7290 PUBLIC WORKS DISPATCHER
7253 PUBLIC WORKS INSPECTOR
7266 SEWER MAINTENANCE WORKER I
7267 SEWER MAINTENANCE WORKER II
2204 SEWER LEAD MAINTENANCE WORKER
7281 SEWERS SUPERVISOR
7269 SHOP & EQUIPMENT SUPERVISOR
7209 STREET MAINTENANCE SUPERVISOR
7250 STREET MAINTENANCE WORKER I
7251 STREET MAINTENANCE WORKER II
7280 STREET LEAD MAINTENANCE WORKER
7288 SUPERVISING VEHICLE EQUIPMENT MECHANIC
7283 SWEEPER OPERATOR
7286 VEHICLE EQUIPMENT MECHANIC I
7287 VEHICLE EQUIPMENT MECHANIC II

3.5.8 *Uniform Jacket Cleaning Allowance*

Maintenance employees of the Sewer work unit, including the Sewer Maintenance Supervisor, will receive a work jacket cleaning allowance of \$60.00 at the completion of each six (6) months of service ending June 30th (paid on the June 15th paycheck) and December 31st (paid on the December 15th paycheck). A pro-ration of \$10.00/month may be given with the approval of the Department Director.

3.5.9 *Mechanical Tool Allowance*

The City will provide a tool allowance of \$400/fiscal year for Vehicle Equipment Mechanics, the Equipment Service Attendant, the Shop and Equipment Supervisor, and the Parks Mechanic for tools purchased for use in the course of City work. This tool allowance will be issued during the month of July. Employees who receive the tool allowance are not eligible to receive reimbursement for lost or broken tools.

3.5.10 *Holiday Pay*

Parking Enforcement Officers shall receive holiday pay if a holiday falls on their regular day off. If the holiday falls on a day which they are scheduled to work, they will be paid for the holiday automatically. The employee will use additional hours of vacation, comp, float or unpaid leave to complete their regularly scheduled work day.

4 BENEFITS

4.1 EMPLOYEE BENEFITS COMMITTEE

Both parties agree to continue to utilize the Employee Benefits Committee for ongoing review of benefit programs, cost containment and cost savings options. The Committee shall be made up of representatives of the SEIU, Western Council of Engineers, Local 1 - Confidential, Police

Officers Association, Police Mid-Managers Association, Firefighters' Association, Fire Chief Officers Association, Mid-Management and Management employees.

4.2 HEALTH & WELFARE

4.2.1 Full Flex Cafeteria Plan

Effective January 1, 2010, the City implemented a Full Flex Cafeteria plan (known as the Flexible Benefits Plan) for active employees, in accordance with IRS Code Section 125. Active employees participating in the City's Full Flex Cafeteria plan shall receive a monthly flex dollar allowance to purchase benefits under the plan.

Effective July 1, 2024, the monthly flex dollar allowances shall be:

For employee only:	\$ 853.35
For employee and one dependent:	\$ 1,614.17
For employee and two or more dependents:	\$1,768.81

The monthly flex dollar allowance effective the paycheck of December 15, 2024 shall be:

For employee only:	\$ 950.00
For employee and one dependent:	\$ 1,900.00
For employee and two or more dependents:	\$ 2,400.00

Flex Dollar Increases for this MOU Term

Effective December 15, 2025 and December 15, 2026, the flex dollar allowances shall increase on the December 15th paycheck up to a maximum of five percent (5.0%) on an annual basis. If the Kaiser Bay Area premium rate increase is less than five percent (5.0%), the flex dollar allowance shall only increase the amount of the Kaiser Bay Area premium increase. In the event that the Kaiser Bay Area premium rate increase for the upcoming calendar year exceeds ten percent (10%) and is less than fifteen percent (15%), the City and the employee will split the cost of the increase above ten percent (10%) evenly; each paying 50% of the dollar value of the increase between 10-15%. In the unlikely event that the Kaiser Bay Area premium rate increases for the upcoming calendar year in 2026 or 2027 to an amount exceeding fifteen percent (15%), the City and the Association agree to reopen the MOU to negotiate the employer's contribution to healthcare. The parties agree that this provision will sunset upon the expiration of the MOU.

Upon the expiration of the MOU, the flex dollar allowances shall increase on the December 15th paycheck of each subsequent year up to a maximum of three percent (3%) on an annual basis, based on but not to exceed the Kaiser Bay Area premium rate increase for the upcoming calendar year.

The City shall contribute to the cost of medical coverage for each eligible employee and their dependents, an amount not to exceed the California Public Employees' Medical and Hospital Care Act (PEMHCA) Minimum Employer contribution, as determined by CalPERS on an annual basis. This portion of the monthly flex dollar allowance is identified as the City's contribution towards PEMHCA. The monthly flex dollar allowance (including the PEMHCA minimum contribution) may be used in accordance with the terms of the cafeteria plan to purchase health benefits.

Conditional Opt-Out Payment: An employee may elect to waive the City's health insurance coverage and receive a \$300 monthly Opt-Out payment in accordance with the terms of the cafeteria plan and the Affordable Care Act if the employee complies with the following conditions:

- 1) The employee certifies that the employee and all individuals in the employee's tax family for whom coverage is waived, have alternative Minimum Essential Coverage as defined by the Patient Protection and Affordable Care Act through a provider other than a federal marketplace, a state exchange, or an individual policy.
- 2) During the City's annual open enrollment period, the employee must complete an annual written attestation confirming that the employee and the other members of the employee's tax family are enrolled in alternative Minimum Essential Coverage. The employee agrees to notify the City no later than 30 days if the employee or other member(s) of the employee's tax family lose coverage under the alternative Minimum Essential Coverage Plan.
- 3) The employee understands that the City is legally required to immediately stop conditional opt-out payments if the City learns that the employee and/or members of the employee's family do not have the alternative Minimal Essential Coverage.

The City reserves the right to modify at any time, the amount an employee is eligible to receive under this paragraph, if required by IRS Cafeteria Plan regulations or other legislation or agency guidance.

Unless a greater benefit is required by law, part-time, regular, permanent employees working at least 53.3% FTE shall be eligible to receive: a) pro-rated leave benefits; and b) a pro-rated flex dollar monthly allowance based upon the regular hours the employee works. The pro-rated share shall be equivalent to the part time employee position's ratio of hours worked to full time equivalency.

For those part time employees hired prior to January 1, 2010 electing "Employee Only" coverage, the flex dollar allowance shall be prorated based off \$1,264. The maximum benefit shall be \$700 per month, unless a greater benefit is required by law.

4.2.2 *Retirees Health Insurance*

Employees represented by SEIU who retire from the Marin County Employees' Retirement Association (MCERA) within 120 days of leaving their City of San Rafael position (and who comply with the appropriate retirement provisions under the MCERA laws and regulations) are eligible to continue in the City's retiree group health insurance program offered through PEMHCA. The City's contribution towards retiree coverage shall be the PEMHCA minimum contribution as determined by CalPERS on an annual basis.

a. **Employees hired on or before January 1, 2010**

The City shall make a monthly retiree health insurance contribution on behalf of employees hired before January 1, 2010 and who retire from the City of San Rafael as described in this Section. The City's total monthly contribution, which includes the PEMHCA minimum contribution, shall not exceed \$752 per month. The City's retiree health contribution shall continue for the lifetime of the retiree and retiree's spouse, in accordance with PEMHCA eligibility provisions for coverage. Employees receive the pro-rated amount based on their status at the time of retirement. For example: if an employee works part-time, and retires while working part-time, then the employee receives a pro-rated contribution based on the employee's part-time status at the point of retirement.

- b. **Employees hired on or after January 1, 2010**, and who meet the eligibility requirements for retiree health insurance, are eligible to continue in the City's group health insurance program. The City's maximum contribution towards retiree coverage under this subsection, 4.2.5b, shall be the PEMHCA minimum contribution as determined by CalPERS on an annual basis. The City shall not be responsible for making any contributions towards the cost of coverage of the retiree's spouse, registered domestic partner, or dependents upon the employee's retirement from the City in excess of the PEMHCA minimum contribution as required by CalPERS.

The City shall additionally make available a retiree health care trust to enable these employees to prefund retiree health care premiums while employed by the City. The retiree health care trust shall be funded by annual conversion of 50 hours of sick time in service on July 1 of each year, provided an employee has a remaining balance of 125 hours of sick leave after the conversion.

4.2.3 *Health and Dependent Care Spending Accounts*

City will offer Flexible Spending Accounts as part of its Section 125 Plan for as long as such a plan is desired by the Union and available pursuant to the IRS Code. The Flexible Spending Accounts offered by the City include:

- a. **Healthcare Spending Account:** Out-of-pocket medical expenses that qualify under the IRS Code up to the IRS Code limit. Employees are responsible to pay the monthly administrative fee and any increase established by the third-party administrator.
- b. **Dependent Care Spending Accounts:** Dependent care expenses that qualify under the IRS Code up to the IRS Code limit. Employees are responsible to pay the monthly administrative fee and any increase established by the third-party administrator.
- c. **Premium Only Plan:** Employee's share of medical insurance premiums shall be deducted from employee's pay with pre-tax dollars as long as such deduction is allowable under the applicable IRS Code.

City shall establish an annual enrollment period and each employee must re-enroll annually for either plan noted in a. and/or b. above. City shall have the authority to implement changes to the 125 Programs to comply with changes in applicable IRS laws without having to go through the meet and confer process.

4.2.4 *Health Insurance Providers*

The City shall have the option, after meeting and consulting with representatives of The Union Stewards' Council, of either contracting with the Public Employees Retirement System (PERS) Health Benefits Division for health insurance or contracting directly with some or all of the providers of health insurance under the PERS program; provided, however, contracting directly with the providers shall not cause any material reduction in insurance benefits from those benefits available under the PERS program.

4.3 DENTAL PLAN

The City will provide a dental insurance program which offers 100% coverage for diagnostic and preventative care; \$25.00 deductible on corrective care (80/20); and an 80% payment of eligible costs associated with crown and cast restoration per patient per calendar year and orthodontic coverage for eligible dependents (50/50). The dental provider will provide payments for covered

services at the percentage indicated in the plan booklet up to a maximum of \$1,500 for each enrollee in each calendar year.

Dental insurance enrollment is available to part time, regular, permanent employees working at least 53.3% FTE. The City's contribution towards the monthly dental insurance premium will be prorated based on the FTE level of the part time employee.

4.4 VISION CARE PLAN

The City will provide vision care benefits for employee only coverage. Employees may enroll qualified family members and pay the premium costs for such enrollment.

4.5 LIFE INSURANCE

The City shall be responsible for paying premiums for a life insurance and Accidental Death & Dismemberment (AD&D) policy for each employee. The life and AD&D policy shall provide a \$20,000 life insurance and a \$20,000 AD&D benefit. The City shall also make available a voluntary life insurance program at employee expense.

4.6 LONG TERM DISABILITY INSURANCE

The City shall be responsible for paying premiums for a Long-Term Disability Policy for each employee that satisfies the eligibility provisions of the long-term disability policy. The Long-Term Disability policy shall provide for salary replacement of 66.67% of an individual's salary up to a maximum disability benefit of \$1,000 per month.

4.7 RETIREMENT CONTRIBUTION

4.7.1 *City Paid Employee Retirement (City Paid Member Contribution)*

Bargaining unit members shall pay the full share of the employee's contribution to the Marin County Retirement System.

The City of San Rafael acknowledges that under its current practice, the employee's share of their retirement contribution is deducted with pretax dollars. This practice will continue until changed through the Meet and Confer process or until IRS regulations change.

4.7.2 *Retirement Plans*

The City shall provide the Marin County Employee Retirement Association 2.7% at 55-retirement program to all miscellaneous members, as defined under the 1937 Act Government Code Section 31676, subject to Marin County Employee Retirement Association procedures and regulations and applicable 1937 Act laws that govern such plans. This is based on an employee's single highest year of compensation.

Employees hired on or after July 1, 2011 will receive an MCERA retirement benefit at the formula 2% at 55, calculated based on the average of their highest three years of compensation, in accordance with MCERA regulations. The annual pension adjustment shall be a maximum of 2% COLA. Minimum retirement age is 55.

Employees hired by the City on or after January 1, 2013 who are defined as "new members" of MCERA in accordance with the Public Employees' Pension Reform Act (PEPRA) of 2013, shall be enrolled in the MCERA 2% @ 62 plan for Miscellaneous members. The employee is responsible for paying the employee contribution of half of the total normal cost of the plan, as defined by MCERA, through a payroll deduction. Final compensation will be based upon the highest annual average compensation earnable during the thirty-six (36) consecutive months of employment immediately preceding the effective date of their retirement or some other period designated by the retiring employee.

4.7.3 *Member Cost of Living Rates*

Bargaining unit members who are eligible to participate in the Marin County Employee Retirement Association will pay their full share of members' cost of living rates as allowed under Articles 6 and 6.8 of the 1937 Retirement Act. Miscellaneous and safety member contribution rates include both the basic and COLA portions (50% of COLA is charged to members as defined in the 1937 Act).

4.8 STATE DISABILITY INSURANCE (SDI)

Employees will have the full premium cost for SDI coverage automatically deducted from their paycheck and no City contribution will be made toward participation in the plan.

It is incumbent upon the employee to keep the City advised of their medical status, within HIPAA guidelines, and eligibility for SDI. With this notification, SDI benefits, as determined by the State, shall be integrated with accrued sick and vacation leave in the following manner:

- a. Employee notifies supervisor of disability and need for time off. At the same time employee files for SDI through the State Office.
- b. Supervisor verifies from leave records the employee's accrual balances and projects whether or not employee would, under normal circumstances, be placed in a leave without pay status during the time off period.
- c. Personnel Action Report (PAR) is completed by the supervisor to document request and approval of extended leave.
- d. Human Resources Department, on receipt of the PAR, contacts employee and supervisor to discuss availability of coordination of SDI with leave benefits.
- e. Employee's time off is recorded as sick leave and if necessary then vacation leave on time cards submitted by the supervisor to the Payroll Office.
- f. Upon receipt of the SDI payments, the employee must endorse the payments over to the City of San Rafael to receive credit for leave taken.
- g. Based upon the employee's hourly rate of pay, the Payroll Office computes how much used sick and/or vacation leave time the employee will be credited and credits the employee with those hours. NOTE: The employee may not be credited more than accrued at or during the time of the disability.
- h. The Human Resources Department, after notification from Payroll, notifies the employee when they have used all accrued sick and/or vacation time and when leave without pay status (LWOP) begins. Once the employee is on LWOP they would keep any SDI payments received and would be fully responsible for the monthly health, dental and life insurance premiums if they chose to remain in the group plans. FMLA/CFRA provide an exception and are referenced under Section 5.4.8.

5 LEAVES

5.1 SICK LEAVE

5.1.1 *Eligibility*

Sick leave with pay shall be granted to each eligible employee. Sick leave may not be used at an employee's discretion but shall be allowed only in case of necessity and actual sickness or disability. The employee is required to notify employee's immediate supervisor or Department Director according to department Rules and Regulations or as soon as the employee is aware

of the need for the absence and no later than at the beginning of their daily duties. The City may request verification from a medical provider from any employee who is absent for three (3) or more consecutive days.

If an employee has documented sick leave abuse, the employee may be placed on an attendance management plan, which will require the employee to submit verification from a medical provider for all future use of sick leave. The employee shall be taken off an attendance management plan after twelve (12) months unless the pattern of sick leave abuse has continued.

5.1.2 *Sick Leave Accrual*

All eligible full-time employees shall earn sick leave credits at the rate of one (1) working day per month commencing with the date of employment. Unused sick leave may be accumulated to any amount but a cap exists for payoff purposes (see Section 5.1.6). The sick leave accrual rate is prorated for eligible part time employees.

5.1.3 *Use of Sick Leave*

An employee may use accrued sick leave during their probationary period. An employee eligible for sick leave with pay shall be granted such leave for the following reasons:

1. Personal illness of the employee or illness within the immediate family (family member means an employee's spouse, registered domestic partner, any unmarried child, including adopted child, a stepchild, or recognized natural child who lives with the employee in a regular parent-child relationship, parent, including in-laws, and grandparent), or for any physical incapacity of the employee resulting from causes beyond the employee's control; or
2. Enforced quarantine of the employee in accordance with community health regulations; or
3. Medical appointments that cannot be scheduled during non-working hours.

5.1.4 *Advance of Sick Leave*

Whenever circumstances require, and with the approval of the City Manager, sick leave may be taken in advance of accrual up to a maximum determined by the City Manager, provided that any employee separated from the service who has been granted sick leave that is un-accrued at the time of such separation shall reimburse the City of all salary paid in connection with such un-accrued leave.

5.1.5 *Service Credit for Sick Leave*

Employees who retire from the City of San Rafael within 120 days of leaving City employment (excludes deferred retirements) shall receive employment service credit for retirement purposes only for all hours of accrued, unused sick leave (exclusive of any sick leave hours they are eligible to receive and they elect to receive in compensation for at the time of retirement pursuant to Section 5.1.6 Compensation for Unused Portion (Sick Leave Payoff).

Employees hired on or after July 1, 2009 are not eligible to receive employment service credit of any accrued, unused sick leave for retirement purposes.

5.1.6 *Compensation for Unused Portion*

Upon termination of employment by resignation, retirement or death, a regular employee who leaves the City service in good standing shall receive compensation for all accumulated unused sick leave based upon the following formula: a rate of three percent (3%) for each year of service (i.e., 3% times number of employment service years). The maximum number of

accumulated, unused sick leave an employee may be compensated for upon termination of employment is 600 hours. See Section 5.1.5 regarding service credit option for accumulated, unused sick leave that the employee is not compensated for upon termination.

5.2 VACATION LEAVE

5.2.1 Eligibility

Annual vacation with pay shall be granted each eligible employee. Vacation leave accrual shall be prorated for those employees working less than full time. Employees will be permitted to use accrued vacation leave subject to the approval of the Department Director.

5.2.2 Rate of Accrual

Vacation benefits shall accrue during the probationary period. Each regular full-time employee (part time regular are prorated) shall accrue vacation at the following rate for continuous service. Each service year in the chart begins on the first working day and ends on the last day of the service year:

Service Year	Annual Hours (37.50 Hr)	Hours Per Month (37.50 Hr)	Annual Hours (35 Hr)	Hours Per Month (35 Hr)
1	75.000 hours	6.2500 hours	70.000 hours	5.8333 hours
2	75.000 hours	6.2500 hours	70.000 hours	5.8333 hours
3	75.000 hours	6.2500 hours	70.000 hours	5.8333 hours
4	112.500 hours	9.3750 hours	105.000 hours	8.7500 hours
5	117.867 hours	9.8222 hours	110.250 hours	9.1875 hours
6	123.234 hours	10.2695 hours	115.500 hours	9.6250 hours
7	128.601 hours	10.7167 hours	120.750 hours	10.0625 hours
8	133.968 hours	11.1640 hours	126.000 hours	10.5000 hours
9	139.335 hours	11.6110 hours	131.250 hours	10.9375 hours
10	144.702 hours	12.0580 hours	136.500 hours	11.3750 hours
11	150.000 hours	12.5000 hours	140.000 hours	11.6667 hours
12	157.500 hours	13.1250 hours	147.000 hours	12.2500 hours
13	165.000 hours	13.7500 hours	154.000 hours	12.8333 hours
14	172.500 hours	14.3750 hours	161.000 hours	13.4167 hours
15	180.000 hours	15.0000 hours	168.000 hours	14.0000 hours
16 plus	187.500 hours	15.6250 hours	175.000 hours	14.5833 hours

When an employee is on an approved leave without pay, vacation accrual is prorated based upon paid hours in the pay period. Upon the City's modification of its pay schedule to 26 pay periods, the above accrual rates shall be adjusted to a pay period basis.

5.2.3 Administration of Vacation Leave

The City Manager, upon the recommendation of the Department Director, may advance vacation credits to any permanent regular and permanent part-time employee.

No employee may accrue more than 250 hours. Vacation accruals will resume once the employee's accumulated vacation balance falls below the allowable cap limit.

The time at which an employee may use their accrued vacation leave and the amount to be taken at any one time, shall be determined by employee's Department Director with particular regard for the needs of the City but also, insofar as possible, considering the wishes of the employee.

The Maximum amount of vacation leave that may be taken at any given time shall be that amount that has accrued to the employee concerned, subject to the Department Director's approval. The minimum amount of vacation that may be taken at any given time shall be one-half (1/2) hour (except that as permitted by law, the City shall authorize the use of vacation time in smaller increments to coordinate disability or workers compensation leaves with employee accrued paid time). Vacation leave granted by the City and used by an employee shall be deducted from the employee's vacation leave bank.

In the event that one or more City holidays falls within an annual vacation leave, such holiday shall not be charged as vacation leave, and the vacation leave shall be extended accordingly.

Employees who terminate their employment shall be paid in a lump sum for all accrued vacation leave earned prior to the effective date of termination.

Employees may request a temporary waiver of their vacation cap, should a work-related injury prevent use of vacation time. Such requests would need to be in writing, submitted through the department, and receive the approval of the Department Director and the City Manager.

5.3 HOLIDAYS

5.3.1 *Paid Holidays*

In order to be eligible for compensation for the paid holiday, the employee must be in both paid status on the day before the holiday and the day after the holiday.

All employees who are eligible for compensation for the paid holiday, other than a day on which an election is held throughout the state, shall be paid at the applicable rate of pay for the number of hours actually worked.

When a holiday falls on Saturday or Sunday, the Friday preceding a Saturday holiday or the Monday following a Sunday holiday shall be deemed to be a holiday in lieu of the day observed.

By written agreement between the employee and supervisor, an employee working an alternative work schedule can bank the holiday time to be scheduled as paid time off at a later date. Holidays will be lost if not used within the same fiscal year, and will not be cashed out at any time during employment or upon separation.

The following holidays will be observed:

January 1 st	New Year's Day
The third Monday in January	Martin Luther King Jr. Day
The third Monday in February	Washington's Birthday
March 31 st	Cesar Chavez Day
The last Monday in May	Memorial Day
July 4 th Holiday	Independence Day
June 19 th	Juneteenth
The first Monday in September	Labor Day
November 11 th	Veteran's Day

The fourth Thursday in November	Thanksgiving Day
The fourth Friday in November	Day after Thanksgiving
December 25 th	Christmas Day

In addition to designated holidays, employees in this Unit receive one (1) floating holiday provided in January of each year. Floating holidays not used by the end of the calendar year are added to employee's vacation balance. Part-time employees will be paid for holidays on a pro-rated basis.

5.4 OTHER LEAVE

5.4.1 *Personal Leave – Supervisory Unit*

Up to two (2) days of Personal Leave per fiscal year shall be granted to Supervisory Unit employees, with prior supervisory approval. Employees must submit leave requests two (2) weeks in advance. Unused Personal Leave does not carry over and cannot be cashed out.

5.4.2 *Safety Holiday*

A Safety Holiday Incentive Program is established for maintenance employees. Employees will be placed in one of the following units. The units are: (1) Park Division; (2) Street Division; (3) Sewer Division; (4) Garage Division; (5) Building Maintenance Division; or (6) Community Services Custodians. For part-time employees in these units who are eligible for benefits, any safety holiday will be pro-rated. If all employees of a designated unit complete six (6) months without a work-related injury or illness resulting in one full day of lost time, a Safety Holiday will be granted to all employees of that unit, with specific time off granted with prior Supervisory approval. Note: Multiple days of lost time for the same injury or illness shall be considered as one incident.

5.4.3 *Bereavement Leave*

The City recognizes that the death of a family member is a time of grief and stress and will act in a compassionate matter. In the event of the death of an employee's spouse, child, parent, sibling, registered domestic partner, grandchild, grandparent, parent in-laws, or relative who lives or has lived in the home of the employee to such an extent that the relative was considered a member of the immediate family and/or another individual who has a legal familial relationship to the employee and resided in the employee's household, up to five (5) days may be granted for paid bereavement leave per occurrence. All bereavement leave must be exhausted within 3 months of the date of the death of the family member.

In those cases where the death involves an individual who had such a relationship with the employee, as defined above, the employee shall sign a simple affidavit describing the relationship and submit this to the Department Director as part of the request for bereavement leave. No request shall be unreasonably denied, and the City agrees to collaborate with the employee to find a resolution.

The above bereavement clause shall also apply in the event of a reproductive loss for an employee. The City agrees to maintain employee confidentiality related to the reproductive loss leave.

5.4.4 *Jury Duty*

Employees required to report to jury duty shall be granted a leave of absence with pay from their assigned duties until released by the court, provided that the employee provides advance notice to the Appointing Authority and remits to the City all per diem service fees except mileage or subsistence allowance within thirty days from the termination of such duty.

5.4.5 *Military Leave*

Military leave shall be granted in accordance with the State of California Military and Veteran's Code as amended from time to time. All employees entitled to military leave shall give the appointing authority and the Department Director an opportunity, within the limits of military regulations, to determine when such leave shall be taken.

5.4.6 *Leave of Absence Without Pay*

Leave of absence without pay may be granted by the City Manager upon the written request of the employee. Accrued vacation leave must be exhausted prior to the granting of leave without pay.

5.4.7 *Industrial Injury Leave*

For benefits under Workers Compensation, an employee should report any on the job injury to their supervisor as soon as possible, preferably within twenty-four (24) hours. The Human Resources department coordinates benefits for Worker's Compensation claims. For further information see the City's Workers' Compensation policy located on the Intranet (<https://intranet.cityofsanrafael.org>).

Employees of the City who have suffered any disability arising out of and in the course of their employment as defined by the Worker's Compensation Insurance and Safety Act of the State of California are entitled to all benefits allowed them by the Workers' Compensation Insurance and Safety Act of the State of California.

Temporary disability payments (TD) are made to all employees (full and part-time) when a physician reports an employee is unable to perform their job duties due to an industrial injury and the City cannot accommodate the restrictions mandated by their physician. TD is set by State law and is approximately two-thirds of full salary with state-mandated minimums and maximums. For full-time, regular employees, however, the City augments TD payments with salary continuation as follows: Compensation leave payments shall not exceed the employee's regular full pay for the first three (3) calendar months and three-fourths (3/4) of the regular full pay for the following six (6) calendar months.

Sick Leave Usage Post Industrial Injury/Illness:

The following rule applies to employees who have an accepted industrial injury/illness: Available accrued sick leave cannot be used for more than 60 calendar days after one of the following has been determined:

- a. The employee has reached maximum medical improvement and/or has been determined "permanent and stationary",
- b. The employee has been determined to be unable to return to their usual and customary occupation, with or without reasonable accommodation.

Given the above has occurred, next steps would include:

- a. The interactive process; attempt to locate other appropriate employment within the City
- b. If none available, proceed with termination process, including disability retirement application and/or Skelly process, if appropriate.

5.4.8 *Family Medical Leave*

Union members agree to adhere to the provisions of the City's Family Medical Leave Policy which is available on the City's Intranet Website.

5.4.9 *Catastrophic Leave*

Catastrophic leave shall be in accordance with the City Catastrophic Leave Policy which is available on the City's Intranet website.

5.4.10 *Emergency/Smoke Leave*

In the event that an emergency is declared that impacts City facilities or operations and results in the closure of any facilities, employees regularly assigned to work in a closed worksite may be required to report to a worksite other than their regular worksite to assist in emergency duties or to a non-impacted worksite for regular duties at the discretion of the City.

If employees are not assigned to a non-impacted worksite or assigned to assist in emergency duties, they shall be granted leave up to 10 days in any calendar year and compensated for their regularly scheduled work day with no adverse effect to the employee.

This provision applies to Federal, State, County, or City declared emergencies or to other non-declared circumstances that result in the closure of City facilities.

For up to 30 days during a required residential evacuation that has resulted from an above-declared emergency without additional approval from the Department Head, no employee shall be penalized for their inability to report to their worksite.

Employees who notify their supervisors that they are subject to a required residential evacuation resulting from a Federal, State, County, or City declared emergency shall not be disciplined for their inability to report to their worksite for the duration of the required residential evacuation.

5.4.11 *Paid Parental Leave*

Eligibility:

Effective July 1, 2024 any full time, regular or probationary employee who has been continuously employed by the City for at least 12 months prior to the start of the leave shall be eligible for Paid Parental Leave (PPL) to use within 12 months of the following eligible events:

1. Birth of a child of the employee, the employee's spouse, or the employee's registered domestic partner.
2. Placement of a child with the employee for adoption.

For the purposes of PPL, the definition of "parent" and "child" are as defined by the California Family Rights Act.

Benefit and Use:

1. Eligible employees shall be granted 300 PPL hours to use within 12 months of the qualifying event for the purposes of disability due to pregnancy and/or baby bonding. Regular part-time employees shall be eligible for a prorated number of PPL hours, based on scheduled and budgeted FTE.
2. PPL is based on a 12-month rolling calendar. No more than 300 PPL hours may be used in any 12-month period. PPL may not be used or extended beyond the 12-month time frame and any accrued and unused PPL will be forfeited at the end of the 12-month period for the qualifying event.
3. Upon termination of the employee's employment at the City, they will not be paid for any accrued and unused PPL for which they were eligible.
4. PPL is based on the employee's regularly scheduled hourly base wage. It is considered "paid status" for the purpose of merit, seniority, benefit premium contributions, retirement service credit, vacation and sick leave accrual, and City benefit eligibility and contributions.

5. PPL shall be used in a block of continuous time or on an intermittent or reduced schedule. Intermittent leaves or reduced schedules must be arranged and approved by the employee's supervisor in advance.
6. PPL shall run concurrently with FMLA/CFRA and with PDL as set forth in paragraph 7, below. Eligible employees will be reinstated to the same or equivalent position in accordance with FMLA/CFRA protections. This may include altered assignments to accommodate the department's operational needs when the employee is working a reduced work schedule.
7. Pregnancy Disability Leave (PDL): An eligible employee on PDL must reduce their sick leave balance to 40 hours or less to use PPL concurrently with PDL. An eligible employee is not required to further reduce their balance once they have reached the initial threshold of 40 hours or less.
8. Use of this leave constitutes a "compelling personal situation during which time the employee was unable to work" under Article 6.6.5 of this MOU and the probationary period for any probationary employee who uses this leave shall be extended for the length of time the employee was off work using this leave.

Coordination of Benefits & Leaves:

- PPL taken under this policy will run concurrently with leave under the FMLA, CFRA, and PDL once the eligible employee's sick leave balance is reduced to 40 hours or less.
- PPL will be fully integrated with any short-term disability or California Paid Family Leave program but shall not exceed one hundred percent (100%) of the employee's normal gross salary rate.
- The use of Short-Term Disability (STD) and Paid Family Leave (PFL) will not reduce available hours under the PPL leave entitlement.
- For time covered by FMLA/CFRA job protected leave for baby bonding purposes, PPL must be used prior to other accrued leave or unpaid leave except as discussed in number 7 above.
- If an employee has exhausted FMLA/CFRA entitlements for reasons other than baby bonding, PPL must be used prior to other accrued leaves or Leave Without Pay for arranged leaves for the purpose of baby bonding. Scheduling of non-FMLA/CFRA protected PPL is subject to department approval.
- An employee who is eligible for PPL but is on leave for other reasons cannot use PPL except as described in paragraph 7 above.

5.4.12 *End of Life Care Leave*

Eligibility:

Effective July 1, 2024 any full time, regular or probationary employee who has been continuously employed by the City for at least 12 months prior to the start of the leave shall be eligible for End of Life Care leave to provide end of life care for an immediate family member, which shall include an employee's spouse, registered domestic partner, child, parent, sibling, parent, parent in-law(s), grandparent, or grandchild.

End of Life care may be used to provide support, assistance and care to an immediate family member, as defined above, who is receiving end of life services through hospice or a medical facility.

Benefit and Use:

1. Eligible employees shall receive 80 hours of End of Life Care leave to be used during their employment with the City for use to support an immediate family member near the end of life, as described above.
2. Upon termination of the employee's employment at the City, they will not be paid for any accrued and unused End of Life Care leave for which they were eligible. Further, if an employee leaves City employment and returns to City service later in their career, the employee shall receive any unused hours from their previous employment with the City but shall not be granted any additional hours of for End of Life Care Leave.
3. End of Life Care leave is based on the employee's regularly scheduled hourly base wage. It is considered "paid status" for the purpose of merit, seniority, benefit premium contributions, retirement service credit, vacation and sick leave accrual, and City benefit eligibility and contributions.
4. End of Life Care leave shall be used in a block of continuous time or on an intermittent or reduced schedule. Intermittent leaves or reduced schedules must be arranged and approved by the employee's supervisor in advance.
5. End of Life Care shall run concurrently with FMLA/CFRA. Eligible employees will be reinstated to the same or equivalent position in accordance with FMLA/CFRA protections. This may include altered assignments to accommodate the department's operational needs when the employee is working a reduced work schedule.
6. An employee who is eligible for End of Life Care Leave but is on leave for other reasons cannot use PPL except as described in paragraph 5 above.
7. Use of this leave constitutes a "compelling personal situation during which time the employee was unable to work" under Article 6.6.5 of this MOU and the probationary period for any probationary employee who uses this leave shall be extended for the length of time the employee was off work using this leave.

6 TERMS & CONDITIONS OF EMPLOYMENT

6.1 HOURS OF WORK

Except for full-time Child Care Instructors I/II, the WORK WEEK will reflect thirty-seven and one-half (37.5) hours for all represented job classes. The WORK WEEK for full-time Child Care Instructors I/II will reflect thirty-five (35) hours per week. Unless otherwise designated, the normal business hours for vacation, sick and administrative leave deduction and sick and administrative leave accrual purposes shall be 7.5 hours per day for 37.50 hour employees and 7.0 hours per day for 35-hour employees. The 37.5-hour work week will begin July 1, 2013, at which time employees shall return to the work schedule worked prior to implementation of the 37.5-hour (or 35-hour) work week, unless otherwise arranged with the Department Head.

6.1.1 Consecutive Two-Day Weekends

When a library employee who traditionally works Monday-Friday is scheduled to work on a weekend, the City will provide the option for the employee to receive 2 consecutive days off work during that same workweek.

6.2 OVERTIME

Overtime shall mean actual time authorized and worked beyond thirty-seven and one-half (37.5) hours in a regular work week, or seven and one-half hours (7.5) in one work day or regularly scheduled shift. A work or duty week shall be defined as seven (7) consecutive calendar days. Overtime is compensable to the nearest half-hour and must have prior authorization and approval of the Department Director.

Each Department Director shall have the authority to designate certain job classifications for mandatory overtime in emergencies. In the event the Department Director determines that there is a staffing need during an emergency, the Department Director shall first make a reasonable effort to seek qualified volunteers to work overtime during the emergency. If the Department Director determines that there are an insufficient number of volunteers, or if time constraints prevent the soliciting of volunteers, the Department Director may order employees in the designated classifications (may vary depending on the emergency but primarily relates to job classifications in the Street Division of Public Works) to report to work in overtime status to address the emergency.

6.3 COMPENSATORY TIME POLICY

With the Department Director's approval, compensatory time, in lieu of overtime pay, may be taken subject to the following rules:

6.3.1 *Accrual Limit*

Employees may accrue up to 115 hours of compensatory time after which said employee must accept overtime pay in lieu of accruing additional compensatory time.

6.3.2 *Overtime Rate*

Employees who work overtime may be paid for it at the rate of time and one-half or may accrue compensatory time at a rate of time and one-half subject to the limitations in Section 6.3.1. Employees who elect compensatory time must take the time off, preferably within the quarter during which it was earned, and shall not be paid for it.

6.4 STAND BY OR CALL BACK DUTY

6.4.1 *Compensation When Assigned to Standby Duty – All Departments except Sanitation*

Miscellaneous and Supervisory employees assigned standby duty on Saturday, Sunday or a day designated as an authorized holiday by the City Council shall be compensated at the rate of six (6) hours of their base salary for each day of standby duty. To identify employees eligible for standby covering holidays, the City and Union acknowledge standby eligibility shall rotate at the beginning of the work shift each Wednesday.

Weekend duty will start at the end of the last shift of the employee's designated workweek and will end at the beginning of the first shift of the employee's following designated workweek. On holidays during the week, duty will start at the end of the employee's designated work shift on the day before the designated holiday and will end at the beginning of the employee's designated work shift on the next regular work day, or the employee will receive compensatory time off on a straight time basis. At the time of accrual, the employee will designate either salary or compensatory time. Compensatory time off must be approved in accordance with normal leave request procedures.

6.4.2 *Compensation When Assigned to Standby Duty – Sanitation Department*

Weekend standby duty shall start at the end of the employee's shift on Friday and end at the beginning of the employee's shift on Monday. Miscellaneous and Supervisory employees assigned to weekend standby duty shall be compensated at the rate of sixteen (16) hours of

their base salary (two (2) hours for the end of the employee's shift on Friday through 11:59 pm on Friday, six (6) hours for 12 am to 11:59 pm on Saturday, six (6) hours for 12 am to 11:59 pm on Sunday, and two (2) hours for 12 am on Monday through the start of the employee's shift on Monday).

Miscellaneous and Supervisory employees assigned standby duty on a day designated as an authorized holiday by the City Council shall be compensated at the rate of six (6) hours of their base salary for each day of holiday standby duty. Any holiday that falls on a day of the week that is contiguous with a weekend (Friday, Monday or Thanksgiving) will be covered by the employee on duty for the weekend standby shift. An employee assigned to standby duty for a weekend that includes one or more holidays will be paid their regular standby pay for the weekend in addition to their regular standby pay for any holiday assigned.

Standby duty during the week (Monday-Thursday) is normally assigned to the Operations & Maintenance Manager. If the Operations & Maintenance Manager is unable to cover a work week (Monday-Thursday) shift, it may be assigned to the Sewers Maintenance Supervisor or eligible maintenance worker, from the end of their shift until the beginning of the next operational shift. The employee who is assigned to a work week (Monday-Thursday) shift will be compensated at the rate of two (2) hours of their base salary.

In lieu of being assigned a commuter vehicle, the Sewers Maintenance Supervisor shall receive a monthly commuter allowance of \$250.00 per pay period.

On holidays during the week (Tuesday-Thursday), standby duty will start at the end of shift on the day before the designated holiday and will end at the beginning of shift on the next regular work day. At the time of accrual, the employee will designate either salary or compensatory time. Compensatory time off must be approved in accordance with normal leave request procedures. Any holiday that falls on a day which is not contiguous with a weekend will be assigned to eligible employees on a rotating basis.

6.4.3 Compensation When Not Assigned to Call Back Duty

When an employee not assigned to standby duty is called back to duty, the employee shall receive compensation for a minimum of four (4) hours.

6.4.4 Minimum Payment for Call Out

Employees on standby duty who are called out and required to work shall be paid a minimum of two (2) hours at the rate of time and one half, for each time they are called out.

6.4.5 Standby Residency and Cell Phones

The residency requirement for standby personnel shall include those individuals who live within a sixty (60) minute travel distance from the Corporation Yard. Cell phones shall be provided to those persons on standby. Standby duty is assigned on a rotating basis.

A Miscellaneous or Supervisory Unit employee within the residency area shall be considered eligible for standby duty. This includes all holidays that may fall within the assigned standby duty period.

If an employee is sick or has scheduled time off, standby will move to the next person on the list that is available and qualified. Determination of whether an employee is qualified is made by the Supervisor or Operations and Maintenance Manager. It is noted this list was originally established by knowledge and that new employees are placed at the bottom of the list.

6.5 DOT AND CLASS B REQUIREMENTS

Employees in the following job classes are covered by this DOT policy and are subject to the terms and conditions of the City's DOT Policy:

<ul style="list-style-type: none"> ▪ Street Maintenance Worker I/II* ▪ Street Maintenance Worker III ▪ Street Lead Maintenance Worker ▪ Street Maintenance Supervisor ▪ Park Equipment Mechanic ▪ Parks Lead Maintenance Worker ▪ Vehicle Equipment Mechanic I** ▪ Vehicle Equipment Mechanic II 	<ul style="list-style-type: none"> ▪ Equipment Service Attendant ▪ Supervising Vehicle Equipment Mechanic ▪ Sewer Maintenance Worker I** ▪ Sewer Maintenance Worker II ▪ Sewer Maintenance Worker III ▪ Sewer Maintenance Supervisor ▪ Sewer Maintenance Superintendent
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* Street Maintenance Worker I/II hired before September 1, 2009 had the option to sign a document stating that they would obtain a Class B license and thus participate in the DOT program within 6 months from October 1, 2009. If the employee elects to obtain and maintain a Class B license, they are in the program for the duration of their employment in the position. If assigned to a Class B task, these employees will receive out of class pay for the day (s) they were required to drive a Class B vehicle.

** Must obtain Class B license within one year of date of hire and become subject to DOT when license is obtained.

Effective September 1, 2009, employees hired or promoted into a Street Maintenance Worker II position will be required to possess a Class B license and participate in the DOT Program. These employees will not receive out of class pay when required to drive a Class B Vehicle.

Street Maintenance Worker I employees can opt in to the DOT program upon appointment if they possess a Class B license or if they obtain the Class B license on their own.

Class B license is not a requirement for the Park Maintenance Worker I/II classification. Parks Maintenance Worker I/II employees who possess or obtain a Class B license can opt in to the DOT program. If an employee opts into the DOT program, they will be covered by the DOT Policy and are subject to the terms and conditions of the City's DOT Policy. If enrolled in the DOT program and assigned to a Class B task, these employees who have the Class B license will receive out of class pay for the day(s) they were required to drive a Class B vehicle.

6.6 PROBATIONARY PERIOD

6.6.1 Purpose of Probation

After passing an examination and accepting appointment, each employee shall serve a period of probation beginning on the date of appointment. Such period shall be for the purpose of determining the employee's ability to perform satisfactorily the duties prescribed for the position.

6.6.2 Length of Probationary Period

The probationary period on original and promotional appointment shall be for one (1) year. Employees shall receive one written Probationary Evaluation from their immediate supervisor during the Probationary Period, preferably at the midway point.

6.6.3 Rejection During Probation

During the probationary period an employee may be rejected at any time by the Appointing Authority without the right of appeal.

6.6.4 Notification of Rejection

On determining that a probationary employee's work is not satisfactory, the Appointing Authority shall notify the Human Resources Director of their intention to terminate the employee. After discussion with the Human Resources Director, the Appointing Authority shall notify employee in writing of the rejection.

6.6.5 *Extension of Probationary Period*

The probationary period shall not be extended except in the case of extended illness or injury or compelling personal situation during which time the employee was unable to work. In such cases, the probationary period may be extended for the length of time the ill or injured employee was unable to work.

6.6.6 *Regular Status*

Regular status shall commence with the day following the expiration date of the probationary period.

6.6.7 *Promotion of Probationary Employee*

An employee serving a probationary period may be promoted to a position in a higher position classification provided they are certified from the appropriate Eligible List. The employee promoted in this manner shall serve a new probationary period for the position to which employee is promoted and the new probationary period and promotional appointment shall be effective the same date.

6.6.8 *Unsuccessful Passage of Promotional Probation*

An employee who does not successfully pass their promotional probationary period shall be reinstated to the position in which the employee held regular status prior to their promotion. Provided, however, that if the cause for not passing the promotional probationary period was sufficient grounds for dismissal, the employee shall be subject to dismissal without reinstatement to the lower position.

6.6.9 *Lateral Transfer Probation*

Voluntary transfers to another job classification, within the same salary range, shall require a six (6) month probationary period. In the event of unsuccessful passage of this period refer to Section 6.6.8.

6.7 TRANSFERS / REASSIGNMENTS

6.7.1 *Types of Transfers*

Transfers may be within the same department (intra-departmental) or between departments (inter-departmental). The requirements for each are as follows:

a. Intra-departmental transfers.

The Appointing Authority shall have the authority to transfer an employee from a position in one division of a department to a position in the same or similar classification with the same salary range, in the same division or to another division of the same department (at any time and for any duration).

b. Inter-departmental transfers.

An employee may transfer from a position in one (1) department to a position in the same or similar classification in another department, provided the consent of the two Appointing Authorities and the City Manager is obtained.

c. Voluntary Transfers.

An employee may make a written request for transfer to the Human Resources Director to a position in the same or similar classification with the same salary range. Such a transfer may be made on the recommendation of the affected Department Director(s) and the approval of the City Manager.

6.7.2 Minimum Qualifications & Probation

Any persons transferred to a different position shall possess the minimum qualifications for the position.

6.7.3 Transfer Procedures

The City Manager may authorize the transfer of an employee from one position to another of the same or comparable class of work and where the same general type of examination is given for entrance to such a position.

Transfers from one department to another department having a different jurisdiction or different function shall be done only with the consent of the Department Directors involved, unless such a transfer is ordered by the City Manager for purpose of economy or efficiency.

Any person transferred to a different position shall possess the minimum qualifications for the position.

Employees who have completed their initial probation may seek voluntary transfers to positions within the same job class, and/or lower level job classes as long as the employee meets the minimum qualifications for the position. Employees seeking transfer should submit a completed application to the Human Resources Department. As vacancies occur, transfer candidates may receive consideration along with those on the eligibility list.

6.8 PERSONNEL RULES & REGULATIONS

Employees covered by this MOU agree to follow the City's Personnel Rules and Regulations located on the City's Intranet website.

6.8.1 Drug & Alcohol Policy

The City and the Union agree to the non-DOT general drug and alcohol policy. A copy is available with the City's policies and on the City's Intranet website. (Safety sensitive job classes are covered by the DOT Drug and Alcohol Policy previously agreed to by both parties and located on the City's Intranet website).

6.8.2 Confidential Nature of Personnel Records

All personnel records and files and examination materials are confidential. The Human Resources Director shall take all necessary steps to protect the confidentiality of those materials. Disclosure of such records shall be governed by the Public Records Act, Government Code Sections 6250, et. seq. Individual employees may review their official personnel file maintained by the Human Resources Department and/or respective appointing authority. With the written consent of the employee, the authorized representative of the recognized employee organization may also review that personnel file.

6.8.3 Confidential Nature of Medical Records

All medical records and files are the property of the City of San Rafael. These confidential records and files are to be maintained in a file separate from the employee's personnel file in the Human Resources Department. Disclosure of such records shall be governed by the Public Records Act, Government Code, Section 6250, et. seq.

6.8.4 Outside Employment Policy

Outside Employment shall be in accordance with the City's Outside Employment Policy which is available on the City's Intranet website.

6.8.5 Use of City Vehicle

Public Works Supervisors, at the direction of the Department Director, will be allowed to take a City vehicle home in emergency conditions.

6.8.6 Wireless Communication Policy

Union members agree to adhere to the provisions of the City's Wireless Communication Policy which is available on the City's Intranet Website. Upon recommendation of the Department Director, the City will provide Bluetooth devices to those employees who are required to use their City cell phone while driving during the course of business.

6.8.7 Safety Policy

The City of San Rafael is committed to providing a safe and healthy place to work. The City shall furnish safety devices and safeguards and shall adopt and use methods and processes adequate to ensure that the work place is safe and healthy. Employees are expected to obey safety rules and make proper use of safety gear and equipment. The City's safety policies and procedures shall comply with all applicable state laws related to a safe work environment.

6.8.8 Materials Relating to Disciplinary Action

Except for the specific disciplinary matters provided below, reprimands and suspensions of less than five (5) days in the employee's personnel file which have been in the file three (3) years or more shall not be used unless the materials relate to conduct that reoccurred within three (3) years of the first incident.

At the request of the employee, materials relating to disciplinary actions which are three (3) or more years old shall be removed, provided there has been no reoccurrence of the conduct on which the discipline was based. Performance evaluations are excluded from this provision.

Materials relating to disciplinary actions for misappropriation of public funds or property; misuse or destruction of public property; the use of being under the influence of drugs or alcohol at work; acts which would constitute a felony; acts which present an immediate danger to the public health and safety; or acts of harassment or discrimination based on protected status will not be removed from the employee's personnel file.

6.8.9 CPR / First Aid Training

An annual program for cardiopulmonary resuscitation (CPR) and First Aid certification will be provided for persons working as Childcare Directors and Instructors II.

6.8.10 Childcare Division Employee Program Discount

All Childcare staff with children enrolled in any City of San Rafael Childcare Division program will receive a 50% discount on program fees based on their level of enrollment. All policies regarding admission and attendance in the Childcare Program will continue to apply to Childcare staff in accordance with the Childcare Division Parent Handbook and Childcare Staff Handbook.

6.9 MISCELLANEOUS

6.9.1 Hazardous Materials

Maintenance employees in the Union will be provided with the necessary training associated with what is termed first responder awareness level. First responders at this level (awareness only) are those who are likely to witness or discover a hazardous substance release and who have been trained to initiate an emergency response operations level. "Awareness" individuals take no action beyond notifying the designated authorities of the release. The on-duty Fire Battalion Chief is the Incident Commander in the event of a hazardous material release.

It is understood and agreed by both parties that maintenance employees in this Union do not have any responsibility to clean up, mitigate or otherwise dispose of hazardous materials. The Fire Department personnel and/or contract personnel have the direct responsibility of dealing with hazardous materials.

Maintenance employees of this Union do have direct responsibility to handle (clean up, mitigate, transport, dispose of, etc.) petroleum products such as diesel fuel gasoline, drain oil, and the like.

Streets, Parks Maintenance, and Facilities employees of this Union have direct responsibility to handle (clean up, mitigate, transport, dispose of, etc.) needles and oil spills.

6.9.2 Gratuities / Solicitation of Contributions

Gratuities and/or solicitation of contributions are not allowed.

6.9.3 Return of City Equipment

Upon termination of employment, all tools, equipment, and other City property assigned to an employee shall be returned to the employee's supervisor before leaving City employment.

6.9.4 Political Activity

The political activity of City employees shall comply with pertinent provisions of State and Federal Law.

6.9.5 Employment of Relatives

Employment of relatives shall be governed by the City's Personnel Rules and Regulations.

6.9.6 Labor / Management Meetings

The City and the Union agree that consultation meetings may contribute to improved employer-employee relations.

The committee shall be comprised of three (3) representatives from the Miscellaneous and Supervisory Units and three (3) from City Management as well as the SEIU Field Representative and the Human Resources Director. The parties agree that committee members may change depending on the subject matter.

Meetings may be requested by either party. The party requesting the meeting shall submit a proposed agenda and the receiving party shall acknowledge and confirm the date, time and location of the requested meeting. It is intended that the subject matter will not include issues subject to Article 7.4 Grievance Procedures.

6.9.7 Contract Orientation Work Sessions

The City and the Union agree that the individuals having responsibility for the enforcement of the Agreement, Union Stewards and Department Directors/Supervisors, shall participate in an Annual Contract Orientation Work Session for the purpose of obtaining a better understanding of the provisions of the contract. These work sessions shall be held on City time and facilities.

6.9.8 Temp Seasonal Employees

Both the City of San Rafael and SEIU 1021 recognize the valid, necessary reasons for appropriate temporary, seasonal, retiree, and fixed-term work. The City follows the Resolution of the City Council of the City of San Rafael adopting a temporary, seasonal, retiree, fixed-term salary and benefit plan. The City shall make its best efforts, with consideration to the fiscal condition of the City, to continue to transition temporary positions that are used in a recurring,

routine manner and perform work typically accomplished by SEIU classifications throughout the term of the agreement, to regular City positions.

6.9.9 *Gym Reimbursement*

Employees are eligible to receive up to \$16.50 per month reimbursement for paid gym memberships. Such reimbursement shall be reported as taxable income to the employee.

7 PROCEDURES

7.1 DEMOTION & SUSPENSION

7.1.1 *Demotion*

The Appointing Authority may demote an employee when the following occurs:

- a. The employee FAILS to perform their required duties.
- b. An employee requests such a demotion. No employee shall be demoted to a classification for which they do not possess the minimum qualifications. When the action is initiated by the Appointing Authority, written notice of demotion shall be provided to an employee at least ten (10) working days before the effective date of the demotion, and a copy filed with the Human Resources Department.

Withholding a salary step increase or withdrawing a merit step increase within or above the salary range of the employee's position shall not be deemed a demotion.

Disciplinary demotion action shall be in accordance with Article 7.3 Disciplinary Action.

7.1.2 *Suspension*

The Appointing Authority may suspend an employee from a position at any time for a disciplinary purpose. Intended suspension action shall be reported immediately to the Human Resources Director and shall be taken in accordance with Article 7.3 Disciplinary Action.

7.2 TERMINATION OF EMPLOYMENT

7.2.1 *Resignation*

An employee wishing to leave City service in good standing shall file with their immediate supervisor, at least fourteen (14) days before leaving service, a written resignation stating the effective date and reason for leaving. A copy of the resignation shall be forwarded to the Appointing Authority and Human Resources Department.

7.2.2 *Termination - Layoff (Lack of work or funds)*

The Appointing Authority may terminate an employee because of changes in duties or organization, abolishment of position, shortage of work or funds, or completion of work for which employment was made.

7.2.3 *Termination - Disciplinary Action*

An employee may be terminated at any time for disciplinary action, as provided in Article 7.3 Disciplinary Action.

7.2.4 *Retirement*

Retirement from City service shall, except as otherwise provided, be subject to the terms and conditions of the City's contract, as amended from time to time, with the Marin County Retirement System.

7.2.5 *Job Abandonment*

Absence from duty without authorization for any period of time may be cause for disciplinary action. Absence from duty without authorization in excess of five (5) continuous working days may constitute abandonment of the position and may be grounds for termination. The employee and the Union shall be notified by certified mail of proposed termination prior to the effective date of termination.

7.3 DISCIPLINARY ACTION

7.3.1 Right to Discipline & Discharge

Upon completion of the designated probationary period an employee shall be designated as a non-probationary employee and the City shall have the right to discharge or discipline any such employee for dishonesty, insubordination, drunkenness, incompetence, negligence, failure to perform work as required or to observe the Department's safety rules and regulations, or for engaging, during the term of this Memorandum of Understanding, in strikes, individual or group slowdowns or work stoppages, or for violating or ordering the violation of the Memorandum of Understanding, except where permitted by law. The City shall use progressive disciplinary steps (i.e., reprimand, suspension, demotion, discharge) unless the violation is such as to justify termination. Disciplinary action shall mean discharge/dismissal/termination, demotion, reduction in wage, suspension resulting in loss of pay, and written reprimand.

In addition, the City may discipline or discharge an employee for the following: Fraud in securing appointment; negligence of duty; violation of safety rules; unacceptable attendance record including tardiness, overstaying lunch or break periods; possession, distribution or under the influence of alcoholic beverages, non-prescription or unauthorized narcotics or dangerous drugs during working hours; inability, unwillingness, refusal or failure to perform work as assigned, required or directed; unauthorized soliciting on City property or time; conviction of a felony or conviction of a misdemeanor involving moral turpitude; unacceptable behavior toward (mistreatment of discourteousness to) the general public or fellow employees or officers of the City; falsifying employment application materials, time reports, records, or payroll documents or other City records; misuse of City property; violation of any of the provisions of these working rules and regulations or departmental rules and regulations; disorderly conduct, participation in fights, horseplay or brawls; dishonesty or theft; establishment of a pattern of violations of any City policy or rules and regulations over an extended period of time in which a specific incident in and of itself would not warrant disciplinary action, however, the cumulative effect would warrant such action; failure to perform to an acceptable level of work quality and quantity; insubordination; other acts inimical to the public service; inability or refusal to provide medical statement on cause of illness or disability.

7.3.2 Preliminary Notice

A non-probationary employee shall receive a preliminary written notice from the employee's Supervisor of any proposed disciplinary action that involves the loss of pay. The notice must contain a specific statement of charges or grounds upon which the proposed disciplinary action is based and the date the disciplinary action will be effective.

Any known written materials, reports or documents upon which the disciplinary action is based must be attached to the notice.

Upon the receipt of the notice, the employee shall have five (5) days to appeal the matter in writing to Step 2 of the Grievance Procedure. If a written appeal is filed, no disciplinary action shall be imposed until the Department Director has conducted a hearing with the employee and employee's representative present and having heard the response of the employee. The Department Director's decision shall be final for written reprimands.

If no written appeal is filed within five (5) days, the employee shall be deemed to have waived their right to proceed to Step 4 of the Grievance Procedure.

7.3.3 *Disciplinary Action and Appeal*

After hearing the response of the employee, the Department Director may order that the proposed disciplinary action or modification thereof be imposed. Such notification shall be issued in writing within 10 days of the meeting.

If the employee elects to appeal the Department Director action, they may request a confidential settlement conference with the City Manager. Participation in the confidential settlement conference shall be voluntary. If the matter is still unresolved after the confidential settlement conference, the employee shall notify the City within ten (10) days that the matter is appealed to Step 4 (Arbitration) of the Grievance Procedure. The matter shall then proceed in accordance with the Grievance Procedure. The City Manager's decision shall be final for suspensions of five (5) days or less.

7.3.4 *Harassment Policy*

It is the City's intent and purpose to provide all officials, employees, applicants and contractors with an environment that is free from any form of harassment, discrimination or retaliation. Employees shall refer to the City Policy against Harassment, Discrimination and Retaliation which is available on the City's Intranet website.

7.4 GRIEVANCE PROCEDURE

7.4.1 *Definition*

1. **Grievance** is a dispute which involves the interpretation or application of any provision of this Memorandum of Understanding, except issues concerning appeals of punitive action, which are governed by Sections 7.1, 7.2 and 7.3 of this Memorandum. A dispute regarding the interpretation of the City's Personnel Rules and Regulations is subject to the grievance procedure up to Step 3 (City Manager). All ordinances, resolutions, rules and regulations which are not specifically covered by the provisions of this Memorandum shall not be subject to the Grievance Procedure.
2. **Day** shall mean any that the City Office is open for business, excluding Saturdays, Sundays and the holidays recognized by the City.
3. **Grievant** may be an individual employee or a group of employees or the Union on behalf of a group of employees or the Union on its own behalf on matters involving the City and Union relationship.
4. **Time limits** begin with the day following the event causing the grievance or the day following receipt of a grievance decision.

7.4.2 *Procedure*

Step 1.

Within seven (7) days of when the grievant knew or should have known of the act or omission causing the grievance, the grievant shall present either in writing or verbally a clear and concise statement of the grievance to the immediate supervisor.

Within five (5) days thereafter, the immediate supervisor shall investigate and respond to the allegations of the grievant.

Step 2.

If the grievant is not satisfied with the resolution at Step 1, the grievant must reduce the grievance to writing and present it to the Department Director within five (5) days.

The written grievance shall contain a statement of facts about the nature of the grievance and shall identify the specific provisions of this Memorandum of Understanding alleged to be violated, applicable times, places and names of those involved, the remedy or relief requested, and shall be signed by the grievant.

The Department Director shall confer with the grievant and within ten (10) days respond to the allegations in writing.

Step 3.

If the grievant is not satisfied with the resolution at Step 2, the grievant shall within five (5) days appeal the matter to the City Manager.

The City Manager shall investigate the matter, conduct a hearing if the City Manager deems it appropriate and within ten (10) days thereafter, respond to the allegations in writing.

Step 4.

If the grievance remains unresolved after Step 3, the Union may, by written notice to the City's Human Resources Department within ten (10) days after the receipt of the response in Step 3, notify the City that the Union wishes to appeal the grievance to final and binding arbitration. The parties shall attempt to agree upon an arbitrator. If no agreement is reached, they shall request a list from the State Conciliation Service of nine (9) names. The selection process will include a review of the arbitrator's availability for the hearing.

Each party shall then alternately strike a name until only one (1) name remains, said person to be the arbitrator. The order of striking shall be determined by the flip of a coin.

7.4.3 Arbitration

The arbitrator shall be empowered to conduct a hearing and to hear and receive evidence presented by the parties. The hearing should be held within 60 calendar days of the selection of the arbitrator. The hearing shall be informal and need not be conducted according to technical rules of evidence. Repetitious evidence may be excluded and oral evidence shall be taken only under oath. The arbitrator shall determine what evidence is relevant and pertinent, as well as any procedural matters, and they may call, recall and examine witnesses, as they deem proper.

The burden of proof shall be upon the Union in grievance matters and upon the City in disciplinary/discharge matters.

After the conclusion of any hearing and the submission of any post hearing evidence or briefs agreed upon by the parties, the arbitrator shall render a written decision which shall be final and binding upon the City, the Union and any employee(s) involved in the grievance or disciplinary matter.

The arbitrator shall not be empowered to add to, subtract from, or in any way modify or alter any provision of this Memorandum of Understanding. The arbitrator shall only determine whether a grievance exists in the manner alleged by the grievant, and what the proper remedy, if any, shall be, or in the case of disciplinary/discharge matter whether the City allegations are accurate and the appropriateness of the disciplinary penalty.

The fees and expenses of the arbitrator shall be shared equally by the Union and the City. All other expenses shall be borne by the party incurring them. The cost of the services of court

reporter shall be borne by the requesting party unless there is a mutual agreement to share the cost or unless the arbitrator so requests. Then the costs will be shared equally.

7.4.4 General Provisions

1. Employees who participate in the Grievance Procedure by filing a grievance or acting as a witness on the behalf of either party shall be free from discrimination by either the Union or the City.
2. A grievant has the right to be represented at each stage of the procedure, to cross examine witnesses, and have access to all information regarding the basis of the grievance upon which the City relies in making its determinations.
3. If the City management fails to respond within the specified time limits, the grievance shall, at the request of the Union, be moved to the next step of the procedure. If the Union or a grievant fails to process or appeal a grievance within the specified time limits, the matter shall be deemed withdrawn with prejudice. The parties may by mutual agreement waive the steps in the procedure.
4. If a hearing is held during work hours of employee witnesses, such employees shall be released from duties without loss of pay or benefits to appear at the hearing. Witnesses requested by the parties shall be compelled to attend said hearings.
5. The Human Resources Department shall act as the central repository for all grievances.
6. Time limits contained herein may be extended by mutual agreement of the parties. Absence for bona fide reasons by a grievant, the Union representative or any management official involved in responding to the grievance shall automatically extend the time limits by the same number of days of absence.

7.5 POSITION RECLASSIFICATION

Reclassification of positions covered by this MOU shall be in accordance with the City's Reclassification Policy available on the City's Intranet website.

7.6 FURLOUGH PROGRAM

Both the City of San Rafael and SEIU 1021 recognize the unpredictable changes in funding that affect City finances. Through this recognition and in a cooperative spirit the City of San Rafael and SEIU 1021 have worked expeditiously on the development of a Furlough Program. This Agreement does not mean the City will necessarily implement furloughs; but in the event it is necessary to implement due to continued economic problems in the City of San Rafael, the City shall meet and consult with the Union at least 60 days prior to implementation of the Furlough Program. The procedures for this Furlough Program shall provide for both Voluntary Time Off (herein described as VTO) and Mandatory Time Off (herein described as MTO).

7.6.1 Voluntary Time Off (VTO)

The needs of the City and the respective departments (as determined by the Department Director and City Manager) will need to be considered in the actual granting of VTO. Any VTO time granted and the resulting savings will have a corresponding impact on the time needed through MTO.

1. An employee's VTO time would count in determining how many hours of MTO an employee needed to take during the fiscal year.
2. An employee selecting at least a 5% reduction of hours through the VTO would receive "float days" as described in 6.6.2. (4.b.).

3. Employees who take VTO at a time other than when MTO is taken by other employees will have to take vacation leave, compensatory time off or leave without pay if the MTO results in the closure of the department.
4. Employees will be allowed to exceed a 5% reduction of hours through the VTO with review of the Department Director and approval of the City Manager and such approval shall be revocable should the City determine that the impact of the absence cannot be absorbed by the Department. Prior to revoking approval, the City will contact the employee and review pertinent information which would impact the employee's ability to return to work. Should the City need to remove additional VTO, such removal would be considered a non-disciplinary action and would not be subject to any appeal/grievance procedure.

7.6.2 *Mandatory Time Off (MTO)*

MTO will be taken by the employee during the MTO period when feasible in their respective department (as determined by the Department Director and City Manager) and after consultation with the union.

1. Employees may not take paid vacation time in lieu of designated MTO time.
2. MTO time shall be considered time in pay status for the accrual of leave and eligibility for holidays. MTO time will not impact health, dental and life insurance benefits. At this time MTO time will not impact Marin County retirement calculations of average compensation or service credit as the City and employee will continue to fund the full amounts. If the Marin County Retirement Association changes its policy on this, the City will, effective the first of the month following notice from the Marin County Retirement Association, make the necessary change in the program's administration to correspond with the change in the policy.
3. MTO time shall apply toward time in service for step increases and completion of probation.
4. Other Terms and Conditions:
 - a. The MTO program shall be limited to a maximum five percent (5%) reduction in work hours/pay for the fiscal year. When the maximum MTO reduction (5% is implemented, the involved employee shall be credited with three (3) days of float time
 - b. **Float time** accrued through the MTO Program must be taken in the fiscal year following the furlough, with supervisory approval, or the leave will be forfeited. The float days have no cash value upon termination of employment. If an employee is laid off before having the opportunity to take unused furlough induced float time, said employee would be eligible to take the unused furlough induced float time during the thirty-day layoff notice period.
 - c. Should the City of San Rafael experience a financial windfall during the fiscal year that furloughs are implemented, the City and the Union agree to re-open negotiations on this Furlough Plan.

7.7 REDUCTION IN FORCE

7.7.1 *Authority*

The Appointing Authority may lay off, without prejudice, any regular employee because of lack of work or funds, or organizational alterations, or for reasons of economy or organizational efficiency.

7.7.2 Notice

Regular employees designated for layoff or demotion shall be notified in writing at least thirty (30) calendar days prior to the anticipated date of termination or demotion. The employee organization shall also be so notified.

7.7.3 Order of Layoff

Layoffs and/or reductions in force shall be made by classification. A classification is defined as a position or number of positions having the same title, job description and salary. Extra hire employees shall be laid off before permanent employees in the affected classification. In effecting the preceding order, a part-time permanent employee with more seniority can displace a full time permanent employee.

7.7.4 Seniority

If two or more employees within a classification have achieved permanent status, such employees will be laid off or reduced on the following basis:

- a. Seniority within the affected classification will be determinative. Such seniority shall include time served in higher classification(s). The computation of seniority for part-time employees will be credited on a pro rata basis to full time service. Time spent on a City Manager approved leave of absence without pay does not count toward seniority.
- b. If the seniority of two or more employees in the affected classification or higher classification(s) is equal, departmental seniority shall be determinative.
- c. If all of the above factors are equal, the date regular status in City service is achieved shall be determinative.
- d. If all of the above are equal, date of certification for appointment shall be determinative.

7.7.5 Bumping Rights

An employee designated to be laid off may bump into a class at the same salary level for which they meet the minimum qualifications, or into the next lower classification in which such employee has previously held regular status. An employee who is bumped shall be laid off in the same manner as an employee whose position is abolished.

7.7.6 Transfer Rights

The Human Resources Director will make every effort to transfer an employee who is to be affected by a reduction in force to another vacant position for which such employee may qualify. The length of eligibility for such transfer will be the period of notification as provided in Section 7.7.2, but no longer than the effective date of such layoff or reduction.

7.7.7 Layoff Procedure Notification

Once the decision has been made to reduce the workforce per this MOU, the City will meet with the Union to review and receive feedback on the procedure to be used to inform and process those classifications and individuals who are determined to be laid off. The information gained in this meeting from the Union by the City will be advisory and not binding.

7.8 RE-EMPLOYMENT

7.8.1 *General Guidelines*

Individuals who have been laid off or demoted shall be offered re-appointment to the same classification in which they held status in the order of seniority in the classification. Individuals demoted in lieu of reduction in force shall be offered restoration to the highest class in which they held status and in which there is a vacancy prior to the appointment of individuals who have been laid off.

7.8.2 *Right to Re-Employment*

Each person who has been laid off or demoted in lieu of a layoff from a position the person held, shall, in writing, be offered re-appointment in the same classification should a vacancy occur in the classification within two years after the layoff or demotion. Prior to being re-employed, the employee must pass a physical exam administered by a City appointed physician and must pass the background check administered by the City.

7.8.3 *Time Limits*

Should the person not accept the re-appointment within seven (7) calendar days after the date of the offer, or should the person decline or be unable to begin work within two weeks after the date of acceptance of the offer, the person shall be considered unavailable for employment, shall forfeit the right to re-employment and shall be removed from the re-employment list.

7.8.4 *Availability*

Whenever a person is unavailable for re-employment, the next senior person who is eligible on the re-employment list shall be offered re-employment.

7.8.5 *Probationary Status*

Employees re-appointed under the provisions above will not be required to complete a new probationary period if they had previously held permanent status in the classification. Employees who had not completed their probationary period shall serve the remainder of the probationary period upon re-appointment.

7.8.6 *Restoration of Benefits*

Employees restored to previously held positions shall be deemed to have returned from a leave of absence for the purpose of all rights and benefits legally permissible. Time not on the payroll will not count as time worked for the purposes of seniority accrual.

SEIU LOCAL 1021:

CITY OF SAN RAFAEL:

Aaron Burton, Field Representative
SEIU Local 1021

Tim Davis, Chief Negotiator
City of San Rafael

Jana Blunt, Field Representative
SEIU Local 1021

Kenny Gatlin, Chapter President
SEIU Local 1021

City of San Rafael
SEIU - SALARY SCHEDULE
Effective July 1, 2024

Grade	Position	A	B	C	D	E
7241	Accountant I	\$ 6,720	\$ 7,056	\$ 7,409	\$ 7,779	\$ 8,168
7240	Accountant II	\$ 7,057	\$ 7,409	\$ 7,780	\$ 8,169	\$ 8,577
7200	Accounting Assistant I	\$ 4,895	\$ 5,139	\$ 5,396	\$ 5,666	\$ 5,949
7201	Accounting Assistant II	\$ 5,391	\$ 5,661	\$ 5,944	\$ 6,241	\$ 6,553
7300	Senior Accounting Assistant	\$ 5,944	\$ 6,241	\$ 6,553	\$ 6,881	\$ 7,225
7299	Accounting Technician	\$ 6,722	\$ 7,058	\$ 7,411	\$ 7,782	\$ 8,171
7205	Administrative Analyst	\$ 6,352	\$ 6,670	\$ 7,003	\$ 7,353	\$ 7,721
7211	Administrative Assistant I	\$ 5,073	\$ 5,327	\$ 5,593	\$ 5,873	\$ 6,166
7212	Administrative Assistant II	\$ 5,594	\$ 5,873	\$ 6,167	\$ 6,475	\$ 6,799
7295	Senior Administrative Assistant	\$ 6,023	\$ 6,324	\$ 6,640	\$ 6,972	\$ 7,321
7216	Administrative Assistant to the City Clerk	\$ 6,023	\$ 6,324	\$ 6,640	\$ 6,972	\$ 7,321
7210	Assistant Planner	\$ 7,184	\$ 7,544	\$ 7,921	\$ 8,317	\$ 8,733
7208	Associate Planner	\$ 7,929	\$ 8,325	\$ 8,741	\$ 9,179	\$ 9,637
7217	Building Inspector I	\$ 6,510	\$ 6,836	\$ 7,178	\$ 7,536	\$ 7,913
7218	Building Inspector II	\$ 7,184	\$ 7,544	\$ 7,921	\$ 8,317	\$ 8,733
7220	Business License Examiner	\$ 5,660	\$ 5,943	\$ 6,240	\$ 6,552	\$ 6,880
9352	Child Care Director	\$ 5,043	\$ 5,295	\$ 5,560	\$ 5,838	\$ 6,130
9351	Child Care Instructor I	\$ 2,820	\$ 2,961	\$ 3,109	\$ 3,264	\$ 3,427
9350	Child Care Instructor II	\$ 3,619	\$ 3,800	\$ 3,990	\$ 4,190	\$ 4,399
7222	Code Enforcement Official I	\$ 5,215	\$ 5,476	\$ 5,750	\$ 6,038	\$ 6,339
7223	Code Enforcement Official II	\$ 5,755	\$ 6,043	\$ 6,345	\$ 6,662	\$ 6,995
7380	Code Enforcement Official III	\$ 6,835	\$ 7,176	\$ 7,535	\$ 7,912	\$ 8,307
2119	Construction Inspector - SRSD	\$ 7,076	\$ 7,430	\$ 7,802	\$ 8,192	\$ 8,601
7224	Custodian	\$ 4,857	\$ 5,100	\$ 5,355	\$ 5,623	\$ 5,904
4210	Data Analyst I	\$ 7,339	\$ 7,706	\$ 8,091	\$ 8,496	\$ 8,920
4211	Data Analyst II	\$ 8,073	\$ 8,476	\$ 8,900	\$ 9,345	\$ 9,812
4212	Data Analyst III	\$ 8,880	\$ 9,324	\$ 9,790	\$ 10,280	\$ 10,794
7226	Deputy City Clerk I	\$ 6,174	\$ 6,483	\$ 6,807	\$ 7,147	\$ 7,505
3702	Deputy City Clerk II	\$ 7,505	\$ 7,879	\$ 8,273	\$ 8,687	\$ 9,121
7120	Emergency Management Coordinator	\$ 5,883	\$ 6,177	\$ 6,486	\$ 6,810	\$ 7,151
7121	Environmental Management Coordinator	\$ 5,883	\$ 6,177	\$ 6,486	\$ 6,810	\$ 7,151
7232	Facility Repair Supervisor	\$ 7,733	\$ 8,119	\$ 8,525	\$ 8,952	\$ 9,399
7291	Facility Repair Worker I	\$ 5,487	\$ 5,762	\$ 6,050	\$ 6,352	\$ 6,670
7233	Facility Repair Worker II	\$ 6,052	\$ 6,354	\$ 6,672	\$ 7,006	\$ 7,356
7294	Facility Repair Worker III	\$ 6,513	\$ 6,838	\$ 7,180	\$ 7,539	\$ 7,916
7108	Fire Prevention Inspector I	\$ 8,226	\$ 8,638	\$ 9,070	\$ 9,523	\$ 9,999
7107	Fire Prevention Inspector II	\$ 9,069	\$ 9,522	\$ 9,998	\$ 10,498	\$ 11,023
7298	IT Help Desk Supervisor	\$ 8,073	\$ 8,476	\$ 8,900	\$ 9,345	\$ 9,812
7243	Librarian I	\$ 6,716	\$ 7,052	\$ 7,404	\$ 7,775	\$ 8,163
7244	Librarian II	\$ 7,055	\$ 7,408	\$ 7,778	\$ 8,167	\$ 8,575
2404	Library Aide	\$ 3,219	\$ 3,380	\$ 3,549	\$ 3,727	\$ 3,913
7246	Library Assistant I	\$ 4,422	\$ 4,643	\$ 4,875	\$ 5,119	\$ 5,375
7247	Library Assistant II	\$ 5,001	\$ 5,251	\$ 5,513	\$ 5,789	\$ 6,079
2405	Library Tech Services Supervisor	\$ 6,394	\$ 6,714	\$ 7,049	\$ 7,402	\$ 7,772

EXHIBIT A

7292	Literacy Program Supervisor	\$ 7,783	\$ 8,173	\$ 8,581	\$ 9,010	\$ 9,461
7249	Mail and Stores Clerk	\$ 4,384	\$ 4,603	\$ 4,833	\$ 5,075	\$ 5,329
7255	Network Analyst	\$ 7,340	\$ 7,707	\$ 8,092	\$ 8,497	\$ 8,922
7274	Network Support Technician	\$ 5,614	\$ 5,895	\$ 6,190	\$ 6,499	\$ 6,824
7285	Office Assistant I	\$ 4,175	\$ 4,383	\$ 4,603	\$ 4,833	\$ 5,074
7284	Office Assistant II	\$ 4,716	\$ 4,952	\$ 5,199	\$ 5,459	\$ 5,732
7256	Park Equipment Mechanic	\$ 6,356	\$ 6,674	\$ 7,008	\$ 7,358	\$ 7,726
7257	Parking Attendant I	\$ 2,390	\$ 2,509	\$ 2,635	\$ 2,767	\$ 2,905
7275	Parking Attendant II	\$ 2,632	\$ 2,764	\$ 2,902	\$ 3,047	\$ 3,199
6208	Parking Enforcement Officer	\$ 5,830	\$ 6,122	\$ 6,428	\$ 6,749	\$ 7,087
6212	Parking Equipment Technician	\$ 5,625	\$ 5,906	\$ 6,201	\$ 6,512	\$ 6,837
6209	Parking Maintenance & Collections	\$ 5,625	\$ 5,906	\$ 6,201	\$ 6,511	\$ 6,837
6211	Parking Operations Supervisor	\$ 7,733	\$ 8,119	\$ 8,525	\$ 8,951	\$ 9,399
7258	Parks & Graffiti Worker	\$ 5,102	\$ 5,357	\$ 5,625	\$ 5,906	\$ 6,201
2123	Parks Lead Maintenance Worker	\$ 6,513	\$ 6,838	\$ 7,180	\$ 7,539	\$ 7,916
7271	Parks Maintenance Supervisor	\$ 7,733	\$ 8,119	\$ 8,525	\$ 8,952	\$ 9,399
7236	Parks Maintenance Worker I	\$ 5,357	\$ 5,625	\$ 5,906	\$ 6,202	\$ 6,512
7238	Parks Maintenance Worker II	\$ 5,625	\$ 5,906	\$ 6,202	\$ 6,512	\$ 6,837
7296	Permit Services Coordinator	\$ 7,755	\$ 8,143	\$ 8,550	\$ 8,978	\$ 9,426
7396	Permit Services Supervisor	\$ 8,725	\$ 9,161	\$ 9,620	\$ 10,101	\$ 10,606
7196	Permit Technician I	\$ 5,381	\$ 5,650	\$ 5,933	\$ 6,229	\$ 6,541
7197	Permit Technician II	\$ 5,919	\$ 6,215	\$ 6,525	\$ 6,852	\$ 7,194
7198	Permit Technician III	\$ 6,511	\$ 6,836	\$ 7,178	\$ 7,537	\$ 7,914
7261	Planning Technician	\$ 5,614	\$ 5,895	\$ 6,190	\$ 6,499	\$ 6,824
9453	Principal Planner	\$ 10,378	\$ 10,897	\$ 11,442	\$ 12,014	\$ 12,614
7234	Printing Press Operator	\$ 5,459	\$ 5,732	\$ 6,018	\$ 6,319	\$ 6,635
7305	Program Analyst	\$ 6,967	\$ 7,315	\$ 7,681	\$ 8,065	\$ 8,468
1201	Program Coordinator	\$ 5,900	\$ 6,195	\$ 6,505	\$ 6,830	\$ 7,171
7290	Public Works Dispatcher	\$ 5,625	\$ 5,906	\$ 6,202	\$ 6,512	\$ 6,837
7253	Public Works Inspector	\$ 6,433	\$ 6,755	\$ 7,092	\$ 7,447	\$ 7,819
7263	Revenue Supervisor	\$ 8,574	\$ 9,002	\$ 9,453	\$ 9,925	\$ 10,421
2309	Senior Building Inspector	\$ 8,528	\$ 8,955	\$ 9,403	\$ 9,873	\$ 10,366
7265	Senior Library Assistant	\$ 5,252	\$ 5,514	\$ 5,790	\$ 6,079	\$ 6,383
7264	Senior Planner	\$ 8,972	\$ 9,421	\$ 9,892	\$ 10,387	\$ 10,906
2204	Sewer Lead Maintenance Worker	\$ 7,182	\$ 7,541	\$ 7,918	\$ 8,314	\$ 8,729
7266	Sewer Maintenance Worker I	\$ 5,764	\$ 6,052	\$ 6,355	\$ 6,672	\$ 7,006
7267	Sewer Maintenance Worker II	\$ 6,203	\$ 6,513	\$ 6,839	\$ 7,180	\$ 7,539
7281	Sewers Supervisor	\$ 8,118	\$ 8,524	\$ 8,950	\$ 9,398	\$ 9,868
7269	Shop & Equipment Supervisor	\$ 7,733	\$ 8,120	\$ 8,525	\$ 8,952	\$ 9,399
7280	Street Lead Maintenance Worker	\$ 6,513	\$ 6,838	\$ 7,180	\$ 7,539	\$ 7,916
7209	Street Maintenance Supervisor	\$ 7,733	\$ 8,119	\$ 8,525	\$ 8,952	\$ 9,399
7250	Street Maintenance Worker I	\$ 5,357	\$ 5,625	\$ 5,906	\$ 6,202	\$ 6,512
7251	Street Maintenance Worker II	\$ 5,625	\$ 5,906	\$ 6,202	\$ 6,512	\$ 6,837
7283	Street Sweeper Operator	\$ 5,906	\$ 6,202	\$ 6,512	\$ 6,837	\$ 7,179
8523	Supervising Parking Enforcement Officer	\$ 6,557	\$ 6,885	\$ 7,229	\$ 7,590	\$ 7,970
7288	Supervising Vehicle/Equipment Mechanic	\$ 6,841	\$ 7,183	\$ 7,542	\$ 7,919	\$ 8,315
7286	Vehicle/Equipment Mechanic I	\$ 5,764	\$ 6,052	\$ 6,355	\$ 6,673	\$ 7,006
7287	Vehicle/Equipment Mechanic II	\$ 6,356	\$ 6,674	\$ 7,008	\$ 7,358	\$ 7,726
2131	Volunteer Program Assistant	\$ 5,689	\$ 5,973	\$ 6,272	\$ 6,586	\$ 6,915

City of San Rafael
SEIU - SALARY SCHEDULE
Effective July 1, 2025

Grade	Position	A	B	C	D	E
7241	Accountant I	\$ 6,989	\$ 7,338	\$ 7,705	\$ 8,090	\$ 8,495
7240	Accountant II	\$ 7,339	\$ 7,706	\$ 8,091	\$ 8,496	\$ 8,920
7200	Accounting Assistant I	\$ 5,090	\$ 5,345	\$ 5,612	\$ 5,893	\$ 6,187
7201	Accounting Assistant II	\$ 5,607	\$ 5,887	\$ 6,182	\$ 6,491	\$ 6,815
7300	Senior Accounting Assistant	\$ 6,182	\$ 6,491	\$ 6,815	\$ 7,156	\$ 7,514
7299	Accounting Technician	\$ 6,991	\$ 7,340	\$ 7,707	\$ 8,093	\$ 8,497
7205	Administrative Analyst	\$ 6,606	\$ 6,936	\$ 7,283	\$ 7,647	\$ 8,030
7211	Administrative Assistant I	\$ 5,276	\$ 5,540	\$ 5,817	\$ 6,108	\$ 6,413
7212	Administrative Assistant II	\$ 5,817	\$ 6,108	\$ 6,414	\$ 6,734	\$ 7,071
7295	Senior Administrative Assistant	\$ 6,264	\$ 6,577	\$ 6,906	\$ 7,251	\$ 7,614
7216	Administrative Assistant to the City Clerk	\$ 6,264	\$ 6,577	\$ 6,906	\$ 7,251	\$ 7,614
7210	Assistant Planner	\$ 7,472	\$ 7,845	\$ 8,238	\$ 8,650	\$ 9,082
7208	Associate Planner	\$ 8,246	\$ 8,658	\$ 9,091	\$ 9,546	\$ 10,023
7217	Building Inspector I	\$ 6,771	\$ 7,109	\$ 7,465	\$ 7,838	\$ 8,230
7218	Building Inspector II	\$ 7,472	\$ 7,845	\$ 8,238	\$ 8,650	\$ 9,082
7220	Business License Examiner	\$ 5,886	\$ 6,181	\$ 6,490	\$ 6,814	\$ 7,155
9352	Child Care Director	\$ 5,346	\$ 5,613	\$ 5,893	\$ 6,188	\$ 6,498
9351	Child Care Instructor I	\$ 2,989	\$ 3,138	\$ 3,295	\$ 3,460	\$ 3,633
9350	Child Care Instructor II	\$ 3,837	\$ 4,028	\$ 4,230	\$ 4,441	\$ 4,663
7222	Code Enforcement Official I	\$ 5,424	\$ 5,695	\$ 5,980	\$ 6,279	\$ 6,593
7223	Code Enforcement Official II	\$ 5,985	\$ 6,284	\$ 6,598	\$ 6,928	\$ 7,275
7380	Code Enforcement Official III	\$ 7,108	\$ 7,463	\$ 7,837	\$ 8,228	\$ 8,640
2119	Construction Inspector - SRSD	\$ 7,359	\$ 7,727	\$ 8,114	\$ 8,519	\$ 8,945
7224	Custodian	\$ 5,052	\$ 5,304	\$ 5,569	\$ 5,848	\$ 6,140
4210	Data Analyst I	\$ 7,632	\$ 8,014	\$ 8,415	\$ 8,835	\$ 9,277
4211	Data Analyst II	\$ 8,396	\$ 8,815	\$ 9,256	\$ 9,719	\$ 10,205
4212	Data Analyst III	\$ 9,235	\$ 9,697	\$ 10,182	\$ 10,691	\$ 11,225
7226	Deputy City Clerk I	\$ 6,421	\$ 6,742	\$ 7,079	\$ 7,433	\$ 7,805
3702	Deputy City Clerk II	\$ 7,805	\$ 8,195	\$ 8,604	\$ 9,034	\$ 9,486
7120	Emergency Management Coordinator	\$ 6,118	\$ 6,424	\$ 6,745	\$ 7,083	\$ 7,437
7121	Environmental Management Coordinator	\$ 6,118	\$ 6,424	\$ 6,745	\$ 7,083	\$ 7,437
7232	Facility Repair Supervisor	\$ 8,042	\$ 8,444	\$ 8,866	\$ 9,310	\$ 9,775
7291	Facility Repair Worker I	\$ 5,707	\$ 5,992	\$ 6,292	\$ 6,606	\$ 6,937
7233	Facility Repair Worker II	\$ 6,294	\$ 6,608	\$ 6,939	\$ 7,286	\$ 7,650
7294	Facility Repair Worker III	\$ 6,773	\$ 7,112	\$ 7,468	\$ 7,841	\$ 8,233
7108	Fire Prevention Inspector I	\$ 8,556	\$ 8,983	\$ 9,433	\$ 9,904	\$ 10,399
7107	Fire Prevention Inspector II	\$ 9,432	\$ 9,903	\$ 10,398	\$ 10,918	\$ 11,464
7298	IT Help Desk Supervisor	\$ 8,396	\$ 8,815	\$ 9,256	\$ 9,719	\$ 10,205
7243	Librarian I	\$ 7,119	\$ 7,475	\$ 7,849	\$ 8,241	\$ 8,653
7244	Librarian II	\$ 7,478	\$ 7,852	\$ 8,245	\$ 8,657	\$ 9,090
2404	Library Aide	\$ 3,412	\$ 3,583	\$ 3,762	\$ 3,950	\$ 4,148
7246	Library Assistant I	\$ 4,687	\$ 4,922	\$ 5,168	\$ 5,426	\$ 5,698
7247	Library Assistant II	\$ 5,301	\$ 5,566	\$ 5,844	\$ 6,137	\$ 6,443
2405	Library Tech Services Supervisor	\$ 6,778	\$ 7,116	\$ 7,472	\$ 7,846	\$ 8,238

EXHIBIT A

7292	Literacy Program Supervisor	\$ 8,250	\$ 8,663	\$ 9,096	\$ 9,551	\$ 10,028
7249	Mail and Stores Clerk	\$ 4,559	\$ 4,787	\$ 5,027	\$ 5,278	\$ 5,542
7255	Network Analyst	\$ 7,634	\$ 8,015	\$ 8,416	\$ 8,837	\$ 9,279
7274	Network Support Technician	\$ 5,839	\$ 6,131	\$ 6,437	\$ 6,759	\$ 7,097
7285	Office Assistant I	\$ 4,342	\$ 4,559	\$ 4,787	\$ 5,026	\$ 5,277
7284	Office Assistant II	\$ 4,905	\$ 5,150	\$ 5,407	\$ 5,678	\$ 5,962
7256	Park Equipment Mechanic	\$ 6,611	\$ 6,941	\$ 7,288	\$ 7,653	\$ 8,035
7257	Parking Attendant I	\$ 2,486	\$ 2,610	\$ 2,740	\$ 2,877	\$ 3,021
7275	Parking Attendant II	\$ 2,737	\$ 2,874	\$ 3,018	\$ 3,169	\$ 3,327
6208	Parking Enforcement Officer	\$ 6,064	\$ 6,367	\$ 6,685	\$ 7,019	\$ 7,370
6212	Parking Equipment Technician	\$ 5,850	\$ 6,142	\$ 6,450	\$ 6,772	\$ 7,111
6209	Parking Maintenance & Collections	\$ 5,850	\$ 6,142	\$ 6,449	\$ 6,772	\$ 7,110
6211	Parking Operations Supervisor	\$ 8,042	\$ 8,444	\$ 8,866	\$ 9,310	\$ 9,775
7258	Parks & Graffiti Worker	\$ 5,306	\$ 5,571	\$ 5,850	\$ 6,142	\$ 6,449
2123	Parks Lead Maintenance Worker	\$ 6,773	\$ 7,112	\$ 7,468	\$ 7,841	\$ 8,233
7271	Parks Maintenance Supervisor	\$ 8,042	\$ 8,444	\$ 8,866	\$ 9,310	\$ 9,775
7236	Parks Maintenance Worker I	\$ 5,572	\$ 5,850	\$ 6,143	\$ 6,450	\$ 6,772
7238	Parks Maintenance Worker II	\$ 5,850	\$ 6,143	\$ 6,450	\$ 6,772	\$ 7,111
7296	Permit Services Coordinator	\$ 8,065	\$ 8,469	\$ 8,892	\$ 9,337	\$ 9,804
7396	Permit Services Supervisor	\$ 9,074	\$ 9,528	\$ 10,004	\$ 10,505	\$ 11,030
7196	Permit Technician I	\$ 5,596	\$ 5,876	\$ 6,170	\$ 6,478	\$ 6,802
7197	Permit Technician II	\$ 6,155	\$ 6,463	\$ 6,786	\$ 7,126	\$ 7,482
7198	Permit Technician III	\$ 6,771	\$ 7,110	\$ 7,465	\$ 7,839	\$ 8,231
7261	Planning Technician	\$ 5,839	\$ 6,131	\$ 6,437	\$ 6,759	\$ 7,097
9453	Principal Planner	\$ 10,793	\$ 11,333	\$ 11,899	\$ 12,494	\$ 13,119
7234	Printing Press Operator	\$ 5,677	\$ 5,961	\$ 6,259	\$ 6,572	\$ 6,901
7305	Program Analyst	\$ 7,246	\$ 7,608	\$ 7,988	\$ 8,388	\$ 8,807
1201	Program Coordinator	\$ 6,136	\$ 6,443	\$ 6,765	\$ 7,103	\$ 7,458
7290	Public Works Dispatcher	\$ 5,850	\$ 6,143	\$ 6,450	\$ 6,772	\$ 7,111
7253	Public Works Inspector	\$ 6,690	\$ 7,025	\$ 7,376	\$ 7,745	\$ 8,132
7263	Revenue Supervisor	\$ 8,917	\$ 9,363	\$ 9,831	\$ 10,322	\$ 10,838
2309	Senior Building Inspector	\$ 8,870	\$ 9,313	\$ 9,779	\$ 10,268	\$ 10,781
7265	Senior Library Assistant	\$ 5,567	\$ 5,845	\$ 6,137	\$ 6,444	\$ 6,766
7264	Senior Planner	\$ 9,331	\$ 9,798	\$ 10,288	\$ 10,802	\$ 11,342
2204	Sewer Lead Maintenance Worker	\$ 7,469	\$ 7,842	\$ 8,234	\$ 8,646	\$ 9,078
7266	Sewer Maintenance Worker I	\$ 5,994	\$ 6,294	\$ 6,609	\$ 6,939	\$ 7,286
7267	Sewer Maintenance Worker II	\$ 6,451	\$ 6,773	\$ 7,112	\$ 7,468	\$ 7,841
7281	Sewers Supervisor	\$ 8,443	\$ 8,865	\$ 9,308	\$ 9,774	\$ 10,263
7269	Shop & Equipment Supervisor	\$ 8,042	\$ 8,444	\$ 8,867	\$ 9,310	\$ 9,775
7280	Street Lead Maintenance Worker	\$ 6,773	\$ 7,112	\$ 7,468	\$ 7,841	\$ 8,233
7209	Street Maintenance Supervisor	\$ 8,042	\$ 8,444	\$ 8,866	\$ 9,310	\$ 9,775
7250	Street Maintenance Worker I	\$ 5,572	\$ 5,850	\$ 6,143	\$ 6,450	\$ 6,772
7251	Street Maintenance Worker II	\$ 5,850	\$ 6,143	\$ 6,450	\$ 6,772	\$ 7,111
7283	Street Sweeper Operator	\$ 6,143	\$ 6,450	\$ 6,772	\$ 7,111	\$ 7,466
8523	Supervising Parking Enforcement Officer	\$ 6,819	\$ 7,160	\$ 7,518	\$ 7,894	\$ 8,289
7288	Supervising Vehicle/Equipment Mechanic	\$ 7,114	\$ 7,470	\$ 7,843	\$ 8,236	\$ 8,647
7286	Vehicle/Equipment Mechanic I	\$ 5,995	\$ 6,294	\$ 6,609	\$ 6,939	\$ 7,286
7287	Vehicle/Equipment Mechanic II	\$ 6,610	\$ 6,941	\$ 7,288	\$ 7,652	\$ 8,035
2131	Volunteer Program Assistant	\$ 5,917	\$ 6,212	\$ 6,523	\$ 6,849	\$ 7,192

City of San Rafael
SEIU - SALARY SCHEDULE
Effective July 1, 2026

Grade	Position	A	B	C	D	E
7241	Accountant I	\$ 7,268	\$ 7,632	\$ 8,013	\$ 8,414	\$ 8,835
7240	Accountant II	\$ 7,632	\$ 8,014	\$ 8,415	\$ 8,835	\$ 9,277
7200	Accounting Assistant I	\$ 5,294	\$ 5,559	\$ 5,837	\$ 6,128	\$ 6,435
7201	Accounting Assistant II	\$ 5,831	\$ 6,123	\$ 6,429	\$ 6,750	\$ 7,088
7300	Senior Accounting Assistant	\$ 6,429	\$ 6,751	\$ 7,088	\$ 7,442	\$ 7,815
7299	Accounting Technician	\$ 7,271	\$ 7,634	\$ 8,016	\$ 8,417	\$ 8,837
7205	Administrative Analyst	\$ 6,870	\$ 7,214	\$ 7,575	\$ 7,953	\$ 8,351
7211	Administrative Assistant I	\$ 5,487	\$ 5,761	\$ 6,050	\$ 6,352	\$ 6,670
7212	Administrative Assistant II	\$ 6,050	\$ 6,352	\$ 6,670	\$ 7,004	\$ 7,354
7295	Senior Administrative Assistant	\$ 6,515	\$ 6,840	\$ 7,182	\$ 7,541	\$ 7,918
7216	Administrative Assistant to the City Clerk	\$ 6,515	\$ 6,840	\$ 7,182	\$ 7,541	\$ 7,918
7210	Assistant Planner	\$ 7,771	\$ 8,159	\$ 8,567	\$ 8,995	\$ 9,445
7208	Associate Planner	\$ 8,576	\$ 9,005	\$ 9,455	\$ 9,927	\$ 10,424
7217	Building Inspector I	\$ 7,042	\$ 7,394	\$ 7,763	\$ 8,151	\$ 8,559
7218	Building Inspector II	\$ 7,771	\$ 8,159	\$ 8,567	\$ 8,996	\$ 9,445
7220	Business License Examiner	\$ 6,122	\$ 6,428	\$ 6,749	\$ 7,087	\$ 7,441
9352	Child Care Director	\$ 5,666	\$ 5,950	\$ 6,247	\$ 6,559	\$ 6,887
9351	Child Care Instructor I	\$ 3,168	\$ 3,326	\$ 3,493	\$ 3,667	\$ 3,851
9350	Child Care Instructor II	\$ 4,067	\$ 4,270	\$ 4,484	\$ 4,708	\$ 4,943
7222	Code Enforcement Official I	\$ 5,641	\$ 5,923	\$ 6,219	\$ 6,530	\$ 6,857
7223	Code Enforcement Official II	\$ 6,224	\$ 6,536	\$ 6,862	\$ 7,206	\$ 7,566
7380	Code Enforcement Official III	\$ 7,392	\$ 7,762	\$ 8,150	\$ 8,557	\$ 8,985
2119	Construction Inspector - SRSD	\$ 7,654	\$ 8,036	\$ 8,438	\$ 8,860	\$ 9,303
7224	Custodian	\$ 5,254	\$ 5,516	\$ 5,792	\$ 6,082	\$ 6,386
4210	Data Analyst I	\$ 7,938	\$ 8,334	\$ 8,751	\$ 9,189	\$ 9,648
4211	Data Analyst II	\$ 8,731	\$ 9,168	\$ 9,626	\$ 10,108	\$ 10,613
4212	Data Analyst III	\$ 9,604	\$ 10,085	\$ 10,589	\$ 11,118	\$ 11,674
7226	Deputy City Clerk I	\$ 6,678	\$ 7,012	\$ 7,363	\$ 7,731	\$ 8,117
3702	Deputy City Clerk II	\$ 8,117	\$ 8,522	\$ 8,948	\$ 9,396	\$ 9,866
7120	Emergency Management Coordinator	\$ 6,363	\$ 6,681	\$ 7,015	\$ 7,366	\$ 7,734
7121	Environmental Management Coordinator	\$ 6,363	\$ 6,681	\$ 7,015	\$ 7,366	\$ 7,734
7232	Facility Repair Supervisor	\$ 8,364	\$ 8,782	\$ 9,221	\$ 9,682	\$ 10,166
7291	Facility Repair Worker I	\$ 5,935	\$ 6,232	\$ 6,543	\$ 6,871	\$ 7,214
7233	Facility Repair Worker II	\$ 6,546	\$ 6,873	\$ 7,216	\$ 7,577	\$ 7,956
7294	Facility Repair Worker III	\$ 7,044	\$ 7,396	\$ 7,766	\$ 8,155	\$ 8,562
7108	Fire Prevention Inspector I	\$ 8,898	\$ 9,343	\$ 9,810	\$ 10,300	\$ 10,815
7107	Fire Prevention Inspector II	\$ 9,809	\$ 10,299	\$ 10,814	\$ 11,355	\$ 11,923
7298	IT Help Desk Supervisor	\$ 8,732	\$ 9,168	\$ 9,626	\$ 10,108	\$ 10,613
7243	Librarian I	\$ 7,546	\$ 7,923	\$ 8,320	\$ 8,736	\$ 9,172
7244	Librarian II	\$ 7,927	\$ 8,323	\$ 8,739	\$ 9,176	\$ 9,635
2404	Library Aide	\$ 3,617	\$ 3,798	\$ 3,988	\$ 4,187	\$ 4,397
7246	Library Assistant I	\$ 4,969	\$ 5,217	\$ 5,478	\$ 5,752	\$ 6,039
7247	Library Assistant II	\$ 5,619	\$ 5,900	\$ 6,195	\$ 6,505	\$ 6,830
2405	Library Tech Services Supervisor	\$ 7,184	\$ 7,543	\$ 7,921	\$ 8,317	\$ 8,732

EXHIBIT A

7292	Literacy Program Supervisor	\$ 8,745	\$ 9,183	\$ 9,642	\$ 10,124	\$ 10,630
7249	Mail and Stores Clerk	\$ 4,742	\$ 4,979	\$ 5,228	\$ 5,489	\$ 5,764
7255	Network Analyst	\$ 7,939	\$ 8,336	\$ 8,753	\$ 9,190	\$ 9,650
7274	Network Support Technician	\$ 6,072	\$ 6,376	\$ 6,695	\$ 7,030	\$ 7,381
7285	Office Assistant I	\$ 4,515	\$ 4,741	\$ 4,978	\$ 5,227	\$ 5,488
7284	Office Assistant II	\$ 5,101	\$ 5,356	\$ 5,624	\$ 5,905	\$ 6,200
7256	Park Equipment Mechanic	\$ 6,875	\$ 7,219	\$ 7,580	\$ 7,959	\$ 8,357
7257	Parking Attendant I	\$ 2,585	\$ 2,714	\$ 2,850	\$ 2,992	\$ 3,142
7275	Parking Attendant II	\$ 2,847	\$ 2,989	\$ 3,139	\$ 3,296	\$ 3,460
6208	Parking Enforcement Officer	\$ 6,306	\$ 6,622	\$ 6,953	\$ 7,300	\$ 7,665
6212	Parking Equipment Technician	\$ 6,084	\$ 6,388	\$ 6,707	\$ 7,043	\$ 7,395
6209	Parking Maintenance & Collections	\$ 6,084	\$ 6,388	\$ 6,707	\$ 7,043	\$ 7,395
6211	Parking Operations Supervisor	\$ 8,364	\$ 8,782	\$ 9,221	\$ 9,682	\$ 10,166
7258	Parks & Graffiti Worker	\$ 5,518	\$ 5,794	\$ 6,084	\$ 6,388	\$ 6,707
2123	Parks Lead Maintenance Worker	\$ 7,044	\$ 7,396	\$ 7,766	\$ 8,155	\$ 8,562
7271	Parks Maintenance Supervisor	\$ 8,364	\$ 8,782	\$ 9,221	\$ 9,682	\$ 10,166
7236	Parks Maintenance Worker I	\$ 5,794	\$ 6,084	\$ 6,388	\$ 6,708	\$ 7,043
7238	Parks Maintenance Worker II	\$ 6,084	\$ 6,388	\$ 6,708	\$ 7,043	\$ 7,395
7296	Permit Services Coordinator	\$ 8,388	\$ 8,807	\$ 9,248	\$ 9,710	\$ 10,196
7396	Permit Services Supervisor	\$ 9,437	\$ 9,909	\$ 10,404	\$ 10,925	\$ 11,471
7196	Permit Technician I	\$ 5,820	\$ 6,111	\$ 6,417	\$ 6,737	\$ 7,074
7197	Permit Technician II	\$ 6,402	\$ 6,722	\$ 7,058	\$ 7,411	\$ 7,781
7198	Permit Technician III	\$ 7,042	\$ 7,394	\$ 7,764	\$ 8,152	\$ 8,560
7261	Planning Technician	\$ 6,072	\$ 6,376	\$ 6,695	\$ 7,030	\$ 7,381
9453	Principal Planner	\$ 11,225	\$ 11,786	\$ 12,375	\$ 12,994	\$ 13,644
7234	Printing Press Operator	\$ 5,904	\$ 6,199	\$ 6,509	\$ 6,835	\$ 7,177
7305	Program Analyst	\$ 7,535	\$ 7,912	\$ 8,308	\$ 8,723	\$ 9,159
1201	Program Coordinator	\$ 6,381	\$ 6,700	\$ 7,035	\$ 7,387	\$ 7,756
7290	Public Works Dispatcher	\$ 6,084	\$ 6,388	\$ 6,708	\$ 7,043	\$ 7,395
7253	Public Works Inspector	\$ 6,958	\$ 7,306	\$ 7,671	\$ 8,055	\$ 8,458
7263	Revenue Supervisor	\$ 9,273	\$ 9,737	\$ 10,224	\$ 10,735	\$ 11,272
2309	Senior Building Inspector	\$ 9,224	\$ 9,686	\$ 10,170	\$ 10,678	\$ 11,212
7265	Senior Library Assistant	\$ 5,901	\$ 6,196	\$ 6,506	\$ 6,831	\$ 7,172
7264	Senior Planner	\$ 9,704	\$ 10,190	\$ 10,699	\$ 11,234	\$ 11,796
2204	Sewer Lead Maintenance Worker	\$ 7,768	\$ 8,156	\$ 8,564	\$ 8,992	\$ 9,442
7266	Sewer Maintenance Worker I	\$ 6,234	\$ 6,546	\$ 6,873	\$ 7,217	\$ 7,578
7267	Sewer Maintenance Worker II	\$ 6,709	\$ 7,044	\$ 7,397	\$ 7,766	\$ 8,155
7281	Sewers Supervisor	\$ 8,781	\$ 9,220	\$ 9,681	\$ 10,165	\$ 10,673
7269	Shop & Equipment Supervisor	\$ 8,364	\$ 8,782	\$ 9,221	\$ 9,682	\$ 10,166
7280	Street Lead Maintenance Worker	\$ 7,044	\$ 7,396	\$ 7,766	\$ 8,155	\$ 8,562
7209	Street Maintenance Supervisor	\$ 8,364	\$ 8,782	\$ 9,221	\$ 9,682	\$ 10,166
7250	Street Maintenance Worker I	\$ 5,794	\$ 6,084	\$ 6,388	\$ 6,708	\$ 7,043
7251	Street Maintenance Worker II	\$ 6,084	\$ 6,388	\$ 6,708	\$ 7,043	\$ 7,395
7283	Street Sweeper Operator	\$ 6,388	\$ 6,708	\$ 7,043	\$ 7,395	\$ 7,765
8523	Supervising Parking Enforcement Officer	\$ 7,092	\$ 7,446	\$ 7,819	\$ 8,210	\$ 8,620
7288	Supervising Vehicle/Equipment Mechanic	\$ 7,399	\$ 7,769	\$ 8,157	\$ 8,565	\$ 8,993
7286	Vehicle/Equipment Mechanic I	\$ 6,234	\$ 6,546	\$ 6,873	\$ 7,217	\$ 7,578
7287	Vehicle/Equipment Mechanic II	\$ 6,875	\$ 7,219	\$ 7,580	\$ 7,959	\$ 8,356
2131	Volunteer Program Assistant	\$ 6,153	\$ 6,461	\$ 6,784	\$ 7,123	\$ 7,479

EXHIBIT B

**City of San Rafael
SEIU Local 1021 Classification/Compensation Summary: Benchmark Linkages
MOU Exhibit “B”**

	Current Benchmark	Linkage	
		Title	Grade Levels from Benchmark
		Supervisor – Revenue	+16
A	Accounting	Accountant II	+11
	Assistant II	Payroll Technician	+10
		Accountant I	+9
		Business License Examiner	+2
		Accounting Assistant II	0
		Child Care Bookkeeper II	0
		Accounting Assistant I	-4
		Child Care Bookkeeper I	-4
		Customer Service Clerk	-4
B.	Associate Planner	Senior Planner	+5
		Fire Plans Examiner	+4
		Associate Planner	0
		Fire Prevention Inspector II	-.5
	Construction Inspector (SRSD)	Supervising Inspector	-2
	Permit Services Coordinator	Programmer Analyst II	-3
	Principal Planner	Assistant Planner	-4
	Senior Building Inspector	Building Inspector II	-4
	Data Analyst II	Fire Prevention Inspector I	-4.5
	Volunteer Program Assistant	Programmer Analyst I	-7
	Program Coordinator	Network Analyst	-7
	IT Help Desk Supervisor	GIS Analyst	-7
		Building Inspector I	-8
		Code Enforcement Official III	- 8
		Senior Building Technician	-8
		Administrative Analyst, Digital Services Analyst	-9
		Recreation Center Supervisor	-12
		Code Enforcement Official II	-13
		Planning Technician	-14
		Network Support Technician	-12
		Building Technician I	-14
		Volunteer Program Coordinator	-15
		GIS Technician	-16
		Code Enforcement Official I	-17
D	Parking Enforcement Officer	Supervising Parking Enforcement Officer	+12.5
		Parking Enforcement Officer	0
E.	Library Assistant II	Supervising Librarian	+18
		Literacy Program Supervisor	+18
		Librarian II	+14
	Library Aide	Librarian I	+12
		Library Circulation or Tech Services Supervisor	+10
		Senior Library Assistant	+2
		Library Assistant II	0
		Library Assistant I	-5

EXHIBIT B

	Current Benchmark	Linkage	
		Title	Grade Levels from Benchmark
F.	Administrative Assistant II	Administrative Assistant IV	+5
		Deputy City Clerk	+4
		Administrative Assistant to the City Clerk	+3
		Administrative Assistant III	+3
		Administrative Assistant II	0
		Printing Press Operator	-1
		Administrative Assistant I	-4
		Office Assistant II	-7
		Mail and Stores Clerk	-10
		Office Assistant I	-12
		Parking Attendant II	-21
		Parking Attendant I	-23
G	Street Maintenance Supervisor	Supervisor – Street Maintenance	0
		Supervisor – Sewers	0
		Supervisor – Facility Repair	0
		Shop and Equipment Supervisor	0
		Supervisor – Parks	0
		Supervising Vehicle/Equipment Mechanic	-5
	Environmental Mgmt Coordinator	Sewer Lead Maintenance Worker	-5
		Supervising Street Maintenance Worker	-7
		Parking Operations Supervisor	-7
		Vehicle/Equipment Mechanic II	-8
		Park Equipment Mechanic	-8
		Street Maintenance Worker III / Street Lead Maintenance Worker	-9
		Parks Maintenance Worker III / Parks Lead Maintenance Worker	-9
		Sewer Maintenance Worker II	-9
		Facility Repair Worker II	-10
		Sweeper Operator	-11
		Vehicle/Equipment Mechanic I	-12
		Sewer Maintenance Worker I	-12
		Parks Maintenance Worker II	-13
		Parking Equipment Technician	-13
		Parking Maintenance & Collections	-13
		Parking Meter Repair Technician	-13
		Street Maintenance Worker II	-13
		Facility Repair Worker I	-14
		Yard Clerk/Dispatcher	-14
		Equipment Service Attendant	-15
		Street Maintenance Worker I	-15
		Park & Graffiti Worker	-17
		Parks Maintenance Worker I	-17
		Custodian	-19

****Bold Print for job class titles represents job classes in the Supervisory Unit.**

MEMORANDUM OF UNDERSTANDING

between

CITY OF SAN RAFAEL

and

SEIU Local 1021

JULY 1, 20241 - JUNE 30, 20274

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- Exhibit B Benchmarks and Internal Relationships Table

MEMORANDUM OF UNDERSTANDING
between
CITY OF SAN RAFAEL
and
SEIU LOCAL 1021

This Memorandum of Understanding is entered into pursuant to the provisions of Section 3500, et seq. of the Government Code of the State of California.

The parties have met and conferred in good faith regarding wages, hours and other terms and conditions of employment for the employees in said representation unit, and have freely exchanged information, opinions and proposals and have reached agreement on all matters relating to the employment conditions and employer-employee relations of such employees.

This Memorandum of Understanding shall be presented to the City Council of the City of San Rafael as the joint recommendation of the undersigned parties for salary and employee benefit adjustments for the period commencing July 1, 202~~4~~⁴ and ending June 30, 202~~7~~⁴. When ratified by the Local 1021 Bargaining Unit membership and approved by City Council, this Memorandum of Understanding shall be binding upon the SEIU Local 1021, the employees it represents, and the City of San Rafael.

7 GENERAL PROVISIONS

7.1 INTRODUCTION

7.1.1 Scope of Agreement

The salaries, hours, fringe benefits and working conditions set forth have been mutually agreed upon by the designated bargaining representatives of the City of San Rafael (herein-after called "CITY") and SEIU 1021 (herein-after called "UNION") and shall apply to all employees of the City working in the classifications and bargaining unit set forth herein.

7.1.2 Term of MOU

This agreement shall be in effect from July 1, 202~~4~~⁴ through June 30, 202~~7~~⁴

7.2 RECOGNITION

7.2.1 Bargaining Unit

City hereby recognizes Union as bargaining representative for purpose of establishing salaries, hours, fringe benefits and working conditions for all employees within the Miscellaneous and Supervisory Bargaining Units. (As referenced in Exhibit "A" attached).

7.2.2 Notice to Employees

Whenever a person is hired in any of the job classifications set forth herein, City shall notify such person that the Union is the recognized bargaining representative for employees in that classification.

7.3 NON-DISCRIMINATION

7.3.1 In General

The parties to this contract agree that they shall not, in any manner, discriminate against any person whatsoever because of race, color, age, religion, ancestry, national origin, sex, sexual

orientation, perceived sexual orientation, gender, gender expression, gender identity, marital status, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history) or physical or mental disability. Any employee alleging such discrimination should use the internal, administrative process explained in the City of San Rafael's Policy against Harassment, Discrimination and Retaliation to redress the situation. Such employees shall be entitled to Union representation.

7.3.2 Union Discrimination

No member, official, or representative of the Union shall, in any way suffer any type of discrimination in connection with continued employment, promotion, or otherwise by virtue of membership in or representation of Union.

7.4 INSPECTION OF MEMORANDUM OF UNDERSTANDING

Both the City and the Union agree to keep duplicate originals of this Memorandum on file in a readily accessible location available for inspection by any employee or member of the public upon request.

7.5 EXISTING LAWS, REGULATIONS & POLICIES

This agreement is subject to all applicable laws of the State of California, ordinances, regulations, and policies of the City of San Rafael.

7.6 STRIKES & LOCKOUTS

During the term of this Memorandum, the City agrees that it will not lock out employees, and the Union agrees that it will not agree to, encourage or approve any strike or slowdown growing out of any dispute relating to the terms of this Agreement. The Union will take whatever lawful steps are necessary to prevent any interruption of work in violation of this Agreement, recognizing with the City that all matters of controversy within the scope of this Agreement shall be settled by established procedures set forth in the City's charter, ordinances, and regulations, as may be amended from time to time.

7.7 SEVERABILITY

If any article, paragraph or section of this Memorandum shall be held to be invalid by operation of law, or by any tribunal of competent jurisdiction, or if compliance with or any enforcement of any provision hereof be restrained by such tribunal, the remainder of this Memorandum shall not be affected thereby, and the parties shall, if possible, enter into meet-and-confer sessions for the sole purpose of arriving at a mutually satisfactory replacement for such article, paragraph or section.

7.8 PREVAILING RIGHTS

All matters within the scope of meeting and conferring which have previously been adopted through rules, regulation, ordinance or resolution, which are not specifically superseded by this Memorandum of Understanding, shall remain in full force and effect throughout the term of this Agreement.

7.9 FULL UNDERSTANDING, MODIFICATION, WAIVER

7.9.1 Understanding

The parties jointly represent to the City Council that this Memorandum of Understanding sets forth the full and entire understanding of the parties regarding the matters set forth herein.

7.9.2 Waiver & Modification

Except as specifically otherwise provided herein, it is agreed and understood that each party hereto voluntarily and unqualifiedly waives its right and agrees that the other shall not be required to meet and confer with respect to any subject or matter covered herein, nor as to wages or fringe benefits during the period of the term of this Memorandum.

The foregoing shall not preclude the parties hereto from meeting and conferring at any time during the term of this Agreement with respect to any subject matter within the scope of meeting and conferring by mutual agreement.

8 MMBA

8.1 UNION RIGHTS

8.1.1 Union Stewards Designation

The Union shall, by written notice to the City Manager, designate certain of its members as Union Stewards. Union Stewards shall be permitted reasonable time for Union activities including grievance representation. In all cases, the Stewards shall secure permission from the Stewards' supervisor before leaving a work assignment. Such permission shall not be unreasonably withheld.

Union Stewards for salary discussions shall be in accordance with the Meyers-Milias-Brown (MMBA) Act.

8.1.2 Bulletin Boards

Authorized representatives of the Union shall be allowed to post Union notices on specified bulletin boards maintained on City premises.

8.1.3 New Members

Whenever the City hires an employee within any classification covered by this Memorandum of Understanding and represented by the Union, the City will inform the employee, as soon as possible, of the terms and provisions of this Memorandum of Understanding and will provide said employee with a copy of the current Memorandum of Understanding. The City shall make available up to ~~forty-five (45)~~³⁰ minutes, at a mutually agreeable time, ~~during the initial~~ within thirty (30) days of the City's notice of a new employee to the Union employment for a new employee orientation by the Union. The City and the Union intend that time (i.e., up to ~~45~~³⁰ minutes) will occur at employee orientation whenever possible.

The City will provide reasonable advance notice to the Union of employee orientations conducted by the City. The Union Representative shall receive not less than 10 days' notice in advance of a City orientation, except that a shorter notice may be provided in a specific instance where there is an urgent need critical to the City's operations that was not reasonably foreseeable. The structure, time, and manner of Union Representative access shall be determined through mutual agreement between the City and the Union.

If the City has not conducted an in-person new employee orientation within 30 days of a newly hired employee's start date, and the new employee is working in person, the Union Representative shall be entitled to schedule an in-person meeting at the worksite during employment hours, during which newly hired employees shall have the opportunity to attend and shall be relieved of other duties for the purpose of attending the meeting.

8.1.4 Employee Information

The City shall provide the Union with the name, job title, department, work location, work, home and personal cell phone numbers, home address, ~~and~~ personal email address hire date and pay rate on file with the City for all employees within the Union every 120 days. In addition, a

report with similar information of each Union new hire will be provided to the Union within 30 days of the hire date.

If the City updates its human resources management system, then the City will notify SEIU within 30-days of transferring to the new system of any additional reports that can be run from the system. After the City provides SEIU with this notice, then either Party may request to open this section for further negotiations.

8.1.5 Union Meeting Space

Upon Union's request, the City shall provide meeting space outside working hours, provided such space is available and Union complies with all departmental rules and City policies. Request for use of facilities may be made in advance to the Department Head, or designee, and will indicate the date, time, and general purpose of the meeting and facilities needed.

8.1.6 Union Communications

The City's communication infrastructure (e.g. City email, postal mail, phone, or online messaging service) may be used for communication between bargaining unit members and Union Representatives. The Union understands that the management of the communication infrastructure is a matter within the discretion of the City. Union Representatives acknowledge they must adhere to all City computer use and privacy policies.

8.2 DUES DEDUCTION

8.2.1 Collection of Dues

City agrees to deduct dues and voluntary union deductions selected by members, as established by the Union, from the salaries of its members. The sums so withheld shall be remitted by City, without delay, along with a list of employees and their respective dues and voluntary deductions. Union bears responsibility for allocating dues and voluntary deductions pursuant to employees' requests.

8.2.2 Dues Collection during Separation from Employment

The provisions specified above (Section 2.2.1.) shall not apply during periods of separation from the representation Unit by any such employee but shall reapply to such employee commencing with the next full pay period following the return of the employee to the representation Unit. The term "separation" includes transfer out of the Unit, layoff, and leave without pay absences with a duration period of more than five (5) working days.

8.2.3 Indemnification

Moneys withheld by the City shall be transmitted to the Treasurer of the Union at the address specified. The Union shall indemnify, defend, and hold the City harmless against any claims made, and against any suit instituted against the City on account of check off of employee organization dues or service fees. In addition, the Union shall refund to the City any amount paid to it in error upon presentation of supporting evidence.

8.3 MANAGEMENT RIGHTS

The City reserves, retains, and is vested with, solely and excessively, all rights of management which have not been expressly abridged by specific provision of this Memorandum of Understanding or by law to manage the City, as such rights existed prior to the execution of this Memorandum of Understanding. The sole and exclusive rights of management, as they are not abridged by this Agreement or by law, shall include, but not be limited to, the following rights:

1. To manage the City generally and to determine the issues of policy;

2. To determine the existence of facts which are the basis of the management decision;
3. To determine the necessity of any organization or any service or activity conducted by the City and expand or diminish services;
4. To determine the nature, manner, means, technology and extent of services to be provided to the public;
5. Methods of financing;
6. Types of equipment or technology to be used;
7. To determine and/or change the facilities, methods, technology, means and size of the work force by which the City operations are to be conducted;
8. To determine and change the number of locations, re-locations and types of operations, processes and materials to be used in carrying out all City functions including, but not limited to, the right (after effect bargaining) to contract for or subcontract any work or operation of the City;
9. To assign work to and schedule employees in accordance with requirements as determined by the City, and to establish and change work schedules and assignments;
10. To relieve employees from duties for lack of work or other legitimate reasons;
11. To discharge, suspend, demote or otherwise discipline employees for proper cause in accordance with the provisions and procedures set forth in City Personnel Rules and Regulations and this MOU;
12. To determine job classifications and to reclassify employees;
13. To hire, transfer, promote and demote employees in accordance with this Memorandum of Understanding and the City's Rules and Regulations;
14. To determine policies, procedures and standards for selection, training and promotion of employees;
15. To establish and modify employee and organizational performance and productivity standards and programs including but not limited to, quality and quantity standards; and to require compliance therewith;
16. To maintain order and efficiency in its facilities and operations;
17. To establish and promulgate and/or modify rules and regulations to maintain order and safety in the City which are not in contravention with this Agreement;
18. To take any and all necessary action to carry out the mission of the City in emergencies.

The City and the Union agree and understand that if, in the exercise of any of the rights set forth above, the effect of said exercise of rights by the City impacts an area within the scope of representation as set forth in the Meyers/Milias/Brown Act, case law interpreting said acts, and/or Federal law, the City shall have the duty to meet and confer with the Union regarding the impact of its decision/exercise of rights.

8.4 COMMENCEMENT OF NEGOTIATIONS

It is mutually agreed to begin the Meet and Confer process no later than three (3) months before the expiration date of this MOU, regarding the terms and conditions applicable to successor MOUs. The process will be initiated by the Union through the submittal of potential meeting dates.

9 COMPENSATION

9.1 GENERAL WAGES AND COMPENSATION

9.1.1 Pay Dates

City employees are paid twice per month on the 15th and the last working day of the month. When a payday falls on a holiday, the payday will be transferred to the following day of regular business unless Finance is able to complete the payroll by the previous workday. The method of the distributing payroll shall be established by the Finance Director.

The City calculates 1,950 hours as the annual number of work hours per year (37.5 hours per work week times 52 weeks per year equals 1,950 hours) for all classifications except Child Care Instructor I and II. Each semi-monthly pay period is calculated at 81.25 hours (1,950 hours divided by 24 pay periods). The hourly rate of pay is calculated by multiplying the monthly rate of pay identified in Appendix A times 12 months to equal the annual rate of pay, divided by 1,950 hours in a work year, to equal the hourly rate of pay.

The annual number of work hours per year for the classifications of Child Care Instructor I and II shall be 1,820 hours per year (35 hours per week times 52 week per year equals 1,820 hours). Each semi-monthly pay period is calculated at 75.53 hours (1,820 hours divided by 24 pay periods). The hourly rate of pay is calculated by multiplying the monthly rate of pay identified in Appendix A times 12 months to equal the annual rate of pay, divided by 1,820 hours in a work year, to equal the hourly rate of pay.

The City will modify its pay schedule to 26 pay periods effective when administratively feasible subject to addressing technical issues and reaching agreement with all bargaining groups.

9.1.2 General Wage Increase

The City shall provide the following salary increases at the following rates by benchmark in each year of the MOU:

Accounting Assistant II

- Effective July 1, ~~2024~~2024, a ~~1.63.0~~1.63.0% general salary increase plus ~~4.652.0~~4.652.0% equity adjustment (a ~~3.255.0~~3.255.0% total wage increase).
- Effective July 1, ~~2022~~2025, a ~~1.63.0~~1.63.0% general salary increase plus 1.40% equity adjustment (a 34.0% total wage increase).
- Effective July 1, ~~2023~~2026, a ~~1.63.0~~1.63.0% general salary increase plus 1.40% equity adjustment (a 34.0% total wage increase).

Administrative Assistant II

- Effective July 1, ~~2024~~2024, a ~~1.63.0~~1.63.0% general salary increase plus ~~4.652.0~~4.652.0% equity adjustment (a ~~3.255.0~~3.255.0% total wage increase).
- Effective July 1, ~~2022~~2025, a ~~1.63.0~~1.63.0% general salary increase plus 1.40% equity adjustment (a 34.0% total wage increase).
- Effective July 1, ~~2024~~2026, a ~~1.63.0~~1.63.0% general salary increase plus 1.40% equity adjustment (a 34.0% total wage increase).

Associate Planner

- Effective July 1, ~~2024~~2024, a ~~1.63.0~~1.63.0% general salary increase plus 2.40% equity adjustment (a 45.0% total wage increase).
- Effective July 1, ~~2022~~2025, a ~~1.63.0~~1.63.0% general salary increase plus ~~2.151.0~~2.151.0% equity adjustment (a ~~3.754.0~~3.754.0% total wage increase).
- Effective July 1, ~~2023~~2026, a ~~1.63.0~~1.63.0% general salary increase plus 1.650% equity adjustment (a ~~3.254.0~~3.254.0% total wage increase).

Library Assistant II

- Effective July 1, ~~2021~~2024, a ~~1.63.0~~1.63.0% general salary increase plus ~~2.49.0~~2.49.0% equity adjustment (a ~~412.0~~412.0% total wage increase).
- Effective July 1, ~~2022~~2025, a ~~1.63.0~~1.63.0% general salary increase plus ~~2.153.0~~2.153.0% equity adjustment (a ~~3.756.0~~3.756.0% total wage increase).
- Effective July 1, ~~2023~~2026, a ~~1.63.0~~1.63.0% general salary increase plus ~~1.653.0~~1.653.0% equity adjustment (a ~~3.256.0~~3.256.0% total wage increase).

Parking Enforcement Officer

- Effective July 1, ~~2021~~2024, a ~~1.63.0~~1.63.0% general salary increase plus ~~1.652.0~~1.652.0% equity adjustment (a ~~3.255.0~~3.255.0% total wage increase).
- Effective July 1, ~~2022~~2025, a ~~1.63.0~~1.63.0% general salary increase plus ~~1.40~~1.40% equity adjustment (a ~~34.0~~34.0% total wage increase).
- Effective July 1, ~~2023~~2026, a ~~1.63.0~~1.63.0% general salary increase plus ~~1.40~~1.40% equity adjustment (a ~~34.0~~34.0% total wage increase).

Street Maintenance Supervisor

- Effective July 1, ~~2021~~2024, a ~~1.63.0~~1.63.0% general salary increase plus ~~2.40~~2.40% equity adjustment (a ~~3.705.0~~3.705.0% total wage increase).
- Effective July 1, ~~2022~~2025, a ~~1.63.0~~1.63.0% general salary increase plus ~~1.90~~1.90% equity adjustment (a ~~3.504.0~~3.504.0% total wage increase).
- Effective July 1, ~~2023~~2026, a ~~1.63.0~~1.63.0% general salary increase plus ~~1.91.0~~1.91.0% equity adjustment (a ~~3.504.0~~3.504.0% total wage increase).

Child Care Director, Child Care Instructor I/II

- Effective July 1, 2024, a 3.0% general salary increase plus 9.0% equity adjustment (a 12.0% total wage increase).
- Effective July 1, 2025, a 3.0% general salary increase plus 3.0% equity adjustment (a 6.0% total wage increase).
- Effective July 1, 2026, a 3.0% general salary increase plus 3.0% equity adjustment (a 6.0% total wage increase)
- *The parties agree to reopen negotiations during the term of the MOU to continue to discuss appropriate adjustments for the Child Care Director benchmark. COLA and Equity adjustments for this benchmark shall not preclude further wage adjustments. The parties acknowledge that future compensation adjustments will also be based on Council approval of any side letter to the MOU in open session and based on Council's approval of any additional rate increases to the Childcare Program to ensure that it is funded.*

For all other classifications that are not linked to benchmark positions

- Effective July 1, 2024, a 3.0% general salary increase plus 2.0% equity adjustment (a 5.0% total wage increase).
- Effective July 1, 2025, a 3.0% general salary increase plus 1.0% equity adjustment (a 4.0% total wage increase).
- Effective July 1, 2026, a 3.0% general salary increase plus 1.0% equity adjustment (a 4.0% total wage increase)

9.1.3 Compensation Goal & Definitions

It is the goal of the City to try to achieve a total compensation package for all employees represented by the Union in an amount equal to the following:

1. The average plus one dollar to the total compensation paid to the same or similar classifications in the following nine (9) cities: Fairfield, Vallejo, Hayward, San Leandro, South San Francisco, Alameda, Napa, Novato and Santa Rosa; and,

2. The highest total compensation paid to the same or similar classifications in the following agencies in Marin County: Corte Madera, Larkspur, Marin County, Mill Valley, Novato, and San Anselmo.

Total Compensation for survey purposes shall be defined as: Top step salary (excluding longevity pay steps), educational incentive pay, holiday pay, uniform allowance, employer paid deferred compensation (except for such portion that may be part of employee cafeteria plan), employer's contribution towards employees' share of retirement, employer's retirement contribution, employer paid contributions toward insurance premiums for health, life, long term disability, dental and vision plans, and employer paid cafeteria/flexible spending accounts.

9.1.4 *Compensation Surveys*

To measure progress towards the above-stated goal, the City and the Union will jointly survey the identified benchmark positions, which are identified in the SEIU 1021 Represented Benchmarks and Internal Relationships Table attached as Exhibit "B" and included as part of this MOU, in ~~September~~ January of the final year of this Agreement.

Identified benchmark positions from other agencies include positions that are filled as well as those that may be unfilled, so long as the benchmark position is identified by the survey agency as being on the salary schedule and having a job class description. Other city/agency positions are established as benchmark positions in San Rafael's compensation survey based upon similar work and similar job requirements.

Survey data will include all salary and benefit increases, as defined in 'total compensation'. The City and the Union shall review the benchmark and related survey data for accuracy and completeness.

9.1.5 *Compensation Plan*

The Compensation Plan adopted by the City Council shall provide for salary schedules, rates, ranges, steps and any other special circumstances or items related to the total compensation paid employees.

Each position within the classified services shall be allocated to its appropriate class in the classification plan on the basis of duties and responsibilities. Each class shall be assigned a salary range or a rate established in the salary plan. All persons entering the classified service shall be compensated in accordance with the salary plan then in effect.

9.2 STEP INCREASES

9.2.1 *Entry Level Step*

All initial employment shall be at the first step of the salary range, provided that the Department Director may make an appointment to a position at an appropriate higher salary when, in ~~his/her~~ their opinion, it is necessary to obtain qualified personnel, or when it appears that the education or experience of a proposed employee is substantially superior to the minimum requirements of the class and justifies a beginning salary in excess of the first step. City Manager approval is required for entry level appointment above Step C for any position.

9.2.2 *Consideration for Step Increases*

An employee may be considered for a salary step increase in accordance with the time interval established in the salary plan as referenced in Exhibit "A". Unless otherwise noted, salary step increases within established salary ranges are scheduled at yearly intervals. Advancement to a higher salary step within an established salary range is granted for continued improvements and efficient and effective work by the employee in the performance of ~~his/her~~ their duties.

9.2.3 *Temporary Merit Increases*

Temporary Accelerated merit performance ~~step~~ increases of five percent (5%) may be granted to an employee for temporary work performed beyond their current classification based upon the recommendation of the Department Director and approval of the City Manager. Employees at the maximum step of their salary range may be granted a merit performance ~~step~~ increase of five percent (5%) above and beyond their salary range. A merit ~~step~~ increase may be effective for up to one (1) year. ~~A merit step increase may be withdrawn and is not a disciplinary action and is not appealable. A temporary merit increase may be withdrawn and is not a disciplinary action and is not appealable.~~

9.2.4 *Anniversary Date*

Based upon job performance, as measured by a Performance Evaluation, employees may receive consideration for a step increase within their salary range on their anniversary date. When an employee is promoted or reclassified to a new position, the first pay date at the new position shall constitute the employee's new anniversary date for purposes of the annual Performance Evaluation.

9.2.5 *Promotions*

Employees promoted to higher-level positions shall be placed at the step in the new salary range that will provide, at a minimum, a five (5%) increase (unless that would exceed the top step in the salary range).

9.2.6 *Performance Evaluations*

Upon completion of the probationary period, a performance evaluation shall be prepared and reviewed on or before the anniversary date and yearly thereafter as a means of determining whether a step increase is merited, and/or as a means of improving employee performance and communication between supervisors and subordinates.

Employees who receive a satisfactory or above rating on their performance evaluation shall receive a step increase. In the event the performance evaluation occurs after the anniversary date and the evaluation is rated satisfactory or above, the step increase shall be retroactive to the anniversary date.

If a performance evaluation is past due by more than 60 days the City shall process a Personnel Action Report (PAR) moving the employee to the next step in the salary range provided the Department Director provides a written statement to the Human Resources Director indicating that the employee's performance is satisfactory or above. The Human Resources Director will work with the employee's supervisor to have a performance evaluation completed as soon as possible.

9.3 SALARY CHANGE ON RECLASSIFICATION

If an occupied position is reclassified, the incumbent shall be affected as outlined below:

9.3.1 *To a Lower Classification*

When a position is re-allocated to a lower classification the incumbent is either:

1. Transferred to a vacant position in the former classification; or

If the incumbent's current salary is greater than the top step of the lower classification, Y-rated at the current salary until the salary of the lower classification is at or above the Y-rate.

9.3.2 *To a Different Classification with the Same Salary Range*

When a position is reallocated to a different classification with the same salary range, the incumbent shall be granted the same status in the new classification, in which he/she/they shall be paid at the same step of the range and shall maintain the same salary rights.

9.3.3 *To a Higher Classification*

When a position is reclassified to a classification with a higher salary range, the incumbent is moved into the higher classification with the position, except in the circumstances prescribed below. Placement in the salary range shall be in accordance with the appropriate salary pay plan.

If the duties upon which the reclassification are based could have been assigned to any of a number of employees in that classification within the division or department, then a promotional exam is held for the reclassified position. Such an exam is a departmental only recruitment limited to employees within that classification. If the incumbent is not successful in this competitive process, she/he is assigned to the position vacated by the promotion.

9.4 SPECIFIED WAGE ADJUSTMENTS / DIFFERENTIALS

9.4.1 *Out of Class Compensation*

Employees assigned in writing by their supervisor to perform work in a higher paid classification, shall be compensated at a rate 5% greater than the employee's current base salary. Eligibility for out-of-class compensation requires a minimum assignment of five (5) consecutive days. The out-of-class increase shall be retroactive to the first day of the assignment. However, when an employee is moving from a nonlead/supervisory to a lead/supervisory role, the out-of-class pay becomes effective on the first day of the assignment and the five (5) day minimum requirement does not apply. If the assignment extends beyond four consecutive weeks, then the employee shall be compensated at the lower step of the classification within which the duties fall if that is greater. The Department Director is required to complete a Personnel Action Report (PAR), located on the HR page of the Intranet, to initiate out-of-class compensation.

In the event a Parking Enforcement Officer is assigned "field training" duties, the City shall consider this as "out of class" work and the assigned Parking Enforcement Officer will receive 5% of their current pay as compensation for the hours worked in this assignment.

9.4.2 *Shift Differential Pay*

- a. A three percent (3%) shift differential shall be paid for all employees in the represented bargaining group who are regularly scheduled to work fifty percent (50%) or more of their shift between the hours of 5:00 p.m. and 11:00 p.m.
- b. A five percent (5%) shift differential shall be paid for all employees in the represented bargaining group who are regularly scheduled to work fifty percent (50%) or more of their shift between the hours of 11:00 p.m. and 7:00 a.m.
- c. Employees in job classes not identified in this section who are assigned to work the swing or graveyard shift time periods on a temporary basis and/or on an overtime basis are excluded from shift differential pay for those time periods.
- d. Shift differential shall not be considered an additional percentage on salary for personnel involved but shall apply only to hours actually worked; e.g., differential does not apply to sick leave, vacation or compensatory time, but does include overtime for employees regularly assigned to the swing or graveyard shifts.

~~d.~~e. Childcare Instructor I/II's covered by this MOU who have a two-hour or more break in shifts during the same day will receive a .5 hour premium pay for that day.

9.4.3 Court Pay

Parking Enforcement Officers who are required, in the course and scope of their official employment, to appear in court or other official hearings other than during his/her/their work week schedule, shall receive a minimum of four hours pay if that appearance is on a scheduled day off. If a court appearance is required on a scheduled work day, and such appearance commences one half (1/2) hour after completion of an employee's shift, then the employee shall be compensated at the overtime rate for actual time spent, beginning at the conclusion of the regular shift hours and ending upon his/her/their release from the court or hearing office.

9.4.4 Change of Shift

A shift change is defined as a change in the hours of work in a day and/or the days of work in a week. This section is not to be used to change employee's schedules or shift in order to avoid the payment of overtime.

The City shall provide unit members with notice of any changes to their regularly scheduled shifts prior to the beginning of the work week and not less than 72-hours to when the shift change is scheduled to occur.

The City is not required to provide the above-described advance notice of a shift change when a shift change is made in response to an emergency event, including but not limited to an event that poses immediate danger to life or property or a natural disaster.

In the event that the City is not able to provide notice as described above, then the employee shall be paid a premium of one and one-half times the regular rate of pay for the hours worked outside of their regularly scheduled shift.

9.5 ADDITIONAL PAY

9.5.1 Educational Reimbursement – Miscellaneous Unit

The Educational Reimbursement is \$200/fiscal year, maximum, with the City's payment not to exceed 75% of the cost. Educational Reimbursement is available to employees who satisfactorily (grade of C or better, Pass or Complete) complete a course or courses that are pre-determined to be job related and/or that will assist the employee to prepare for career advancement in his/her/their field. To be eligible, employees must have completed probation at the time of the reimbursement, which is made at the end of the semester.

The Educational Reimbursement Program will include reimbursement for professional membership dues for work-related organizations for employees in the "Administrative" or "Professional" sections of the Miscellaneous Bargaining Unit. Prior supervisory approval is necessary to be eligible for reimbursement. The total reimbursable amount remains at \$200/fiscal year.

9.5.2 Educational Reimbursement – Child Care Unit

An Educational Reimbursement Program is available to employees for courses that are: job related, assist the employee in meeting requirements and/or prepare the employee for career advancement in the childcare field.

The reimbursement may not exceed 75% for the cost of the course, up to \$300 per fiscal year maximum. The Educational Reimbursement Program also includes an additional reimbursement of up to \$60 per fiscal year for professional membership dues for work-related organizations for employees.

To be eligible to receive reimbursement under this program the employee must:

- a. submit a written request and receive prior approval from the Recreation Supervisor for the Childcare Program;
- b. be regularly scheduled to work 20 hours or more per week;
- c. have completed initial probation before reimbursement is received; and satisfactorily complete the course.

9.5.29.5.3 *Educational Reimbursement – Supervisory Unit*

The Educational Reimbursement Program is \$225 per fiscal year. This reimbursement is available to employees who have satisfactorily (grade of C or better, Pass or Complete) completed a course or courses that are predetermined to be job-related and/or that will assist the employee to prepare for career advancement in his/her/their field. To be eligible, employees must have completed probation at the time of the reimbursement, which is made at the end of the semester.

The Educational Reimbursement Program will accommodate reimbursement of up to \$100 per fiscal year for professional membership dues for work-related organizations for employees in the "Administrative", "Professional", or "Library" sections of the Supervisory Bargaining Unit. Prior supervisory approval is necessary to be eligible for reimbursement. The total reimbursable amount remains at \$225 per fiscal year.

9.5.39.5.4 *Bilingual Pay—~~Miscellaneous Employees~~*

Within the job classifications represented by the Union provisions are hereby established whereby an employee may receive bilingual pay for full fluency in a foreign language.

Full fluency is defined as a skill level that will allow the employee to fully assist someone else who does not speak English in coping with situations or problems by translating for, conversing with and/or reading or writing written material.

An employee can petition to his/her/their Department Director for this bilingual pay incentive. With the Department Director's recommendation and on review by the Human Resources Director and approval of the City Manager the employee may begin to receive this bilingual pay incentive.

Criteria for approval of the bilingual pay incentive by the City Manager includes:

- a. Certification by a recognized school of the appropriate skill level; and/or
- b. Demonstrated ability of the proficiency level on the job; and
- c. Department Director's recommendation and statement that the bilingual skill of the employee can be of value to the department and the employee in the completion of their regular work assignments.

~~An employee approved for the bilingual pay incentive shall receive an additional \$150.00 per month above their base salary. Part-time employees will be pro-rated for this incentive based on their full-time equivalency (FTE).~~

Employees who have been approved for the bilingual pay incentive and are required in the performance of their duties to converse with the public in a language other than English shall receive an additional \$200.00 per month above their base salary.

Employees who also translate official written documents to or from a language other than English shall receive an additional \$50.00 for a total of \$250.00 per month above their base salary.

This bilingual pay incentive shall be reviewed annually and as long as the employee demonstrates (by work experience or re-testing, as determined by the City of San Rafael) the full fluency skill level; and as long as the Department Director indicates the value of this skill to the department and the employee in the completion of their regular work assignments.

Removal of the bilingual pay incentive would be considered a non-disciplinary action however removal of bilingual pay is appealable to the Human Resources Director. The determination of the Human Resources Director is not subject to any appeal/grievance procedure.

~~9.5.4 Bilingual Pay – Supervisory Unit~~

~~Within the Supervising Librarian and the Librarian I/II classification, the Library Director shall establish one position eligible to receive \$150.00 per month Bilingual Pay Differential. This bilingual pay shall become effective the first payroll period after the designated employee takes and passes an approved proficiency examination.~~

~~The employee must be certified as sufficiently fluent in a language deemed to be of work value to the Library as determined by the Library Director and approved by the City Manager. Fluency certification may be obtained by either passing a department approved proficiency test or submitting a current (no more than one year old) certificate of satisfactory proficiency/fluency from a department approved agency or school. It is agreed that annual re-certification of fluency is required to continue receiving the Bilingual Pay Differential. Fluency in more than one foreign language does not entitle an employee to more than one \$150.00 per month differential.~~

9.5.5 *Garage Employees Uniform Maintenance Program*

Uniform shirts, pants and coveralls will be provided. The City installed laundered facilities on-site and the maintenance employees of the Garage work units will self-laundry their uniforms.

9.5.6 *Sewer Employees Uniform Maintenance Program*

Uniform shirts, pants and coveralls will be provided and laundered for the maintenance employees of the Sanitation Department.

9.5.7 *Uniform Allowance*

Maintenance employees in Parks, Streets, Building Maintenance and Community Services who must wear uniforms shall receive a uniform allowance in the amount of \$157.50 at the completion of each six (6) months of service ending June 30th and December 31st. A pro-ration at the rate of \$26.25/month may be given with the recommendation of the Department Director and the approval of the City Manager. Uniforms and gear must be in accordance with the departmental dress code and safety requirements.

Parking lot attendants and parking maintenance staff will be provided with shirts, hats and jackets by the City if they are required by the City to wear them.

The Environmental Management Coordinator, the Emergency Management Coordinator, Parking Maintenance staff and Fire Prevention Inspector I/II employees, if required to wear a uniform which is not provided by the City, shall receive an annual uniform allowance of \$445 per year, paid in two installments, in June and December.

Parking Enforcement Officers (PEOs) shall receive an annual uniform allowance of \$445 per year, paid in two installments, in June and December. PEOs shall have utility and rain gear provided by the City.

~~Note: While the 6-month periods end June 30th and December 31st, the actual payments of the uniform allowance are provided on the first paycheck in June and the first paycheck in December.~~

A safety boot allowance of ~~\$200-\$400~~ per ~~Fiscal Year~~ payable on the first paycheck in ~~December~~ shall be issued to employees in the following job classifications who shall be required to wear safety boots:

2119 CONSTRUCTION INSPECTOR- SRSD
7224 CUSTODIAN
7120 EMERGENCY MANAGEMENT COORDINATOR
1201 ENVIRONMENTAL MANAGEMENT COORDINATOR
7231 EQUIPMENT SERVICE ATTENDANT
7232 FACILITY REPAIR SUPERVISOR
7291 FACILITY REPAIR WORKER I
7233 FACILITY REPAIR WORKER II
7294 FACILITY REPAIR WORKER III
7108 FIRE PREVENTION INSPECTOR I
7107 FIRE PREVENTION INSPECTOR II
6212 PARKING EQUIPMENT TECHNICIAN
7256 PARK EQUIPMENT MECHANIC
7271 PARKS MAINT. SUPERVISOR
7236 PARKS MAINTENANCE WORKER I
7238 PARKS MAINTENANCE WORKER II
2123 PARKS LEAD MAINTENANCE WORKER
6208 PARKING ENFORCEMENT OFFICER
7290 PUBLIC WORKS DISPATCHER
7253 PUBLIC WORKS INSPECTOR
7266 SEWER MAINTENANCE WORKER I
7267 SEWER MAINTENANCE WORKER II
2204 SEWER LEAD MAINTENANCE WORKER
7281 SEWERS SUPERVISOR
7269 SHOP & EQUIPMENT SUPERVISOR
7209 STREET MAINTENANCE SUPERVISOR
7250 STREET MAINTENANCE WORKER I
7251 STREET MAINTENANCE WORKER II
7280 STREET LEAD MAINTENANCE WORKER
7288 SUPERVISING VEHICLE EQUIPMENT MECHANIC
7283 SWEEPER OPERATOR
7286 VEHICLE EQUIPMENT MECHANIC I
7287 VEHICLE EQUIPMENT MECHANIC II

9.5.8 *Uniform Jacket Cleaning Allowance*

Maintenance employees of the Sewer work unit, including the Sewer Maintenance Supervisor, will receive a work jacket cleaning allowance of \$60.00 at the completion of each six (6) months

of service ending June 30th (paid on the June 15th paycheck) and December 31st (paid on the December 15th paycheck). A pro-ration of \$10.00/month may be given with the approval of the Department Director.

9.5.9 Mechanical Tool Allowance

The City will provide a tool allowance of \$400/fiscal year for Vehicle Equipment Mechanics, the Equipment Service Attendant, the Shop and Equipment Supervisor, and the Parks Mechanic for tools purchased for use in the course of City work. This tool allowance will be issued during the month of July. Employees who receive the tool allowance are not eligible to receive reimbursement for lost or broken tools.

9.5.10 Holiday Pay

Parking Enforcement Officers shall receive holiday pay if a holiday falls on their regular day off. If the holiday falls on a day which they are scheduled to work, they will be paid for the holiday automatically. The employee will use additional hours of vacation, comp, float or unpaid leave to complete ~~his or her~~their regularly scheduled work day.

10 BENEFITS

10.1 EMPLOYEE BENEFITS COMMITTEE

Both parties agree to continue to utilize the Employee Benefits Committee for ongoing review of benefit programs, cost containment and cost savings options. The Committee shall be made up of representatives of the SEIU, Western Council of Engineers, Local 1 - Confidential, Police Officers Association, Police Mid-Managers Association, Firefighters' Association, Fire Chief Officers Association, Mid-Management and Management employees.

10.2 HEALTH & WELFARE

10.2.1 Full Flex Cafeteria Plan

Effective January 1, 2010, the City implemented a Full Flex Cafeteria plan (known as the Flexible Benefits Plan) for active employees, in accordance with IRS Code Section 125. Active employees participating in the City's Full Flex Cafeteria plan shall receive a monthly flex dollar allowance to purchase benefits under the plan.

Effective July 1, 2024, the monthly flex dollar allowances shall be:

<u>For employee only:</u>	<u>\$ 853.35</u>
<u>For employee and one dependent:</u>	<u>\$ 1,614.17</u>
<u>For employee and two or more dependents:</u>	<u>\$ 1,768.81</u>

The monthly flex dollar allowance effective the paycheck of December 15, ~~2020-2024~~ shall be:

For employee only:	\$ 780.93 <u>950.00</u>
For employee and one dependent:	\$ 1,477.20 <u>1,900.00</u>
For employee and two or more dependents:	\$ 1,618.71 <u>2,400.00</u>

Flex Dollar Increases for this MOU Term

Effective December 15, 2025 and December 15, 2026, the flex dollar allowances shall increase on the December 15th paycheck up to a maximum of five percent (5.0%) on an annual basis. If the Kaiser Bay Area premium rate increase is less than five percent (5.0%), the flex dollar allowance shall only increase the amount of the Kaiser Bay Area premium increase. In the event

~~that the Kaiser Bay Area premium rate increase for the upcoming calendar year exceeds ten percent (10%) and is less than fifteen percent (15%), the City and the employee will split the cost of the increase above ten percent (10%) evenly; each paying 50% of the dollar value of the increase between 10-15%. In the unlikely event that the Kaiser Bay Area premium rate increases for the upcoming calendar year in 2026 or 2027 to an amount exceeding fifteen percent (15%), the City and the Association agree to reopen the MOU to negotiate the employer's contribution to healthcare. The parties agree that this provision will sunset upon the expiration of the MOU. Effective December 15, 2025 and December 15, 2026, the flex dollar allowances shall increase on the December 15th paycheck up to a maximum of five percent (5.0%) on an annual basis. If the Kaiser Bay Area premium rate increase is less than five percent (5.0%), the flex dollar allowance shall only increase the amount of the Kaiser Bay Area premium increase. In the event that the Kaiser Bay Area premium rate increase for the upcoming calendar year exceeds ten percent (10%) and is less than fifteen percent (15%), the City and the employee will split the cost of the increase above ten percent (10%). In the unlikely event that the Kaiser Bay Area premium rate increases for the upcoming calendar year in 2026 or 2027 to an amount exceeding fifteen percent (15%), the City and SEIU Local 1021 agree to reopen the MOU to negotiate the employer's contribution to healthcare. The parties agree that this provision will sunset upon the expiration of the MOU.~~

Upon the expiration of the MOU, the Flex dollar allowances shall increase on the December 15th paycheck of each subsequent year up to a maximum of three percent (3%) on an annual basis, based on but not to exceed the Kaiser Bay Area premium rate increase for the upcoming calendar year.

The City shall contribute to the cost of medical coverage for each eligible employee and ~~his/her~~their dependents, an amount not to exceed the California Public Employees' Medical and Hospital Care Act (PEMHCA) Minimum Employer contribution, as determined by CalPERS on an annual basis. This portion of the monthly flex dollar allowance is identified as the City's contribution towards PEMHCA. The monthly flex dollar allowance (including the PEMHCA minimum contribution) may be used in accordance with the terms of the cafeteria plan to purchase health benefits ~~or may be converted to taxable income.~~

Conditional Opt-Out Payment: An employee may elect to waive the City's health insurance coverage and receive a \$300 monthly Opt-Out payment in accordance with the terms of the cafeteria plan and the Affordable Care Act if the employee complies with the following conditions:

- 1) The employee certifies that the employee and all individuals in the employee's tax family for whom coverage is waived, have alternative Minimum Essential Coverage as defined by the Patient Protection and Affordable Care Act through a provider other than a federal marketplace, a state exchange, or an individual policy.
- 2) During the City's annual open enrollment period, the employee must complete an annual written attestation confirming that the employee and the other members of the employee's tax family are enrolled in alternative Minimum Essential Coverage. The employee agrees to notify the City no later than 30 days if the employee or other member(s) of the employee's tax family lose coverage under the alternative Minimum Essential Coverage Plan.
- 3) The employee understands that the City is legally required to immediately stop conditional opt-out payments if the City learns that the employee and/or members of the employee's family do not have the alternative Minimal Essential Coverage.

The City reserves the right to modify at any time, the amount an employee is eligible to receive under this paragraph, if required by IRS Cafeteria Plan regulations or other legislation or agency guidance.

Unless a greater benefit is required by law, part-time, regular, permanent employees working at least 53.3% FTE shall be eligible to receive: a) pro-rated leave benefits; and b) a pro-rated flex dollar monthly allowance based upon the regular hours the employee works. The pro-rated share shall be equivalent to the part time employee position's ratio of hours worked to full time equivalency.

For those part time employees hired prior to January 1, 2010 electing "Employee Only" coverage, the flex dollar allowance shall be prorated based off \$1,264. The maximum benefit shall be \$700 per month, unless a greater benefit is required by law.

10.2.2 *Retirees Health Insurance*

Employees represented by SEIU who retire from the Marin County Employees' Retirement Association (MCERA) within 120 days of leaving their City of San Rafael position (and who comply with the appropriate retirement provisions under the MCERA laws and regulations) are eligible to continue in the City's retiree group health insurance program offered through PEMHCA. The City's contribution towards retiree coverage shall be the PEMHCA minimum contribution as determined by CalPERS on an annual basis.

a. **Employees hired on or before January 1, 2010**

The City shall make a monthly retiree health insurance contribution on behalf of employees hired before January 1, 2010 and who retire from the City of San Rafael as described in this Section. The City's total monthly contribution, which includes the PEMHCA minimum contribution, shall not exceed \$752 per month. The City's retiree health contribution shall continue for the lifetime of the retiree and retiree's spouse, in accordance with PEMHCA eligibility provisions for coverage. Employees receive the pro-rated amount based on their status at the time of retirement. For example: if an employee works part-time, and retires while working part-time, then the employee receives a pro-rated contribution based on the employee's part-time status at the point of retirement.

b. **Employees hired on or after January 1, 2010**, and who meet the eligibility requirements for retiree health insurance, are eligible to continue in the City's group health insurance program. The City's maximum contribution towards retiree coverage under this subsection, 4.2.5b, shall be the PEMHCA minimum contribution as determined by CalPERS on an annual basis. The City shall not be responsible for making any contributions towards the cost of coverage of the retiree's spouse, registered domestic partner, or dependents upon the employee's retirement from the City in excess of the PEMHCA minimum contribution as required by CalPERS.

The City shall additionally make available a retiree health care trust to enable these employees to prefund retiree health care premiums while employed by the City. The retiree health care trust shall be funded by annual conversion of 50 hours of sick time in service on July 1 of each year, provided an employee has a remaining balance of ~~75-125~~ hours of sick leave after the conversion.

10.2.3 *Health and Dependent Care Spending Accounts*

City will offer Flexible Spending Accounts as part of its Section 125 Plan for as long as such a plan is desired by the Union and available pursuant to the IRS Code. The Flexible Spending Accounts offered by the City include:

- a. Healthcare Spending Account: Out-of-pocket medical expenses that qualify under the IRS Code up to the IRS Code limit. Employees are responsible to pay the monthly administrative fee and any increase established by the third-party administrator.
- b. Dependent Care Spending Accounts: Dependent care expenses that qualify under the IRS Code up to the IRS Code limit. Employees are responsible to pay the monthly administrative fee and any increase established by the third-party administrator.
- c. Premium Only Plan: Employee's share of medical insurance premiums shall be deducted from employee's pay with pre-tax dollars as long as such deduction is allowable under the applicable IRS Code.

City shall establish an annual enrollment period and each employee must re-enroll annually for either plan noted in a. and/or b. above. City shall have the authority to implement changes to the 125 Programs to comply with changes in applicable IRS laws without having to go through the meet and confer process.

10.2.4 Health Insurance Providers

The City shall have the option, after meeting and consulting with representatives of The Union Stewards' Council, of either contracting with the Public Employees Retirement System (PERS) Health Benefits Division for health insurance or contracting directly with some or all of the providers of health insurance under the PERS program; provided, however, contracting directly with the providers shall not cause any material reduction in insurance benefits from those benefits available under the PERS program.

10.3 DENTAL PLAN

The City will provide a dental insurance program which offers 100% coverage for diagnostic and preventative care; \$25.00 deductible on corrective care (80/20); and an 80% payment of eligible costs associated with crown and cast restoration per patient per calendar year and orthodontic coverage for eligible dependents (50/50). The dental provider will provide payments for covered services at the percentage indicated in the plan booklet up to a maximum of \$1,500 for each enrollee in each calendar year.

Dental insurance enrollment is available to part time, regular, permanent employees working at least 53.3% FTE. The City's contribution towards the monthly dental insurance premium will be prorated based on the FTE level of the part time employee.

10.4 VISION CARE PLAN

The City will provide vision care benefits for employee only coverage. Employees may enroll qualified family members and pay the premium costs for such enrollment.

10.5 LIFE INSURANCE

The City shall be responsible for paying premiums for a life insurance and Accidental Death & Dismemberment (AD&D) policy for each employee. The life and AD&D policy shall provide a ~~\$5,000~~\$20,000 life insurance and a ~~\$5,000~~\$20,000 AD&D benefit. The City shall also make available a voluntary life insurance program at employee expense.

10.6 LONG TERM DISABILITY INSURANCE

The City shall be responsible for paying premiums for a Long-Term Disability Policy for each employee that satisfies the eligibility provisions of the long-term disability policy. The Long-Term

Disability policy shall provide for salary replacement of 66.67% of an individual's salary up to a maximum disability benefit of \$1,000 per month.

10.7 RETIREMENT CONTRIBUTION

10.7.1 City Paid Employee Retirement (City Paid Member Contribution)

Bargaining unit members shall pay the full share of the employee's contribution to the Marin County Retirement System.

The City of San Rafael acknowledges that under its current practice, the employee's share of their retirement contribution is deducted with pretax dollars. This practice will continue until changed through the Meet and Confer process or until IRS regulations change.

10.7.2 Retirement Plans

The City shall provide the Marin County Employee Retirement Association 2.7% at 55-retirement program to all miscellaneous members, as defined under the 1937 Act Government Code Section 31676, subject to Marin County Employee Retirement Association procedures and regulations and applicable 1937 Act laws that govern such plans. This is based on an employee's single highest year of compensation.

Employees hired on or after July 1, 2011 will receive an MCERA retirement benefit at the formula 2% at 55, calculated based on the average of their highest three years of compensation, in accordance with MCERA regulations. The annual pension adjustment shall be a maximum of 2% COLA. Minimum retirement age is 55.

Employees hired by the City on or after January 1, 2013 who are defined as "new members" of MCERA in accordance with the Public Employees' Pension Reform Act (PEPRA) of 2013, shall be enrolled in the MCERA 2% @ 62 plan for Miscellaneous members. The employee is responsible for paying the employee contribution of half of the total normal cost of the plan, as defined by MCERA, through a payroll deduction. Final compensation will be based upon the highest annual average compensation earnable during the thirty-six (36) consecutive months of employment immediately preceding the effective date of ~~his or her~~their retirement or some other period designated by the retiring employee.

10.7.3 Member Cost of Living Rates

Bargaining unit members who are eligible to participate in the Marin County Employee Retirement Association will pay their full share of members' cost of living rates as allowed under Articles 6 and 6.8 of the 1937 Retirement Act. Miscellaneous and safety member contribution rates include both the basic and COLA portions (50% of COLA is charged to members as defined in the 1937 Act).

10.8 STATE DISABILITY INSURANCE (SDI)

Employees will have the full premium cost for SDI coverage automatically deducted from their paycheck and no City contribution will be made toward participation in the plan.

It is incumbent upon the employee to keep the City advised of their medical status, within HIPAA guidelines, and eligibility for SDI. With this notification, SDI benefits, as determined by the State, shall be integrated with accrued sick and vacation leave in the following manner:

- a. Employee notifies supervisor of disability and need for time off. At the same time employee files for SDI through the State Office.

- b. Supervisor verifies from leave records the employee's accrual balances and projects whether or not employee would, under normal circumstances, be placed in a leave without pay status during the time off period.
- c. Personnel Action Report (PAR) is completed by the supervisor to document request and approval of extended leave.
- d. Human Resources Department, on receipt of the PAR, contacts employee and supervisor to discuss availability of coordination of SDI with leave benefits.
- e. Employee's time off is recorded as sick leave and if necessary then vacation leave on time cards submitted by the supervisor to the Payroll Office.
- f. Upon receipt of the SDI payments, the employee must endorse the payments over to the City of San Rafael to receive credit for leave taken.
- g. Based upon the employee's hourly rate of pay, the Payroll Office computes how much used sick and/or vacation leave time the employee will be credited and credits the employee with those hours. NOTE: The employee may not be credited more than accrued at or during the time of the disability.
- h. The Human Resources Department, after notification from Payroll, notifies the employee when they have used all accrued sick and/or vacation time and when leave without pay status (LWOP) begins. Once the employee is on LWOP they would keep any SDI payments received and would be fully responsible for the monthly health, dental and life insurance premiums if they chose to remain in the group plans. FMLA/CFRA provide an exception and are referenced under Section 5.4.8.

11 LEAVES

11.1 SICK LEAVE

11.1.1 Eligibility

Sick leave with pay shall be granted to each eligible employee. Sick leave may not be used at an employee's discretion but shall be allowed only in case of necessity and actual sickness or disability. The employee is required to notify employee's immediate supervisor or Department Director according to department Rules and Regulations or as soon as the employee is aware of the need for the absence and no later than at the beginning of his/her/their daily duties. The City may request verification from a medical provider from any employee who is absent for three (3) or more consecutive days.

If an employee has documented sick leave abuse, the employee may be placed on an attendance management plan, which will require the employee to submit verification from a medical provider for all future use of sick leave. The employee shall be taken off an attendance management plan after twelve (12) months unless the pattern of sick leave abuse has continued.

11.1.2 Sick Leave Accrual

All eligible full-time employees shall earn sick leave credits at the rate of one (1) working day per month commencing with the date of employment. Unused sick leave may be accumulated to any amount but a cap exists for payoff purposes (see Section 5.1.6). The sick leave accrual rate is prorated for eligible part time employees.

11.1.3 Use of Sick Leave

An employee may use accrued sick leave during their probationary period. An employee eligible for sick leave with pay shall be granted such leave for the following reasons:

1. Personal illness of the employee or illness within the immediate family (family member means an employee's spouse, registered domestic partner, any unmarried child, including adopted child, a stepchild, or recognized natural child who lives with the employee in a regular parent-child relationship, parent, including in-laws, and grandparent), or for any physical incapacity of the employee resulting from causes beyond the employee's control; or
2. Enforced quarantine of the employee in accordance with community health regulations; or
3. Medical appointments that cannot be scheduled during non-working hours.

11.1.4 *Advance of Sick Leave*

Whenever circumstances require, and with the approval of the City Manager, sick leave may be taken in advance of accrual up to a maximum determined by the City Manager, provided that any employee separated from the service who has been granted sick leave that is un-accrued at the time of such separation shall reimburse the City of all salary paid in connection with such un-accrued leave.

11.1.5 *Service Credit for Sick Leave*

Employees who retire from the City of San Rafael within 120 days of leaving City employment (excludes deferred retirements) shall receive employment service credit for retirement purposes only for all hours of accrued, unused sick leave (exclusive of any sick leave hours they are eligible to receive and they elect to receive in compensation for at the time of retirement pursuant to Section 5.1.6 Compensation for Unused Portion (Sick Leave Payoff).

Employees hired on or after July 1, 2009 are not eligible to receive employment service credit of any accrued, unused sick leave for retirement purposes.

11.1.6 *Compensation for Unused Portion*

Upon termination of employment by resignation, retirement or death, a regular employee who leaves the City service in good standing shall receive compensation for all accumulated unused sick leave based upon the following formula: a rate of three percent (3%) for each year of service (i.e., 3% times number of employment service years). The maximum number of accumulated, unused sick leave an employee may be compensated for upon termination of employment is 600 hours. See Section 5.1.5 regarding service credit option for accumulated, unused sick leave that the employee is not compensated for upon termination.

11.2 VACATION LEAVE

11.2.1 *Eligibility*

Annual vacation with pay shall be granted each eligible employee. Vacation leave accrual shall be prorated for those employees working less than full time. Employees will be permitted to use accrued vacation leave ~~after six (6) months of employment~~ subject to the approval of the Department Director.

11.2.2 *Rate of Accrual*

Vacation benefits shall accrue during the probationary period. Each regular full-time employee (part time regular are prorated) shall accrue vacation at the following rate for continuous service. Each service year in the chart begins on the first working day and ends on the last day of the service year:

<u>Service Year</u>	<u>Annual Hours (37.50 Hr)</u>	<u>Hours Per Month (37.50 Hr)</u>	<u>Annual Hours (35 Hr)</u>	<u>Hours Per Month (35 Hr)</u>
1	75.000 hours	6.2500 hours	<u>70.000 hours</u>	<u>5.8333 hours</u>
2	75.000 hours	6.2500 hours	<u>70.000 hours</u>	<u>5.8333 hours</u>
3	75.000 hours	6.2500 hours	<u>70.000 hours</u>	<u>5.8333 hours</u>
4	112.500 hours	9.3750 hours	<u>105.000 hours</u>	<u>8.7500 hours</u>
5	117.867 hours	9.8222 hours	<u>110.250 hours</u>	<u>9.1875 hours</u>
6	123.234 hours	10.2695 hours	<u>115.500 hours</u>	<u>9.6250 hours</u>
7	128.601 hours	10.7167 hours	<u>120.750 hours</u>	<u>10.0625 hours</u>
8	133.968 hours	11.1640 hours	<u>126.000 hours</u>	<u>10.5000 hours</u>
9	139.335 hours	11.6110 hours	<u>131.250 hours</u>	<u>10.9375 hours</u>
10	144.702 hours	12.0580 hours	<u>136.500 hours</u>	<u>11.3750 hours</u>
11	150.000 hours	12.5000 hours	<u>140.000 hours</u>	<u>11.6667 hours</u>
12	157.500 hours	13.1250 hours	<u>147.000 hours</u>	<u>12.2500 hours</u>
13	165.000 hours	13.7500 hours	<u>154.000 hours</u>	<u>12.8333 hours</u>
14	172.500 hours	14.3750 hours	<u>161.000 hours</u>	<u>13.4167 hours</u>
15	180.000 hours	15.0000 hours	<u>168.000 hours</u>	<u>14.0000 hours</u>
16 plus	187.500 hours	15.6250 hours	<u>175.000 hours</u>	<u>14.5833 hours</u>

When an employee is on an approved leave without pay, vacation accrual is prorated based upon paid hours in the pay period. Upon the City's modification of its pay schedule to 26 pay periods, the above accrual rates shall be adjusted to a pay period basis.

11.2.3 Administration of Vacation Leave

The City Manager, upon the recommendation of the Department Director, may advance vacation credits to any permanent regular and permanent part-time employee.

No employee may accrue more than 250 hours. Vacation accruals will resume once the employee's accumulated vacation balance falls below the allowable cap limit.

The time at which an employee may use his/hers/their accrued vacation leave and the amount to be taken at any one time, shall be determined by employee's Department Director with particular regard for the needs of the City but also, insofar as possible, considering the wishes of the employee.

The Maximum amount of vacation leave that may be taken at any given time shall be that amount that has accrued to the employee concerned, subject to the Department Director's approval. The minimum amount of vacation that may be taken at any given time shall be one-half (1/2) hour (except that as permitted by law, the City shall authorize the use of vacation time in smaller increments to coordinate disability or workers compensation leaves with employee accrued paid time). Vacation leave granted by the City and used by an employee shall be deducted from the employee's vacation leave bank.

In the event that one or more City holidays falls within an annual vacation leave, such holiday shall not be charged as vacation leave, and the vacation leave shall be extended accordingly.

Employees who terminate their employment shall be paid in a lump sum for all accrued vacation leave earned prior to the effective date of termination.

Employees may request a temporary waiver of their vacation cap, should a work-related injury prevent use of vacation time. Such requests would need to be in writing, submitted through the department, and receive the approval of the Department Director and the City Manager.

~~11.2.4 — Vacation Cash-In~~

~~An employee, who has taken at least ten (10) days of vacation in the preceding twelve (12) months, may request in any fiscal year that accrued vacation, not to exceed seven (7) days, be converted to cash payments and the request may be granted at the discretion of the City Manager. Employees cannot cash in more than seven (7) days of vacation in any one twelve (12) month period.~~

11.3 HOLIDAYS

11.3.1 *Paid Holidays*

In order to be eligible for compensation for the paid holiday, the employee must be in both paid status on the day before the holiday and the day after the holiday.

All employees who are required to work on a day designated as an authorized holiday eligible for compensation for the paid holiday, other than a day on which an election is held throughout the state, shall be paid at the applicable rate of pay for the number of hours actually worked.

When a holiday falls on Saturday or Sunday, the Friday preceding a Saturday holiday or the Monday following a Sunday holiday shall be deemed to be a holiday in lieu of the day observed.

By written agreement between the employee and supervisor, an employee working an alternative work schedule can bank the holiday time to be scheduled as paid time off at a later date. Holidays will be lost if not used within the same fiscal year, and will not be cashed out at any time during employment or upon separation.

The following holidays will be observed:

January 1 st	New Year's Day
The third Monday in January	Martin Luther King Jr. Day
The third Monday in February	Washington's Birthday
March 31 st	Cesar Chavez Day
The last Monday in May	Memorial Day
July 4 th Holiday	Independence Day
<u>June 19th</u>	<u>Juneteenth</u>
The first Monday in September	Labor Day
November 11 th	Veteran's Day
The fourth Thursday in November	Thanksgiving Day
The fourth Friday in November	Day after Thanksgiving
December 25 th	Christmas Day

In addition to designated holidays, employees in this Unit receive onetwo (12) floating holidays provided in January of each year. Floating holidays not used by the end of the calendar year are added to employee's vacation balance. Part-time employees will be paid for holidays on a pro-rated basis.

11.4 OTHER LEAVE

11.4.1 *Personal Leave – Supervisory Unit*

Up to two (2) days of Personal Leave per fiscal year shall be granted to Supervisory Unit employees, with prior supervisory approval. Employees must submit leave requests two (2) weeks in advance. Unused Personal Leave does not carry over and cannot be cashed out.

11.4.2 *Safety Holiday*

A Safety Holiday Incentive Program is established for maintenance employees. Employees will be placed in one of the following units. The units are: (1) Park Division; (2) Street Division; (3) Sewer Division; (4) Garage Division; (5) Building Maintenance Division; or (6) Community Services Custodians. For part-time employees in these units who are eligible for benefits, any safety holiday will be pro-rated. If all employees of a designated unit complete six (6) months without a work-related injury or illness resulting in one full day of lost time, a Safety Holiday will be granted to all employees of that unit, with specific time off granted with prior Supervisory approval. Note: Multiple days of lost time for the same injury or illness shall be considered as one incident.

11.4.3 *Bereavement Leave*

The City recognizes that the death of a family member is a time of grief and stress and will act in a compassionate matter. In the event of the death of an employee's spouse, child, parent, sibling, registered domestic partner, grandchild, grandparent, parent in-laws, or relative who lives or has lived in the home of the employee to such an extent that the relative was considered a member of the immediate family and/or another individual who has a legal familial relationship to the employee and resided in the employee's household, up to five (5) days may be granted for paid bereavement leave per occurrence. All bereavement leave must be exhausted within 3 months of the date of the death of the family member.

In those cases where the death involves an individual who had such a relationship with the employee, as defined above, the employee shall sign a simple affidavit describing the relationship and submit this to the Department Director as part of the request for bereavement leave. No request shall be unreasonably denied, and the City agrees to collaborate with the employee to find a resolution.

The above bereavement clause shall also apply in the event of a reproductive loss for an employee. The City agrees to maintain employee confidentiality related to the reproductive loss leave.

11.4.4 *Jury Duty*

Employees required to report to jury duty shall be granted a leave of absence with pay from their assigned duties until released by the court, provided that the employee provides advance notice to the Appointing Authority and remits to the City all per diem service fees except mileage or subsistence allowance within thirty days from the termination of such duty.

11.4.5 *Military Leave*

Military leave shall be granted in accordance with the State of California Military and Veteran's Code as amended from time to time. All employees entitled to military leave shall give the appointing authority and the Department Director an opportunity, within the limits of military regulations, to determine when such leave shall be taken.

11.4.6 *Leave of Absence Without Pay*

Leave of absence without pay may be granted by the City Manager upon the written request of the employee. Accrued vacation leave must be exhausted prior to the granting of leave without pay.

11.4.7 *Industrial Injury Leave*

For benefits under Workers Compensation, an employee should report any on the job injury to his/her/their supervisor as soon as possible, preferably within twenty-four (24) hours. The Human Resources department coordinates benefits for Worker's Compensation claims. For further information see the City's Workers' Compensation policy located on the Intranet (<https://intranet.cityofsanrafael.org>).

Employees of the City who have suffered any disability arising out of and in the course of their employment as defined by the Worker's Compensation Insurance and Safety Act of the State of California are entitled to all benefits allowed them by the Workers' Compensation Insurance and Safety Act of the State of California.

Temporary disability payments (TD) are made to all employees (full and part-time) when a physician reports an employee is unable to perform their job duties due to an industrial injury and the City cannot accommodate the restrictions mandated by their physician. TD is set by State law and is approximately two-thirds of full salary with state-mandated minimums and maximums. For full-time, regular employees, however, the City augments TD payments with salary continuation as follows: Compensation leave payments shall not exceed the employee's regular full pay for the first three (3) calendar months and three-fourths (3/4) of the regular full pay for the following six (6) calendar months.

Sick Leave Usage Post Industrial Injury/Illness:

The following rule applies to employees who have an accepted industrial injury/illness: Available accrued sick leave cannot be used for more than 60 calendar days after one of the following has been determined:

- a. The employee has reached maximum medical improvement and/or has been determined "permanent and stationary",
- b. The employee has been determined to be unable to return to their usual and customary occupation, with or without reasonable accommodation.

Given the above has occurred, next steps would include:

- a. The interactive process; attempt to locate other appropriate employment within the City
- b. If none available, proceed with termination process, including disability retirement application and/or Skelly process, if appropriate.

11.4.8 *Family Medical Leave*

Union members agree to adhere to the provisions of the City's Family Medical Leave Policy which is available on the City's Intranet Website.

11.4.9 *Catastrophic Leave*

Catastrophic leave shall be in accordance with the City Catastrophic Leave Policy which is available on the City's Intranet website.

11.4.10 *Emergency/Smoke Leave*

In the event that an emergency is declared that impacts City facilities or operations and results in the closure of any facilities, employees regularly assigned to work in a closed worksite may be required to report to a worksite other than their regular worksite to assist in emergency duties or to a non-impacted worksite for regular duties at the discretion of the City.

If employees are not assigned to a non-impacted worksite or assigned to assist in emergency duties, they shall be granted leave up to 10 days in any calendar year and compensated for their regularly scheduled work day with no adverse effect to the employee.

This provision applies to Federal, State, County, or City declared emergencies or to other non-declared circumstances that result in the closure of City facilities.

For up to 30 days during a required residential evacuation that has resulted from an above-declared emergency without additional approval from the Department Head, no employee shall be penalized for their inability to report to their worksite.

Employees who notify their supervisors that they are subject to a required residential evacuation resulting from a Federal, State, County, or City declared emergency shall not be disciplined for their inability to report to their worksite for the duration of the required residential evacuation.

11.4.10 11.4.11 *Paid Parental Leave*

Eligibility:

Effective July 1, 2024 any full time, regular or probationary employee who has been continuously employed by the City for at least 12 months prior to the start of the leave shall be eligible for Paid Parental Leave (PPL) to use within 12 months of the following eligible events:

1. Birth of a child of the employee, the employee's spouse, or the employee's registered domestic partner.
2. Placement of a child with the employee for adoption.

For the purposes of PPL, the definition of "parent" and "child" are as defined by the California Family Rights Act.

Benefit and Use:

1. Eligible employees shall be granted 300 PPL hours to use within 12 months of the qualifying event for the purposes of disability due to pregnancy and/or baby bonding. Regular part-time employees shall be eligible for a prorated number of PPL hours, based on scheduled and budgeted FTE.
2. PPL is based on a 12-month rolling calendar. No more than 300 PPL hours may be used in any 12-month period. PPL may not be used or extended beyond the 12-month time frame and any accrued and unused PPL will be forfeited at the end of the 12-month period for the qualifying event.
3. Upon termination of the employee's employment at the City, they will not be paid for any accrued and unused PPL for which they were eligible.
4. PPL is based on the employee's regularly scheduled hourly base wage. It is considered "paid status" for the purpose of merit, seniority, benefit premium contributions, retirement service credit, vacation and sick leave accrual, and City benefit eligibility and contributions.
5. PPL shall be used in a block of continuous time or on an intermittent or reduced schedule. Intermittent leaves or reduced schedules must be arranged and approved by the employee's supervisor in advance.
6. PPL shall run concurrently with FMLA/CFRA and with PDL as set forth in paragraph 7, below. Eligible employees will be reinstated to the same or equivalent position in accordance with FMLA/CFRA protections. This may include altered assignments to accommodate the department's operational needs when the employee is working a reduced work schedule.

7. Pregnancy Disability Leave (PDL): An eligible employee on PDL must reduce their sick leave balance to 40 hours or less to use PPL concurrently with PDL. An eligible employee is not required to further reduce their balance once they have reached the initial threshold of 40 hours or less.
8. Use of this leave constitutes a “compelling personal situation during which time the employee was unable to work” under Article 6.6.5 of this MOU and the probationary period for any probationary employee who uses this leave shall be extended for the length of time the employee was off work using this leave.

Coordination of Benefits & Leaves:

- PPL taken under this policy will run concurrently with leave under the FMLA, CFRA, and PDL once the eligible employee’s sick leave balance is reduced to 40 hours or less.
- PPL will be fully integrated with any short-term disability or California Paid Family Leave program but shall not exceed one hundred percent (100%) of the employee’s normal gross salary rate.
- The use of Short-Term Disability (STD) and Paid Family Leave (PFL) will not reduce available hours under the PPL leave entitlement.
- For time covered by FMLA/CFRA job protected leave for baby bonding purposes, PPL must be used prior to other accrued leave or unpaid leave except as discussed in number 7 above.
- If an employee has exhausted FMLA/CFRA entitlements for reasons other than baby bonding, PPL must be used prior to other accrued leaves or Leave Without Pay for arranged leaves for the purpose of baby bonding. Scheduling of non-FMLA/CFRA protected PPL is subject to department approval.
- An employee who is eligible for PPL but is on leave for other reasons cannot use PPL except as described in paragraph 7 above.

11.4.12 End of Life Care Leave

Eligibility:

Effective July 1, 2024 any full time, regular or probationary employee who has been continuously employed by the City for at least 12 months prior to the start of the leave shall be eligible for End of Life Care leave to provide end of life care for an immediate family member, which shall include an employee’s spouse, registered domestic partner, child, parent, sibling, parent, parent in-law(s), grandparent, or grandchild.

End of Life care may be used to provide support, assistance and care to an immediate family member, as defined above, who is receiving end of life services through hospice or a medical facility.

Benefit and Use:

1. Eligible employees shall receive 80 hours of End of Life Care leave to be used during their employment with the City for use to support an immediate family member near the end of life, as described above.
2. Upon termination of the employee’s employment at the City, they will not be paid for any accrued and unused End of Life Care leave for which they were eligible. Further, if an employee leaves City employment and returns to City service later in their career, the

employee shall receive any unused hours from their previous employment with the City but shall not be granted any additional hours of for End of Life Care Leave.

3. End of Life Care leave is based on the employee's regularly scheduled hourly base wage. It is considered "paid status" for the purpose of merit, seniority, benefit premium contributions, retirement service credit, vacation and sick leave accrual, and City benefit eligibility and contributions.
4. End of Life Care leave shall be used in a block of continuous time or on an intermittent or reduced schedule. Intermittent leaves or reduced schedules must be arranged and approved by the employee's supervisor in advance.
5. End of Life Care shall run concurrently with FMLA/CFRA. Eligible employees will be reinstated to the same or equivalent position in accordance with FMLA/CFRA protections. This may include altered assignments to accommodate the department's operational needs when the employee is working a reduced work schedule.
6. An employee who is eligible for End of Life Care Leave but is on leave for other reasons cannot use PPL except as described in paragraph 5 above.
- ~~4.7.~~ Use of this leave constitutes a "compelling personal situation during which time the employee was unable to work" under Article 6.6.5 of this MOU and the probationary period for any probationary employee who uses this leave shall be extended for the length of time the employee was off work using this leave.

12 TERMS & CONDITIONS OF EMPLOYMENT

12.1 HOURS OF WORK

Except for full-time Child Care Instructors I/II, ~~the~~ the WORK WEEK will reflect thirty-seven and one-half (37.5) hours for all represented job classes. The WORK WEEK for full-time Child Care Instructors I/II will reflect thirty-five (35) hours per week. Unless otherwise designated, the normal business hours for vacation, sick and administrative leave deduction and sick and administrative leave accrual purposes shall be 7.5 hours per day for 37.50 hour employees and 7.0 hours per day for 35-hour employees. The 37.5-hour work week will begin July 1, 2013, at which time employees shall return to the work schedule worked prior to implementation of the ~~37.536-hour~~ (or 35-hour) work week, unless otherwise arranged with the Department Head.

6.1.1 Consecutive Two-Day Weekends

~~No later than October 1, 2018, each library employee shall have a weekend consisting of two consecutive days off work. At least one of the weekend days shall be a Saturday or Sunday. The City and the Union shall begin the meet and confer process regarding scheduling in the library within 30 calendar days of the ratification of this successor MOU.~~

~~Within 30 calendar days of the City Council approval of this successor MOU, the City and the Union shall begin the meet and confer process with the purpose of providing all employees with the option of having a consecutive two-day weekend. By mutual agreement of the City and the Union, additional language may be added to this section as a result of the meet and confer process.~~

When a library employee who traditionally works Monday-Friday is scheduled to work on a weekend, the City will provide the option for the employee to receive 2 consecutive days off work during that same workweek.

12.2 OVERTIME

Overtime shall mean actual time authorized and worked beyond thirty-seven and one-half (37.5) hours in a regular work week, or seven and one-half hours (7.5) in one work day or regularly scheduled shift. A work or duty week shall be defined as seven (7) consecutive calendar days. Overtime is compensable to the nearest half-hour and must have prior authorization and approval of the Department Director.

Each Department Director shall have the authority to designate certain job classifications for mandatory overtime in emergencies. In the event the Department Director determines that there is a staffing need during an emergency, the Department Director shall first make a reasonable effort to seek qualified volunteers to work overtime during the emergency. If the Department Director determines that there are an insufficient number of volunteers, or if time constraints prevent the soliciting of volunteers, the Department Director may order employees in the designated classifications (may vary depending on the emergency but primarily relates to job classifications in the Street Division of Public Works) to report to work in overtime status to address the emergency.

12.3 COMPENSATORY TIME POLICY

With the Department Director's approval, compensatory time, in lieu of overtime pay, may be taken subject to the following rules:

12.3.1 *Accrual Limit*

Employees may accrue up to 115 hours of compensatory time after which said employee must accept overtime pay in lieu of accruing additional compensatory time.

12.3.2 *Overtime Rate*

Employees who work overtime may be paid for it at the rate of time and one-half or may accrue compensatory time at a rate of time and one-half subject to the limitations in Section 6.3.1. Employees who elect compensatory time must take the time off, preferably within the quarter during which it was earned, and shall not be paid for it.

12.4 STAND BY OR CALL BACK DUTY

12.4.1 *Compensation When Assigned to Standby Duty – All Departments except Sanitation*

Miscellaneous and Supervisory employees assigned standby duty on Saturday, Sunday or a day designated as an authorized holiday by the City Council shall be compensated at the rate of six (6) hours of their base salary for each day of standby duty. To identify employees eligible for standby covering holidays, the City and Union acknowledge standby eligibility shall rotate at 12:00 a.m. (midnight) on the beginning of the work shift each Wednesday ~~of the week~~.

Weekend duty will start at 12:00 midnight on Friday the end of the last shift of the employee's designated workweek and will end 12:00 a.m. on Monday at the beginning of the first shift of the employee's following designated workweek. On holidays during the week, duty will start at 12:00 a.m. the end of the employee's designated work shift on the day before the designated holiday and will end at 12:00 a.m. the beginning of the employee's designated work shift on the next regular work day, or the employee will receive compensatory time off on a straight time basis. At the time of accrual, the employee will designate either salary or compensatory time. Compensatory time off must be approved in accordance with normal leave request procedures.

12.4.2 *Compensation When Assigned to Standby Duty – Sanitation Department*

Weekend standby duty shall start at the end of the employee's shift on Friday and end at the beginning of the employee's shift on Monday. Miscellaneous and Supervisory employees

assigned to weekend standby duty shall be compensated at the rate of sixteen (16) hours of their base salary (two (2) hours for the end of the employee's shift on Friday through 11:59 pm on Friday, six (6) hours for 12 am to 11:59 pm on Saturday, six (6) hours for 12 am to 11:59 pm on Sunday, and two (2) hours for 12 am on Monday through the start of the employee's shift on Monday).

Miscellaneous and Supervisory employees assigned standby duty on a day designated as an authorized holiday by the City Council shall be compensated at the rate of six (6) hours of their base salary for each day of holiday standby duty. Any holiday that falls on a day of the week that is contiguous with a weekend (Friday, Monday or Thanksgiving) will be covered by the employee on duty for the weekend standby shift. An employee assigned to standby duty for a weekend that includes one or more holidays will be paid their regular standby pay for the weekend in addition to their regular standby pay for any holiday assigned.

Standby duty during the week (Monday-Thursday) is normally assigned to the Operations & Maintenance Manager. If the Operations & Maintenance Manager is unable to cover a work week (Monday-Thursday) shift, it may be assigned to the Sewers Maintenance Supervisor or eligible maintenance worker, from the end of their shift until the beginning of the next operational shift. The employee who is assigned to a work week (Monday-Thursday) shift will be compensated at the rate of two (2) hours of their base salary.

~~The City shall assign the Sewers Maintenance Supervisor a vehicle to commute to and from work and their place of residence. In lieu of being assigned a commuter vehicle, the Sewers Maintenance Supervisor shall receive a monthly commuter allowance of \$250.00 per pay period.~~

On holidays during the week (Tuesday-Thursday), standby duty will start at the end of shift on the day before the designated holiday and will end at the beginning of shift on the next regular work day. At the time of accrual, the employee will designate either salary or compensatory time. Compensatory time off must be approved in accordance with normal leave request procedures. Any holiday that falls on a day which is not contiguous with a weekend will be assigned to eligible employees on a rotating basis.

12.4.3 *Compensation When Not Assigned to Call Back Duty*

When an employee not assigned to standby duty is called back to duty, the employee shall receive compensation for a minimum of four (4) hours.

12.4.4 *Minimum Payment for Call Out*

Employees on standby duty who are called out and required to work shall be paid a minimum of two (2) hours at the rate of time and one half, for each time they are called out.

12.4.5 *Standby Residency and Cell Phones*

The residency requirement for standby personnel shall include those individuals who live within a sixty (60) minute travel distance from the Corporation Yard. Cell phones shall be provided to those persons on standby. Standby duty is assigned on a rotating basis.

A Miscellaneous or Supervisory Unit employee within the residency area shall be considered eligible for standby duty. This includes all holidays that may fall within the assigned standby duty period.

If an employee is sick or has scheduled time off, standby will move to the next person on the list that is available and qualified. Determination of whether an employee is qualified is made by the Supervisor or Operations and Maintenance Manager. It is noted this list was originally established by knowledge and that new employees are placed at the bottom of the list.

12.5 DOT AND CLASS B REQUIREMENTS

Employees in the following job classes are covered by this DOT policy and are subject to the terms and conditions of the City's DOT Policy:

<ul style="list-style-type: none"> ▪ Street Maintenance Worker I/II* ▪ Street Maintenance Worker III ▪ Street Lead Maintenance Worker ▪ Street Maintenance Supervisor ▪ Park Equipment Mechanic ▪ Parks Lead Maintenance Worker ▪ Vehicle Equipment Mechanic I** ▪ Vehicle Equipment Mechanic II 	<ul style="list-style-type: none"> ▪ Equipment Service Attendant ▪ Supervising Vehicle Equipment Mechanic ▪ Sewer Maintenance Worker I** ▪ Sewer Maintenance Worker II ▪ Sewer Maintenance Worker III ▪ Sewer Maintenance Supervisor ▪ Sewer Maintenance Superintendent
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* Street Maintenance Worker I/II hired before September 1, 2009 had the option to sign a document stating that they would obtain a Class B license and thus participate in the DOT program within 6 months from October 1, 2009. If the employee elects to obtain and maintain a Class B license, ~~he/she is~~ they are in the program for the duration of their employment in the position. If assigned to a Class B task, these employees will receive out of class pay for the day (s) they were required to drive a Class B vehicle.

** Must obtain Class B license within one year of date of hire and become subject to DOT when license is obtained.

Effective September 1, 2009, employees hired or promoted into a Street Maintenance Worker II position will be required to possess a Class B license and participate in the DOT Program. These employees will not receive out of class pay when required to drive a Class B Vehicle.

Street Maintenance Worker I employees can opt in to the DOT program upon appointment if they possess a Class B license or if they obtain the Class B license on their own.

Class B license is not a requirement for the Park Maintenance Worker I/II classification. Parks Maintenance Worker I/II employees who possess or obtain a Class B license can opt in to the DOT program. If an employee opts into the DOT program, they will be covered by the DOT Policy and are subject to the terms and conditions of the City's DOT Policy. If enrolled in the DOT program and assigned to a Class B task, these employees who have the Class B license will receive out of class pay for the day(s) they were required to drive a Class B vehicle.

6.6 PROBATIONARY PERIOD

6.6.1 Purpose of Probation

After passing an examination and accepting appointment, each employee shall serve a period of probation beginning on the date of appointment. Such period shall be for the purpose of determining the employee's ability to perform satisfactorily the duties prescribed for the position.

6.6.2 Length of Probationary Period

The probationary period on original and promotional appointment shall be for one (1) year. Employees shall receive one written Probationary Evaluation from their immediate supervisor during the Probationary Period, preferably at the midway point.

6.6.3 Rejection During Probation

During the probationary period an employee may be rejected at any time by the Appointing Authority without the right of appeal.

6.6.4 Notification of Rejection

On determining that a probationary employee's work is not satisfactory, the Appointing Authority shall notify the Human Resources Director of ~~his/her~~ their intention to terminate the employee.

After discussion with the Human Resources Director, the Appointing Authority shall notify employee in writing of ~~his/her~~the rejection.

6.6.5 *Extension of Probationary Period*

The probationary period shall not be extended except in the case of extended illness or injury or compelling personal situation during which time the employee was unable to work. In such cases, the probationary period may be extended for the length of time the ill or injured employee was unable to work.

6.6.6 *Regular Status*

Regular status shall commence with the day following the expiration date of the probationary period.

6.6.7 *Promotion of Probationary Employee*

An employee serving a probationary period may be promoted to a position in a higher position classification provided ~~he/she is~~they are certified from the appropriate Eligible List. The employee promoted in this manner shall serve a new probationary period for the position to which employee is promoted and the new probationary period and promotional appointment shall be effective the same date.

6.6.8 *Unsuccessful Passage of Promotional Probation*

An employee who does not successfully pass ~~his/her~~their promotional probationary period shall be reinstated to the position in which the employee held regular status prior to ~~his/her~~their promotion. Provided, however, that if the cause for not passing the promotional probationary period was sufficient grounds for dismissal, the employee shall be subject to dismissal without reinstatement to the lower position.

6.6.9 *Lateral Transfer Probation*

Voluntary transfers to another job classification, within the same salary range, shall require a six (6) month probationary period. In the event of unsuccessful passage of this period refer to Section 6.6.8.

6.7 TRANSFERS / REASSIGNMENTS

6.7.1 *Types of Transfers*

Transfers may be within the same department (intra-departmental) or between departments (inter-departmental). The requirements for each are as follows:

a. Intra-departmental transfers.

The Appointing Authority shall have the authority to transfer an employee from a position in one division of a department to a position in the same or similar classification with the same salary range, in the same division or to another division of the same department (at any time and for any duration).

b. Inter-departmental transfers.

An employee may transfer from a position in one (1) department to a position in the same or similar classification in another department, provided the consent of the two Appointing Authorities and the City Manager is obtained.

c. Voluntary Transfers.

An employee may make a written request for transfer to the Human Resources Director to a position in the same or similar classification with the same salary

range. Such a transfer may be made on the recommendation of the affected Department Director(s) and the approval of the City Manager.

6.7.2 Minimum Qualifications & Probation

Any persons transferred to a different position shall possess the minimum qualifications for the position.

6.7.3 Transfer Procedures

The City Manager may authorize the transfer of an employee from one position to another of the same or comparable class of work and where the same general type of examination is given for entrance to such a position.

Transfers from one department to another department having a different jurisdiction or different function shall be done only with the consent of the Department Directors involved, unless such a transfer is ordered by the City Manager for purpose of economy or efficiency.

Any person transferred to a different position shall possess the minimum qualifications for the position.

Employees who have completed their initial probation may seek voluntary transfers to positions within the same job class, and/or lower level job classes as long as the employee meets the minimum qualifications for the position. Employees seeking transfer should submit a completed application to the Human Resources Department. As vacancies occur, transfer candidates may receive consideration along with those on the eligibility list.

6.8 PERSONNEL RULES & REGULATIONS

Employees covered by this MOU agree to follow the City's Personnel Rules and Regulations located on the City's Intranet website.

6.8.1 Drug & Alcohol Policy

The City and the Union agree to the non-DOT general drug and alcohol policy. A copy is available with the City's policies and on the City's Intranet website. (Safety sensitive job classes are covered by the DOT Drug and Alcohol Policy previously agreed to by both parties and located on the City's Intranet website).

6.8.2 Confidential Nature of Personnel Records

All personnel records and files and examination materials are confidential. The Human Resources Director shall take all necessary steps to protect the confidentiality of those materials. Disclosure of such records shall be governed by the Public Records Act, Government Code Sections 6250, et. seq. Individual employees may review their official personnel file maintained by the Human Resources Department and/or respective appointing authority. With the written consent of the employee, the authorized representative of the recognized employee organization may also review that personnel file.

6.8.3 Confidential Nature of Medical Records

All medical records and files are the property of the City of San Rafael. These confidential records and files are to be maintained in a file separate from the employee's personnel file in the Human Resources Department. Disclosure of such records shall be governed by the Public Records Act, Government Code, Section 6250, et. seq.

6.8.4 Outside Employment Policy

Outside Employment shall be in accordance with the City's Outside Employment Policy which is available on the City's Intranet website.

6.8.5 *Use of City Vehicle*

Public Works Supervisors, at the direction of the Department Director, will be allowed to take a City vehicle home in emergency conditions.

6.8.6 *Wireless Communication Policy*

Union members agree to adhere to the provisions of the City's Wireless Communication Policy which is available on the City's Intranet Website. Upon recommendation of the Department Director, the City will provide Bluetooth devices to those employees who are required to use their City cell phone while driving during the course of business.

6.8.7 *Safety Policy*

The City of San Rafael is committed to providing a safe and healthy place to work. The City shall furnish safety devices and safeguards and shall adopt and use methods and processes adequate to ensure that the work place is safe and healthy. Employees are expected to obey safety rules and make proper use of safety gear and equipment. The City's safety policies and procedures shall comply with all applicable state laws related to a safe work environment.

6.8.8 *Materials Relating to Disciplinary Action*

Except for the specific disciplinary matters provided below, reprimands and suspensions of less than five (5) days in the employee's personnel file which have been in the file three (3) years or more shall not be used unless the materials relate to conduct that reoccurred within three (3) years of the first incident.

At the request of the employee, materials relating to disciplinary actions which are three (3) or more years old shall be removed, provided there has been no reoccurrence of the conduct on which the discipline was based. Performance evaluations are excluded from this provision.

Materials relating to disciplinary actions for misappropriation of public funds or property; misuse or destruction of public property; the use of being under the influence of drugs or alcohol at work; acts which would constitute a felony; acts which present an immediate danger to the public health and safety; or acts of harassment or discrimination based on protected status will not be removed from the employee's personnel file.

6.8.9 *CPR / First Aid Training*

An annual program for cardiopulmonary resuscitation (CPR) and First Aid certification will be provided for persons working as Childcare Directors and Instructors II.

6.8.10 *Childcare Division Employee Program Discount*

All Childcare staff with children enrolled in any City of San Rafael Childcare Division program will receive a 50% discount on program fees based on their level of enrollment. All policies regarding admission and attendance in the Childcare Program will continue to apply to Childcare staff in accordance with the Childcare Division Parent Handbook and Childcare Staff Handbook.

6.9 MISCELLANEOUS

6.9.1 *Hazardous Materials*

Maintenance employees in the Union will be provided with the necessary training associated with what is termed first responder awareness level. First responders at this level (awareness only) are those who are likely to witness or discover a hazardous substance release and who have been trained to initiate an emergency response operations level. "Awareness" individuals

take no action beyond notifying the designated authorities of the release. The on-duty Fire Battalion Chief is the Incident Commander in the event of a hazardous material release.

It is understood and agreed by both parties that maintenance employees in this Union do not have any responsibility to clean up, mitigate or otherwise dispose of hazardous materials. The Fire Department personnel and/or contract personnel have the direct responsibility of dealing with hazardous materials.

Maintenance employees of this Union do have direct responsibility to handle (clean up, mitigate, transport, dispose of, etc.) petroleum products such as diesel fuel gasoline, drain oil, and the like.

Streets, Parks Maintenance, and Facilities employees of this Union have direct responsibility to handle (clean up, mitigate, transport, dispose of, etc.) needles and oil spills.

6.9.2 *Gratuities / Solicitation of Contributions*

Gratuities and/or solicitation of contributions are not allowed.

6.9.3 *Return of City Equipment*

Upon termination of employment, all tools, equipment, and other City property assigned to an employee shall be returned to the employee's supervisor before leaving City employment.

6.9.4 *Political Activity*

The political activity of City employees shall comply with pertinent provisions of State and Federal Law.

6.9.5 *Employment of Relatives*

Employment of relatives shall be governed by the City's Personnel Rules and Regulations.

6.9.6 *Labor / Management Meetings*

The City and the Union agree that consultation meetings may contribute to improved employer-employee relations.

The committee shall be comprised of three (3) representatives from the Miscellaneous and Supervisory Units and three (3) from City Management as well as the SEIU Field Representative and the Human Resources Director. The parties agree that committee members may change depending on the subject matter.

Meetings may be requested by either party. The party requesting the meeting shall submit a proposed agenda and the receiving party shall acknowledge and confirm the date, time and location of the requested meeting. It is intended that the subject matter will not include issues subject to Article 7.4 Grievance Procedures.

6.9.7 *Contract Orientation Work Sessions*

The City and the Union agree that the individuals having responsibility for the enforcement of the Agreement, Union Stewards and Department Directors/Supervisors, shall participate in an Annual Contract Orientation Work Session for the purpose of obtaining a better understanding of the provisions of the contract. These work sessions shall be held on City time and facilities.

6.9.8 *Temp Seasonal Employees*

Both the City of San Rafael and SEIU 1021 recognize the valid, necessary reasons for appropriate temporary, seasonal, retiree, and fixed-term work. The City follows the Resolution of the City Council of the City of San Rafael adopting a temporary, seasonal, retiree, fixed-term salary and benefit plan. The City shall make its best efforts, with consideration to the fiscal

condition of the City, to continue to transition temporary positions that are used in a recurring, routine manner and perform work typically accomplished by SEIU classifications throughout the term of the agreement, to regular City positions.

6.9.9 *Gym Reimbursement*

Employees are eligible to receive up to \$16.50 per month reimbursement for paid gym memberships. Such reimbursement shall be reported as taxable income to the employee.

13 PROCEDURES

13.1 DEMOTION & SUSPENSION

13.1.1 *Demotion*

The Appointing Authority may demote an employee when the following occurs:

- a. The employee FAILS to perform his/her/their required duties.
- b. An employee requests such a demotion. No employee shall be demoted to a classification for which he/she—doesthey do not possess the minimum qualifications. When the action is initiated by the Appointing Authority, written notice of demotion shall be provided to an employee at least ten (10) working days before the effective date of the demotion, and a copy filed with the Human Resources Department.

Withholding a salary step increase or withdrawing a merit step increase within or above the salary range of the employee's position shall not be deemed a demotion.

Disciplinary demotion action shall be in accordance with Article 7.3 Disciplinary Action.

13.1.2 *Suspension*

The Appointing Authority may suspend an employee from a position at any time for a disciplinary purpose. Intended suspension action shall be reported immediately to the Human Resources Director and shall be taken in accordance with Article 7.3 Disciplinary Action.

13.2 TERMINATION OF EMPLOYMENT

13.2.1 *Resignation*

An employee wishing to leave City service in good standing shall file with his/her/their immediate supervisor, at least fourteen (14) days before leaving service, a written resignation stating the effective date and reason for leaving. A copy of the resignation shall be forwarded to the Appointing Authority and Human Resources Department.

13.2.2 *Termination - Layoff (Lack of work or funds)*

The Appointing Authority may terminate an employee because of changes in duties or organization, abolishment of position, shortage of work or funds, or completion of work for which employment was made.

13.2.3 *Termination - Disciplinary Action*

An employee may be terminated at any time for disciplinary action, as provided in Article 7.3 Disciplinary Action.

13.2.4 *Retirement*

Retirement from City service shall, except as otherwise provided, be subject to the terms and conditions of the City's contract, as amended from time to time, with the Marin County Retirement System.

13.2.5 *Job Abandonment*

Absence from duty without authorization for any period of time may be cause for disciplinary action. Absence from duty without authorization in excess of five (5) continuous working days may constitute abandonment of the position and may be grounds for termination. The employee and the Union shall be notified by certified mail of proposed termination prior to the effective date of termination.

13.3 DISCIPLINARY ACTION

13.3.1 *Right to Discipline & Discharge*

Upon completion of the designated probationary period an employee shall be designated as a non-probationary employee and the City shall have the right to discharge or discipline any such employee for dishonesty, insubordination, drunkenness, incompetence, negligence, failure to perform work as required or to observe the Department's safety rules and regulations, or for engaging, during the term of this Memorandum of Understanding, in strikes, individual or group slowdowns or work stoppages, or for violating or ordering the violation of the Memorandum of Understanding, except where permitted by law. The City shall use progressive disciplinary steps (i.e., reprimand, suspension, demotion, discharge) unless the violation is such as to justify termination. Disciplinary action shall mean discharge/dismissal/termination, demotion, reduction in wage, suspension resulting in loss of pay, and written reprimand.

In addition, the City may discipline or discharge an employee for the following: Fraud in securing appointment; negligence of duty; violation of safety rules; unacceptable attendance record including tardiness, overstaying lunch or break periods; possession, distribution or under the influence of alcoholic beverages, non-prescription or unauthorized narcotics or dangerous drugs during working hours; inability, unwillingness, refusal or failure to perform work as assigned, required or directed; unauthorized soliciting on City property or time; conviction of a felony or conviction of a misdemeanor involving moral turpitude; unacceptable behavior toward (mistreatment of discourteousness to) the general public or fellow employees or officers of the City; falsifying employment application materials, time reports, records, or payroll documents or other City records; misuse of City property; violation of any of the provisions of these working rules and regulations or departmental rules and regulations; disorderly conduct, participation in fights, horseplay or brawls; dishonesty or theft; establishment of a pattern of violations of any City policy or rules and regulations over an extended period of time in which a specific incident in and of itself would not warrant disciplinary action, however, the cumulative effect would warrant such action; failure to perform to an acceptable level of work quality and quantity; insubordination; other acts inimical to the public service; inability or refusal to provide medical statement on cause of illness or disability.

13.3.2 *Preliminary Notice*

A non-probationary employee shall receive a preliminary written notice from the employee's Supervisor of any proposed disciplinary action that involves the loss of pay. The notice must contain a specific statement of charges or grounds upon which the proposed disciplinary action is based and the date the disciplinary action will be effective.

Any known written materials, reports or documents upon which the disciplinary action is based must be attached to the notice.

Upon the receipt of the notice, the employee shall have five (5) days to appeal the matter in writing to Step 2 of the Grievance Procedure. If a written appeal is filed, no disciplinary action shall be imposed until the Department Director has conducted a hearing with the employee and employee's representative present and having heard the response of the employee. The Department Director's decision shall be final for written reprimands.

If no written appeal is filed within five (5) days, the employee shall be deemed to have waived his-their right to proceed to Step 4 of the Grievance Procedure.

13.3.3 *Disciplinary Action and Appeal*

After hearing the response of the employee, the Department Director may order that the proposed disciplinary action or modification thereof be imposed. Such notification shall be issued in writing within 10 days of the meeting.

If the employee elects to appeal the Department Director action, he/shethey may request a confidential settlement conference with the City Manager. Participation in the confidential settlement conference shall be voluntary. If the matter is still unresolved after the confidential settlement conference, the employee shall notify the City within ten (10) days that the matter is appealed to Step 4 (Arbitration) of the Grievance Procedure. The matter shall then proceed in accordance with the Grievance Procedure. The City Manager's decision shall be final for suspensions of five (5) days or less.

13.3.4 *Harassment Policy*

It is the City's intent and purpose to provide all officials, employees, applicants and contractors with an environment that is free from any form of harassment, discrimination or retaliation. Employees shall refer to the City Policy against Harassment, Discrimination and Retaliation which is available on the City's Intranet website.

13.4 GRIEVANCE PROCEDURE

13.4.1 *Definition*

1. **Grievance** is a dispute which involves the interpretation or application of any provision of this Memorandum of Understanding, except issues concerning appeals of punitive action, which are governed by Sections 7.1, 7.2 and 7.3 of this Memorandum. A dispute regarding the interpretation of the City's Personnel Rules and Regulations is subject to the grievance procedure up to Step 3 (City Manager). All ordinances, resolutions, rules and regulations which are not specifically covered by the provisions of this Memorandum shall not be subject to the Grievance Procedure.
2. **Day** shall mean any that the City Office is open for business, excluding Saturdays, Sundays and the holidays recognized by the City.
3. **Grievant** may be an individual employee or a group of employees or the Union on behalf of a group of employees or the Union on its own behalf on matters involving the City and Union relationship.
4. **Time limits** begin with the day following the event causing the grievance or the day following receipt of a grievance decision.

13.4.2 *Procedure*

Step 1.

Within seven (7) days of when the grievant knew or should have known of the act or omission causing the grievance, the grievant shall present either in writing or verbally a clear and concise statement of the grievance to the immediate supervisor.

Within five (5) days thereafter, the immediate supervisor shall investigate and respond to the allegations of the grievant.

Step 2.

If the grievant is not satisfied with the resolution at Step 1, the grievant must reduce the grievance to writing and present it to the Department Director within five (5) days.

The written grievance shall contain a statement of facts about the nature of the grievance and shall identify the specific provisions of this Memorandum of Understanding alleged to be violated, applicable times, places and names of those involved, the remedy or relief requested, and shall be signed by the grievant.

The Department Director shall confer with the grievant and within ten (10) days respond to the allegations in writing.

Step 3.

If the grievant is not satisfied with the resolution at Step 2, the grievant shall within five (5) days appeal the matter to the City Manager.

The City Manager shall investigate the matter, conduct a hearing if the City Manager deems it appropriate and within ten (10) days thereafter, respond to the allegations in writing.

Step 4.

If the grievance remains unresolved after Step 3, the Union may, by written notice to the City's Human Resources Department within ten (10) days after the receipt of the response in Step 3, notify the City that the Union wishes to appeal the grievance to final and binding arbitration. The parties shall attempt to agree upon an arbitrator. If no agreement is reached, they shall request a list from the State Conciliation Service of nine (9) names. The selection process will include a review of the arbitrator's availability for the hearing.

Each party shall then alternately strike a name until only one (1) name remains, said person to be the arbitrator. The order of striking shall be determined by the flip of a coin.

13.4.3 *Arbitration*

The arbitrator shall be empowered to conduct a hearing and to hear and receive evidence presented by the parties. The hearing should be held within 60 calendar days of the selection of the arbitrator. The hearing shall be informal and need not be conducted according to technical rules of evidence. Repetitious evidence may be excluded and oral evidence shall be taken only under oath. The arbitrator shall determine what evidence is relevant and pertinent, as well as any procedural matters, and he/shethey may call, recall and examine witnesses, as he/shethey deems proper.

The burden of proof shall be upon the Union in grievance matters and upon the City in disciplinary/discharge matters.

After the conclusion of any hearing and the submission of any post hearing evidence or briefs agreed upon by the parties, the arbitrator shall render a written decision which shall be final and binding upon the City, the Union and any employee(s) involved in the grievance or disciplinary matter.

The arbitrator shall not be empowered to add to, subtract from, or in any way modify or alter any provision of this Memorandum of Understanding. The arbitrator shall only determine whether a grievance exists in the manner alleged by the grievant, and what the proper remedy, if any, shall

be, or in the case of disciplinary/discharge matter whether the City allegations are accurate and the appropriateness of the disciplinary penalty.

The fees and expenses of the arbitrator shall be shared equally by the Union and the City. All other expenses shall be borne by the party incurring them. The cost of the services of court reporter shall be borne by the requesting party unless there is a mutual agreement to share the cost or unless the arbitrator so requests. Then the costs will be shared equally.

13.4.4 *General Provisions*

1. Employees who participate in the Grievance Procedure by filing a grievance or acting as a witness on the behalf of either party shall be free from discrimination by either the Union or the City.
2. A grievant has the right to be represented at each stage of the procedure, to cross examine witnesses, and have access to all information regarding the basis of the grievance upon which the City relies in making its determinations.
3. If the City management fails to respond within the specified time limits, the grievance shall, at the request of the Union, be moved to the next step of the procedure. If the Union or a grievant fails to process or appeal a grievance within the specified time limits, the matter shall be deemed withdrawn with prejudice. The parties may by mutual agreement waive the steps in the procedure.
4. If a hearing is held during work hours of employee witnesses, such employees shall be released from duties without loss of pay or benefits to appear at the hearing. Witnesses requested by the parties shall be compelled to attend said hearings.
5. The Human Resources Department shall act as the central repository for all grievances.
6. Time limits contained herein may be extended by mutual agreement of the parties. Absence for bona fide reasons by a grievant, the Union representative or any management official involved in responding to the grievance shall automatically extend the time limits by the same number of days of absence.

13.5 POSITION RECLASSIFICATION

Reclassification of positions covered by this MOU shall be in accordance with the City's Reclassification Policy available on the City's Intranet website.

13.6 FURLOUGH PROGRAM

Both the City of San Rafael and SEIU 1021 recognize the unpredictable changes in funding that affect City finances. Through this recognition and in a cooperative spirit the City of San Rafael and SEIU 1021 have worked expeditiously on the development of a Furlough Program. This Agreement does not mean the City will necessarily implement furloughs; but in the event it is necessary to implement due to continued economic problems in the City of San Rafael, the City shall meet and consult with the Union at least 60 days prior to implementation of the Furlough Program. The procedures for this Furlough Program shall provide for both Voluntary Time Off (herein described as VTO) and Mandatory Time Off (herein described as MTO).

13.6.1 *Voluntary Time Off (VTO)*

The needs of the City and the respective departments (as determined by the Department Director and City Manager) will need to be considered in the actual granting of VTO. Any VTO time granted and the resulting savings will have a corresponding impact on the time needed through MTO.

1. An employee's VTO time would count in determining how many hours of MTO an employee needed to take during the fiscal year.
2. An employee selecting at least a 5% reduction of hours through the VTO would receive "float days" as described in 6.6.2. (4.b.).
3. Employees who take VTO at a time other than when MTO is taken by other employees will have to take vacation leave, compensatory time off or leave without pay if the MTO results in the closure of the department.
4. Employees will be allowed to exceed a 5% reduction of hours through the VTO with review of the Department Director and approval of the City Manager and such approval shall be revocable should the City determine that the impact of the absence cannot be absorbed by the Department. Prior to revoking approval, the City will contact the employee and review pertinent information which would impact the employee's ability to return to work. Should the City need to remove additional VTO, such removal would be considered a non-disciplinary action and would not be subject to any appeal/grievance procedure.

13.6.2 Mandatory Time Off (MTO)

MTO will be taken by the employee during the MTO period when feasible in their respective department (as determined by the Department Director and City Manager) and after consultation with the union.

1. Employees may not take paid vacation time in lieu of designated MTO time.
2. MTO time shall be considered time in pay status for the accrual of leave and eligibility for holidays. MTO time will not impact health, dental and life insurance benefits. At this time MTO time will not impact Marin County retirement calculations of average compensation or service credit as the City and employee will continue to fund the full amounts. If the Marin County Retirement Association changes its policy on this, the City will, effective the first of the month following notice from the Marin County Retirement Association, make the necessary change in the program's administration to correspond with the change in the policy.
3. MTO time shall apply toward time in service for step increases and completion of probation.
4. Other Terms and Conditions:
 - a. The MTO program shall be limited to a maximum five percent (5%) reduction in work hours/pay for the fiscal year. When the maximum MTO reduction (5% is implemented, the involved employee shall be credited with three (3) days of float time
 - b. **Float time** accrued through the MTO Program must be taken in the fiscal year following the furlough, with supervisory approval, or the leave will be forfeited. The float days have no cash value upon termination of employment. If an employee is laid off before having the opportunity to take unused furlough induced float time, said employee would be eligible to take the unused furlough induced float time during the thirty-day layoff notice period.

- c. Should the City of San Rafael experience a financial windfall during the fiscal year that furloughs are implemented, the City and the Union agree to re-open negotiations on this Furlough Plan.

13.7 REDUCTION IN FORCE

13.7.1 Authority

The Appointing Authority may lay off, without prejudice, any regular employee because of lack of work or funds, or organizational alterations, or for reasons of economy or organizational efficiency.

13.7.2 Notice

Regular employees designated for layoff or demotion shall be notified in writing at least thirty (30) calendar days prior to the anticipated date of termination or demotion. The employee organization shall also be so notified.

13.7.3 Order of Layoff

Layoffs and/or reductions in force shall be made by classification. A classification is defined as a position or number of positions having the same title, job description and salary. Extra hire employees shall be laid off before permanent employees in the affected classification. In effecting the preceding order, a part-time permanent employee with more seniority can displace a full time permanent employee.

13.7.4 Seniority

If two or more employees within a classification have achieved permanent status, such employees will be laid off or reduced on the following basis:

- a. Seniority within the affected classification will be determinative. Such seniority shall include time served in higher classification(s). The computation of seniority for part-time employees will be credited on a pro rata basis to full time service. Time spent on a City Manager approved leave of absence without pay does not count toward seniority.
- b. If the seniority of two or more employees in the affected classification or higher classification(s) is equal, departmental seniority shall be determinative.
- c. If all of the above factors are equal, the date regular status in City service is achieved shall be determinative.
- d. If all of the above are equal, date of certification for appointment shall be determinative.

13.7.5 Bumping Rights

An employee designated to be laid off may bump into a class at the same salary level for which ~~he or she~~ they meets the minimum qualifications, or into the next lower classification in which such employee has previously held regular status. An employee who is bumped shall be laid off in the same manner as an employee whose position is abolished.

13.7.6 Transfer Rights

The Human Resources Director will make every effort to transfer an employee who is to be affected by a reduction in force to another vacant position for which such employee may qualify. The length of eligibility for such transfer will be the period of notification as provided in Section 7.7.2, but no longer than the effective date of such layoff or reduction.

13.7.7 *Layoff Procedure Notification*

Once the decision has been made to reduce the workforce per this MOU, the City will meet with the Union to review and receive feedback on the procedure to be used to inform and process those classifications and individuals who are determined to be laid off. The information gained in this meeting from the Union by the City will be advisory and not binding.

13.8 RE-EMPLOYMENT

13.8.1 *General Guidelines*

Individuals who have been laid off or demoted shall be offered re-appointment to the same classification in which they held status in the order of seniority in the classification. Individuals demoted in lieu of reduction in force shall be offered restoration to the highest class in which they held status and in which there is a vacancy prior to the appointment of individuals who have been laid off.

13.8.2 *Right to Re-Employment*

Each person who has been laid off or demoted in lieu of a layoff from a position the person held, shall, in writing, be offered re-appointment in the same classification should a vacancy occur in the classification within two years after the layoff or demotion. Prior to being re-employed, the employee must pass a physical exam administered by a City appointed physician and must pass the background check administered by the City.

13.8.3 *Time Limits*

Should the person not accept the re-appointment within seven (7) calendar days after the date of the offer, or should the person decline or be unable to begin work within two weeks after the date of acceptance of the offer, the person shall be considered unavailable for employment, shall forfeit the right to re-employment and shall be removed from the re-employment list.

13.8.4 *Availability*

Whenever a person is unavailable for re-employment, the next senior person who is eligible on the re-employment list shall be offered re-employment.

13.8.5 *Probationary Status*

Employees re-appointed under the provisions above will not be required to complete a new probationary period if they had previously held permanent status in the classification. Employees who had not completed their probationary period shall serve the remainder of the probationary period upon re-appointment.

13.8.6 *Restoration of Benefits*

Employees restored to previously held positions shall be deemed to have returned from a leave of absence for the purpose of all rights and benefits legally permissible. Time not on the payroll will not count as time worked for the purposes of seniority accrual.

SEIU LOCAL 1021:

CITY OF SAN RAFAEL:

~~**Aaron Burton, Field Representative**~~**Tiffany Crain**
~~**SEIU Local 1021**~~**Chief Negotiator**

~~**Tim Davis, Lead Chief Negotiator**~~
~~**City of San Rafael**~~**Burke-Williams Sorensen**

~~**Jana Blunt, Field Representative**~~**Joel Evans-Fudem**
~~**SEIU Local 1021**~~**Field Representative**

~~**Cristine Alilevich**~~
~~**Assistant City Manager**~~

~~**Kenny Gatlin, Chapter President**~~**Andrea Zanetti**
~~**SEIU Local 1021**~~**Regional Director**

~~**Sylvia Gonzalez-Shelton**~~
~~**HR Operations Manager**~~

~~**John Stead-Mendez, Executive Director**~~
~~**SEIU Local 1021**~~

~~**Thomas Wong**~~
~~**Analyst**~~

~~**Kenny Gatlin, SEIU Bargaining Team Member**~~

~~**Date**~~

~~**Tiffany Haley, SEIU Bargaining Team Member**~~

~~**Allan Lee, SEIU Bargaining Team Member**~~

~~**Jamie Poirier, SEIU Bargaining Team Member**~~

~~**Wes Sitchler, SEIU Bargaining Team Member**~~

~~**Date**~~



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Manager’s Office

**Prepared by: Cristine Alilovich,
City Manager**

City Manager Approval: _____

TOPIC: SALARY RESOLUTION FOR UNREPRESENTED EXECUTIVE MANAGEMENT EMPLOYEES

SUBJECT: RESOLUTION ESTABLISHING THE COMPENSATION AND WORKING CONDITIONS FOR UNREPRESENTED EXECUTIVE MANAGEMENT EMPLOYEES (JULY 1, 2024, THROUGH JUNE 30, 2027) AND AUTHORIZING THE CITY MANAGER TO ENTER INTO EMPLOYMENT AGREEMENTS WITH THE UNREPRESENTED EXECUTIVE MANAGEMENT EMPLOYEES

RECOMMENDATION:

- Staff recommends that the City Council adopt the Salary Resolution establishing the compensation and working conditions for Unrepresented Executive Management Employees (July 1, 2024, through June 30, 2027), and
- Staff recommends that the City Council authorize the City Manager to enter into employment agreements with the unrepresented executive management employees.

BACKGROUND:

The unrepresented executive management employee group includes eleven positions assigned in various City departments. These executive managers lead and direct the ongoing services and operations around the City to achieve the goals of the City Council. The Unrepresented Executive Management Salary Resolution expires on June 30, 2024. In keeping with the equity adjustment approach used for Unrepresented Mid-Management Employees and employees represented by bargaining groups, salary increases for each position depend on the extent to which each position is behind the labor market average. The recommended base wage increase of three percent (3.0%) and the proposed adjustments to the City’s contributions toward the flex cafeteria plan for Unrepresented Mid-Management group is consistent with adopted labor agreements for represented employees over the same three-year period.

ANALYSIS:

The City’s executive level positions have fallen significantly behind the labor market versus comparable agencies, as defined in the current salary resolution. This has occurred over time, and the equity adjustments provided in recent years have not been enough to keep pace with the labor market for these positions. In comparison to the labor market average, these positions range from 10% to 35% behind market, in terms of total compensation (without retirement costs).

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

The following reflects highlights of the proposed Salary Resolution (Attachment 1) and is consistent with the economic guidelines authorized by the City Council. The attached proposed Salary Resolution (Attachment 1) includes all of the recommended changes described below.

1. Term of the Resolution: July 1, 2024, through June 30, 2027

2. Salary Increase:

- All positions in the proposed salary schedule will receive a three percent (3.0%) cost of living adjustment during the three-year term of the resolution.
- For the director level positions, individual classification equity adjustment increases by percentage may be lower or higher than the percentages listed below, based on how far behind the labor market average each individual position is. The proposed salary schedule included in the attached resolution authorizes the new salary for each position. The salary ranges for the director level classifications will be updated as follows:
 - a. Year 1: A 3.0% cost of living increase and up to a 7.0% equity adjustment (dependent upon position) for a total increase of 6.0% to 10.0%
 - b. Year 2: A 3.0% cost of living increase and up to a 6.0% equity adjustment (dependent upon position) for a total increase of 6.0% to 9.0%
 - c. Year 3: A 3.0% cost of living increase and up to a 4.0% equity adjustment (dependent upon position) for a total increase of 3.0% to 7.0%
- The two public safety chief positions, the Police and Fire Chief, have fallen significantly behind their respective labor markets. This has occurred over time, and the equity adjustments provided in recent years have not been enough kept pace with the labor market for these positions. This has resulted in major compaction issues with the direct reports of the two public safety chiefs. In order to appropriately calibrate the compensation structure of these two departments, staff is recommending that the salary range of both public safety chief positions be adjusted upwards, such that over the three year term of the proposed salary resolution, those positions will be brought up to their labor market average, in alignment with the approach that has been taken with all collective bargaining groups during this round of labor negotiations. In addition, staff recommends similarly resetting the salary range of the Assistant City Manager position, to maintain the long-standing practice that the Assistant City Manager position is paid slightly more than the public safety chief positions, such that they can effectively serve as the acting City Manager in the City Manager's absence. The proposed new salary ranges for these three positions can be found in Exhibit A to the Proposed Executive Management Salary Resolution (Attachment 1).
- The salary for the District Manager position of the San Rafael Sanitation District is currently under review and additional compensation analysis with comparable agencies is needed in order to determine if an equity adjustment is warranted. As soon as it is completed in the next few months, the result of that compensation survey will be brought to the San Rafael Sanitation District Board for consideration.

3. Full Flex Cafeteria Plan: To address rising healthcare costs and improve the City's ability to recruit and retain employees and to improve the market position among comparator agencies, employees will receive an increase in their monthly Flex Dollar Allowance as noted below:

Health Tier	Current	Increase	Effective Dec 2024
Employee Only	\$ 735.86	\$ 214.14	\$ 950.00
Employee +1 dependent	\$ 1,471.71	\$ 428.29	\$ 1,900.00
Employee + Family	\$ 1,913.24	\$ 486.76	\$ 2,400.00

For the term of this resolution, on December 15, 2025, and December 15, 2026, the flex dollar amount shall increase up to a maximum of 5%, based on the Kaiser Bay Area premium rate increase. If the Kaiser Bay Area premium rate increase is between 10%-15%, the City and employee will split the cost of the increase above ten percent (10%) evenly. Upon expiration of the resolution, the flex dollar amount increase shall revert back to a maximum of 3%, based on the Kaiser Bay Area premium rate increase.

4. **Severance Pay:** The severance pay amount is tied to years of service up to a maximum of six (6) months' severance pay. Severance pay is contingent upon an employee's release of claims against the City and only applies for terminations that are "not for cause."
5. **Non-Economic Items:** The attached resolution also includes the following changes:
 - Gender Neutral Language: Replaces references to "he," "she," "his," and "hers" with "they," "them," and "their."
 - Holidays: Adds Juneteenth to the list of City holidays and reduces the number of floating holidays from two to one.
 - Bereavement Leave: Updates existing bereavement language to comply with changes in state law.
 - Paid Parental Leave: Provides 300 hours of paid parent leave for employees following the birth or adoption of a child.
 - End of Life Care Leave: Provides up to 80 hours of paid leave for an employee who is providing care for a family member at the end of their life.
 - Wellness Benefit: Broadens use of the exiting benefit to include reimbursement for health and wellness expenses such as wellness counseling, physical therapy, and smoking cessation programs.
 - At-Will Status: Adds language clarifying the at-will status of Executive staff.

Additional Considerations

In addition, due to the consolidation of the Community Development and Economic Development departments this past year, staff recommends deleting the Director of Economic Development & Innovation position, as shown in Exhibit A to the Proposed Executive Management Salary Resolution (Attachment 1).

The City's past practice has been to enter into employment agreements with the public safety chiefs. The City's labor and employment attorney has recommended the City also establish employment agreements with the other Unrepresented Executive Management Employees to confirm their compensation and benefits. Under this proposed resolution, the City Manager would be authorized to enter into employment agreements with each of the Unrepresented Executive Management Employees in accordance with the terms of the proposed Salary Resolution (Attachment 1).

FISCAL IMPACT:

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The current total annual salary and benefit cost to the City for the eleven executive management employees is \$3,677,657. The additional ongoing incremental cost of the recommended salary resolution beyond the FY 2024-25 budget is:

	<u>Incremental FY 2024-25</u>	<u>Incremental FY 2025-26</u>	<u>Incremental FY 2026-27</u>
Wages:			
Salary	\$220,579	\$239,919	\$234,465
Other Costs:			
Pension*	\$107,435	\$117,647	\$117,361
Taxes (Medicare, WC)	\$10,974	\$12,232	\$12,964
Benefits	<u>\$43,922</u>	<u>\$10,320</u>	<u>\$10,836</u>
Total Annual Incremental Costs:	\$382,910	\$380,118	\$375,626
Total Over Term of Contract	\$1,148,730	\$760,236	\$375,626
			\$2,284,595

***This incremental pension cost results only from the negotiated wage increase and does not include the cost of associated MCERA rate changes. The terms and conditions of the pension benefit plan remain unchanged.*

While the incremental cost is \$382,910 for fiscal year 2024-2025, \$380,118 for fiscal year 2025-2026, and \$375,626 for fiscal year 2026-2027, the increases are compounding and therefore the projected cumulative wages and other costs total \$2,284,595. Year 1 funding for these positions is provided for in the fiscal year 2024-25 adopted budget.

OPTIONS:

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

- Accept staff's recommendation to adopt the resolution.
- Adopt resolution with modifications.
- Direct staff to return with more information.
- Take no action.

RECOMMENDED ACTION:

- Staff recommends that the City Council adopt the Salary Resolution establishing the compensation and working conditions for Unrepresented Executive Management Employees (July 1, 2024, through June 30, 2027), and
- Staff recommends that the City Council authorize the City Manager to enter into employment agreements with the unrepresented executive management employees.

ATTACHMENTS:

1. Salary Resolution Establishing the Compensation and Working Conditions for Unrepresented Executive Management Employees (July 1, 2024, through June 30, 2027), with Exhibit A (salary schedule) and additional attachments
2. Salary Resolution with tracked changes

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL ESTABLISHING THE
COMPENSATION AND WORKING CONDITIONS FOR
UNREPRESENTED EXECUTIVE MANAGEMENT EMPLOYEES
(JULY 1, 2024 THROUGH JUNE 30, 2027)
AND AUTHORIZING THE CITY MANAGER TO ENTER INTO EMPLOYMENT AGREEMENTS
WITH THE UNREPRESENTED EXECUTIVE MANAGEMENT EMPLOYEES**

1. EXECUTIVE MANAGEMENT EMPLOYEES

The Executive Management Employees of the City of San Rafael are the Executive Management Job Class Titles (“Executives”) enumerated in Exhibit A, attached hereto and incorporated herein. This Resolution shall constitute the compensation and conditions of employment for the Executives for the period from July 1, 2024, through June 30, 2027.

The City Manager is hereby authorized to enter into employment agreements in accordance with the terms specified herein.

2. SALARY AND COMPENSATION GOALS

A. GOALS AND COMPENSATION DEFINITIONS

It is the goal of the City Council to try to achieve a total compensation package for all Executives that is competitive compared to similar cities in our labor market. The survey cities are Fairfield, Hayward, San Leandro, South San Francisco, Alameda, Napa, Novato, and Santa Rosa. The Council’s goal is to attract and retain the most qualified Executives in accordance with the City’s ability to pay.

Total Compensation for survey purposes shall be defined as: Top step salary (excluding longevity pay steps), educational incentive pay, holiday pay, uniform allowance, auto allowance, employer paid deferred compensation (except for such portion that may be part of employee cafeteria plan), employer’s contribution towards employees’ share of retirement, employer’s retirement contribution, employer paid contributions toward insurance premiums for health, life, long term disability, dental and vision plans, Executive Management allowance, and employer paid cafeteria/flexible spending accounts.

B. COMPENSATION SURVEYS

In order to measure progress towards the above-stated goal, the City shall survey all Executive Management positions in the final year of the Resolution in advance of discussions regarding a successor Resolution.

Identified survey positions from other agencies include positions that are filled as well as those that may be unfilled, so long as the position is identified by the survey agency as being on the salary schedule and having a job class description. The appropriate survey positions will be selected for Executive Management positions based upon similar work and similar job requirements.

The City shall review the survey data for accuracy and completeness. The City shall provide the survey data to all Executives.

C. SALARY INCREASES

Individual classification salary increase percentages depend on the labor market adjustment applied to each position. The salary schedule included with this salary resolution authorizes the proposed new salary for each position.

D. CAR ALLOWANCE

The monthly car allowance paid to the Executives shall be \$350. Executives identified in Exhibit A may be eligible to have use of a city car in lieu of the monthly car allowance at the discretion of the City Manager.

3. INSURANCE

Health & Dental Insurance benefits are prorated for part-time employees in accordance with the percentage of full-time work schedule. Domestic partners who are registered with the Secretary of State and same-sex spouses are considered dependents under these benefits. Pertinent taxes will be applied to coverage provided to registered domestic partners and same sex spouses as required by federal and state laws.

A. HEALTH INSURANCE

- 1. **Health Insurance for Active Employees.** Effective January 1, 2009, the City implemented a full flex cafeteria plan for active employees, in accordance with IRS Code Section 125. Active employees participating in the City’s full flex cafeteria plan shall receive a monthly flex dollar allowance to purchase benefits under the full flex cafeteria plan.

The monthly flex dollar allowance effective the paycheck of July 1, 2024, shall be:

For employee only:	\$ 735.86
For employee and one dependent:	\$ 1,471.71
For employee and two or more dependents:	\$ 1,913.24

The monthly flex dollar allowance effective the paycheck of December 15, 2024, shall be:

For employee only:	\$ 950.00
For employee and one dependent:	\$ 1,900.00
For employee and two or more dependents:	\$ 2,400.00

Effective December 15, 2025, and December 15, 2026, the flex dollar allowances shall increase on the December 15th paycheck up to a maximum of five percent (5.0%) on an annual basis. If the Kaiser Bay Area premium rate increase is less than five percent (5.0%), the flex dollar allowance shall only increase the amount of the Kaiser Bay Area premium increase. In the event that the Kaiser Bay Area premium rate increase for the upcoming calendar year exceeds ten percent (10%) and is less than fifteen percent (15%), the City and the employee will split the cost of the increase above ten percent (10%) evenly; each paying 50% of the dollar value of the increase between 10-15%.

Upon expiration of this resolution, the flex dollar allowances for Executive Management Employees represented by this resolution shall increase on the December 15th paycheck of each subsequent year up to a maximum of three percent (3%) on an annual basis, based on but not to exceed the Kaiser Bay Area premium rate increase for the upcoming calendar year.

The City shall contribute to the cost of medical coverage for each eligible employee and their dependents, an amount not to exceed the California Public Employees' Medical and Hospital Care Act (PEMHCA) contribution, as determined by CalPERS on an annual basis. This portion of the monthly flex dollar allowance is identified as the City's contribution towards PEMHCA. The balance of the monthly flex dollar allowance (after the PEMHCA minimum contribution) may be used in accordance with the terms of the cafeteria plan to purchase health benefits.

Conditional Opt-Out Payment: An employee may elect to waive the City's health insurance coverage and receive the value of the Employee Only contribution as a monthly Opt-Out payment in accordance with the terms of the cafeteria plan, and the Affordable Care Act, if the employee complies with the following conditions:

- 1) The employee certifies that the employee and all individuals in the employee's tax family for whom coverage is waived, have alternative Minimum Essential Coverage as defined by the Patient Protection and Affordable Care Act through a provider other than a federal marketplace, a state exchange, or an individual policy.
- 2) During the City's annual open enrollment period, the employee must complete an annual written attestation confirming that the employee and the other members of the employee's tax family are enrolled in alternative Minimum Essential Coverage. The employee agrees to notify the City no later than 30 days if the employee or other member(s) of the employee's tax family lose coverage under the alternative Minimum Essential Coverage Plan.
- 3) The employee understands that the City is legally required to immediately stop conditional opt-out payments if the City learns that the employee and/or members of the employee's family do not have the alternative Minimal Essential Coverage.

The City reserves the right to modify at any time, the amount an employee is eligible to receive under this paragraph, if required by IRS Cafeteria Plan regulations, other legislation or Federal and/or California agency guidance.

Miscellaneous Allowance for Employees promoted or hired into an Executive position on or before January 1, 2009:

The City shall pay to employees hired on or before January 1, 2009 a miscellaneous allowance in an amount equivalent to the difference between the employee's benefit election for coverage under PEMHCA and their flex dollar allowance, if their benefit election under PEMHCA exceeds their flex dollar allowance. The miscellaneous allowance shall be treated as income. An employee may use the miscellaneous allowance to pay for health coverage on a pre-tax basis as defined under the City's Cafeteria plan.

2. Health Insurance for Retirees

a. Employees promoted or hired into an Executive position prior to April 1, 2007 and who retire from the Marin County Employees' Retirement Association (MCERA) within 120 days of leaving their City of San Rafael Executive Management position (and who comply with the appropriate retirement provisions under the MCERA laws and regulations) are eligible to continue in the City's group health insurance program. The City's contribution towards the coverage of retirees under this subsection (3.A.2.a) shall be the PEMHCA minimum contribution as determined by CalPERS on an annual basis.

On a monthly basis, the City shall make a longevity payment equivalent to the difference between the PEMHCA minimum contribution and the premium cost of coverage, for the retiree and the retiree's spouse/registered domestic partner or surviving spouse/registered domestic partner and/or qualified dependent children's coverage under PEMHCA up to the maximum contribution the City makes towards the cost of coverage of an active employee hired prior to April 1, 2007. The City's longevity contribution shall remain in effect for the retired manager's life and that of the retired manager's spouse/registered domestic partner or surviving spouse/registered domestic partner.

As described in this subsection, the City shall reimburse retired Executives and their spouses or registered domestic partners the Medicare Part B standard premium amount, as determined by the Centers of Medicare and Medicaid Services (CMS) on an annual basis. To initiate reimbursement, retirees must submit proof of payment of the Medicare Part B premiums to the Human Resources Department. If the Medicare Part B is deducted from social security, the retiree/spouse/domestic partner may submit a copy of the social security check, the Medicare Part B bill, or other relevant documentation. Reimbursements will be processed on a quarterly basis. This reimbursement shall remain in effect for the retired Executive's life and that of the retired Executive's spouse/registered domestic partner or surviving spouse/registered domestic partner.

b. Employees promoted or hired into an Executive position on or after April 1, 2007 and who retire from the Marin County Employees' Retirement Association (MCERA) within 120 days of leaving their City of San Rafael position (and comply with the appropriate retirement provisions under the MCERA laws and regulations) are eligible to continue in the City's group health insurance program. The City's contribution towards the coverage of retirees under this subsection (3.A.2.b) shall be the PEMHCA minimum contribution as determined by CalPERS on an annual basis.

On a monthly basis, the City shall make a longevity payment equivalent to the difference between the PEMHCA minimum contribution and the premium cost of coverage, up to \$600, for the retiree. The City shall not be responsible for making any contributions towards the cost of coverage of the retiree's spouse, registered domestic partner or retiree's dependents. The City's longevity contribution shall cease on the retired manager's death. The City shall not be responsible for reimbursing retired Executives and/or their spouses for any Medicare premiums paid by the retired manager and/or the retired manager's spouse or surviving spouse.

c. Employees promoted or hired into an Executive position on or after January 1, 2009 and who retire from the Marin County Employees' Retirement Association (MCERA) within 120 days of leaving their City of San Rafael position (and comply with the appropriate retirement provisions under the MCERA laws and regulations) are eligible to continue in the City's group health insurance program. The City's contribution towards the coverage of retirees under this subsection (3.A.2.c) shall be the PEMHCA minimum contribution as determined by CalPERS on an annual basis. The City shall not be responsible for reimbursing retired Executives and/or their spouses for any Medicare premiums paid by the retired manager and/or the retired manager's spouse or surviving spouse.

The City shall additionally make available a retiree health care trust to enable these employees to prefund retiree health care premiums while employed by the City. The retiree health care trust shall be funded by the mandatory annual conversion of 50 hours of sick time

in service on July 1 of each year, provided an employee has a remaining balance of 75 hours of sick leave after the conversion.

B. LIFE INSURANCE

The City shall provide a basic group life insurance plan in the amount of \$250,000 at no cost to the employee.

C. LONG-TERM DISABILITY INSURANCE

The City shall provide long-term disability (LTD) insurance, at no cost to the employee, with a benefit of two-thirds (2/3) of the employee's monthly salary, up to a maximum benefit of \$7,500 (reduced by any deductible benefits).

D. DENTAL INSURANCE

The City shall pay dental premiums on behalf of the employee and eligible dependents.

E. VISION PLAN

The City will contract for and pay for a vision plan for "employee plus dependent" vision benefits.

F. EMPLOYEE ASSISTANCE PLAN

The City provides an Employee Assistance Program (EAP) with confidential personal counseling on work and family related issues such as eldercare, substance abuse, etc. Supervisors may also utilize the EAP to refer employees to counselors for work-related assistance.

4. RETIREMENT

A. EMPLOYER PAID MEMBER CONTRIBUTION (EPMC)

Each Manager is responsible for paying the full cost of their employee contribution rate as established by the Marin County Employee Retirement Association.

Effective September 1, 2013, in accordance with MCERA and City administrative requirements, all Executive employees will pay an additional contribution of one percent (1%) of pensionable compensation toward the normal cost of pension provided by the Marin County Employees Retirement Association, in addition to the current employee contribution towards pension as determined by MCERA.

The only employees excluded from this payment are long-term City employees with thirty or more years of City service who no longer have to pay any employee contribution to the Marin County Retirement System.

B. COLA

Executives participating in the Marin County Employee Retirement Association will pay their full share of members' cost of living rates as allowed under Articles 6 and 6.8 of the 1937 Retirement Act. Miscellaneous and safety member contribution rates include both the basic and COLA portions (currently 50% of the COLA is charged to members as defined in the 1937 Act).

C. RETIREMENT PLAN

The City shall provide the Marin County Employee Retirement Association 2.7% @55 retirement program to all miscellaneous Executives subject to Marin County Employee Retirement Association procedures and regulations and applicable 1937 Act laws. This is based on an employee's single highest year of compensation.

Employees hired on or after July 1, 2011 will receive an MCERA retirement benefit at the formula 2% at 55, calculated based on the average of their highest three years of compensation, in accordance with MCERA regulations. The annual pension adjustment shall be a maximum of 2% COLA. Minimum retirement age is 55.

Employees hired by the City on or after January 1, 2013 who are defined as “new members” of MCERA in accordance with the Public Employees’ Pension Reform Act (PEPRA) of 2013, shall be enrolled in the MCERA 2% @ 62 plan for Miscellaneous members. The employee is responsible for paying the employee contribution of half of the total normal cost of the plan, as defined by MCERA, through a payroll deduction. Final compensation will be based upon the highest annual average compensation earnable during the thirty-six (36) consecutive months of employment immediately preceding the effective date of their retirement or some other period designated by the retiring employee.

D. SERVICE CREDIT FOR SICK LEAVE

Executives who are eligible to accrue sick leave and who retire from the City of San Rafael, on or after 07/01/95 and within 120 days of leaving City employment (excludes deferred retirements), shall receive employment service credit (incorporated from Resolution #9414, dated July 17, 1995), for retirement purposes only, for all hours of accrued, unused sick leave (exclusive of any sick leave hours they are eligible to receive and they elect to receive in compensation at the time of retirement, pursuant to Section 5-A of this Resolution).

This provision will no longer be available to Executives hired after June 30, 2009.

E. EXECUTIVE MANAGEMENT ALLOWANCE

As of September 16, 2015, the Executive Management Allowance of 4.59% was rolled into base pay for all Unrepresented Executive Management employees.

5. LEAVES OF ABSENCE

A. SICK LEAVE

Executives shall earn sick leave credits at the rate of one (1) working day per month commencing with the date of employment. Accrued sick leave may be used during their probationary period.

Executives who leave City service in good standing shall receive compensation (cash in) of all accumulated, unused sick leave based upon the rate of three percent (3%) for each year of service up to a maximum of fifty percent (50%) of their sick leave balance. In the event of the death of an employee, payment for unused sick leave (based upon the previously stated formula) shall be paid to the employee's designated beneficiary.

Executives may accrue unlimited sick leave for usage purposes. However, a maximum of one thousand, two hundred hours (1,200) accrual applies for cash-in purposes at the time of City separation.

Executives may use sick leave prior to completion of probation. In recognition of Executives’ exempt status under FLSA, time off for sick leave purposes shall not be deducted from a Manager’s sick leave accrual, unless the employee is absent for the full workday.

Use of sick leave for work-related injuries or illnesses shall not be required when it is determined by the treating physician that this status is permanent and stationary.

B. VACATION LEAVE

1. **Vacation Accrual** - Vacation is accrued when an employee is on pay status and is credited on a semi-monthly basis. Eligible employees accrue vacation at the following rate for continuous service performed in pay status:

<u>Years of service</u>	<u>Leave Accrual rate/yearly</u>
1-5 years	15 days
6 years	16 days
7 years	17 days
8 years	18 days
9 years	19 days
10 years	20 days
11 years	21 days
12 years	22 days
13 years	23 days
14 years	24 days
15 plus years	25 days

In recognition of Executives' exempt status under FLSA, time off for vacation leave purposes shall not be deducted from a Manager's vacation accrual unless the employee is absent for the full workday.

2. **Administration of Vacation Leave**

The City Manager may advance vacation leave to a Manager; prior approval is required. Executives may accrue a maximum of 250 hours of vacation. Vacation leave accrual shall resume once the employee's accumulated vacation leave balance falls below the accrual limit of 250 hours. Executives who terminate their employment shall be paid in a lump sum for all accrued vacation leave earned prior to the date of termination. Executives may not utilize accrued vacation, administrative leave time, or personal leave time to extend their retirement date and service credit at the end of their city service. .

3. **Annual Option for Payment of Accrued Vacation Leave**

A Manager who has taken at least ten (10) days of vacation in the preceding twelve (12) months, may request that their accrued vacation, not to exceed fifty-two and 1/2 (52.5) hours, be paid to them in cash. The request may be granted at the discretion of the City Manager. Executives may not cash-in more than fifty-two and 1/2 (52.5) hours within any twelve (12) month period.

C. ADMINISTRATIVE LEAVE

Executives shall receive ten (10) Administrative Leave days (75 hours) each calendar year subject to the approval of the City Manager. An additional three (3) may be granted at the discretion and with approval of the City Manager. Unused Administrative Leave shall not carry over from one calendar year to the next, nor shall unused Administrative Leave balances be paid to a Manager upon their resignation.

In recognition of exempt status under FLSA time off for Administrative leave purposes shall not be deducted from a Manager's administrative leave accrual, unless the employee is absent for the full workday.

D. HOLIDAYS

In order to be eligible for compensation for the paid holiday, the employee must both be in paid status on the day before the holiday and on the day after the holiday.

All employees who are required to work on a day designated as an authorized holiday, other than a day on which an election is held throughout the state, shall be paid at the applicable rate of pay for the number of hours actually worked.

City shall provide twelve designated holidays and one floating holidays per calendar year to Executives. Floating holiday hours are automatically added to an employees' vacation accrual on an annual basis.

E. BEREAVEMENT LEAVE

In the event of the death of a Manager's spouse, registered domestic partner, child, parent, sibling, parent in-laws, grandchild, grandparent, relative who lives or has lived in the home of the employee to such an extent that the relative was considered a member of the immediate family and/or another individual who has a legal familial relationship to the employee and resided in the employee's household, up to five (5) days may be granted for paid bereavement leave. All bereavement leave must be exhausted within 3 months of the date of the death of the family member and may be taken intermittently.

In those cases where the death involves an individual who had such a relationship with the employee, as defined above, the employee shall sign a simple affidavit describing the relationship and submit this to the City Manager as part of the request for bereavement leave. Directors may make a request to the City Manager, to use bereavement leave for a relative other than those listed above.

The above bereavement clause shall also apply in the event of a reproductive loss for an employee. The City agrees to maintain employee confidentiality related to the reproductive loss leave.

F. CATASTROPHIC LEAVE

All Executives shall abide by the City's Catastrophic Leave Policy.

G. PAID PARENTAL LEAVE

Effective July 1, 2024, any employee who has been continuously employed by the City for at least 12 months prior to the start of the leave shall be eligible for Paid Parental Leave (PPL) to use within 12 months of the following eligible events:

1. Birth of a child of the employee, the employee's spouse, or the employee's registered domestic partner.
2. Placement of a child with the employee for adoption.

For the purposes of PPL, the definition of "parent" and "child" are as defined by the California Family Rights Act.

Benefit and Use:

1. Eligible employees shall be granted 300 PPL hours to use within 12 months of the qualifying event for the purposes of disability due to pregnancy and/or baby bonding. Regular part-time employees shall be eligible for a prorated number of PPL hours, based on scheduled and budgeted FTE.

2. PPL is based on a 12-month rolling calendar. No more than 300 PPL hours may be used in any 12-month period. PPL may not be used or extended beyond the 12-month time frame and any accrued and unused PPL will be forfeited at the end of the 12-month period for the qualifying event.
3. Upon termination of the employee's employment at the City, they will not be paid for any accrued and unused PPL for which they were eligible.
4. PPL is based on the employee's regularly scheduled hourly base wage. It is considered "paid status" for the purpose of merit, seniority, benefit premium contributions, retirement service credit, vacation and sick leave accrual, and City benefit eligibility and contributions.
5. PPL shall be used in a block of continuous time or on an intermittent or reduced schedule. Intermittent leaves or reduced schedules must be arranged and approved by the employee's supervisor in advance.
6. PPL shall run concurrently with FMLA/CFRA and with PDL as set forth in paragraph 7, below. Eligible employees will be reinstated to the same or equivalent position in accordance with FMLA/CFRA protections. This may include altered assignments to accommodate the department's operational needs when the employee is working a reduced work schedule.
7. Pregnancy Disability Leave (PDL): An eligible employee on PDL must reduce their sick leave balance to 40 hours or less to use PPL concurrently with PDL. An eligible employee is not required to further reduce their balance once they have reached the initial threshold of 40 hours or less.

Coordination of Benefits & Leaves:

- PPL taken under this policy will run concurrently with leave under the FMLA, CFRA, and PDL once the eligible employee's sick leave balance is reduced to 40 hours or less.
- PPL will be fully integrated with any short-term disability or California Paid Family Leave program but shall not exceed one hundred percent (100%) of the employee's normal gross salary rate.
- The use of Short-Term Disability (STD) and Paid Family Leave (PFL) will not reduce available hours under the PPL leave entitlement.
- For time covered by FMLA/CFRA job protected leave for baby bonding purposes, PPL must be used prior to other accrued leave or unpaid leave except as discussed in number 7 above.
- If an employee has exhausted FMLA/CFRA entitlements for reasons other than baby bonding, PPL must be used prior to other accrued leaves or Leave Without Pay for arranged leaves for the purpose of baby bonding. Scheduling of non-FMLA/CFRA protected PPL is subject to department approval.
- An employee who is eligible for PPL but is on leave for other reasons cannot use PPL except as described in paragraph 7 above.

H. END OF LIFE CARE LEAVE

Eligibility:

Effective July 1, 2024, employees who have been continuously employed by the City for at least 12 months prior to the start of the leave shall be eligible for End of Life Care leave to provide end of life care for an immediate family member, which shall include an employee's spouse, registered domestic partner, child, parent, sibling, parent, parent in-law(s), grandparent, or grandchild.

End of Life care may be used to provide support, assistance and care to an immediate family member, as defined above, who is receiving end of life services through hospice or a medical facility.

Benefit and Use:

1. Eligible employees shall receive 80 hours of End of Life Care leave to be used during their employment with the City for use to support an immediate family member near the end of life, as described above.
2. Upon termination of the employee's employment at the City, they will not be paid for any accrued and unused End of Life Care leave for which they were eligible. Further, if an employee leaves City employment and returns to City service later in their career, the employee shall receive any unused hours from their previous employment with the City but shall not be granted any additional hours of for End of Life Care Leave.
3. End of Life Care leave is based on the employee's regularly scheduled hourly base wage. It is considered "paid status" for the purpose of merit, seniority, benefit premium contributions, retirement service credit, vacation and sick leave accrual, and City benefit eligibility and contributions.
4. End of Life Care leave shall be used in a block of continuous time or on an intermittent or reduced schedule. Intermittent leaves or reduced schedules must be arranged and approved by the employee's supervisor in advance.
5. End of Life Care shall run concurrently with FMLA/CFRA. Eligible employees will be reinstated to the same or equivalent position in accordance with FMLA/CFRA protections. This may include altered assignments to accommodate the department's operational needs when the employee is working a reduced work schedule.
6. An employee who is eligible for End of Life Care Leave but is on leave for other reasons cannot use PPL except as described in paragraph 5 above.

6. EMPLOYMENT TERMS

A. HOURS OF WORK

The WORK WEEK will reflect thirty-seven and one-half (37.5) hours for all job classes. Unless otherwise designated, the normal business hours for vacation, sick and administrative leave deduction and sick and administrative leave accrual purposes for Executives shall be 7.5 hours per day.

B. DRUG FREE WORK PLACE

All Executives shall abide by the City's Drug and Alcohol Policy.

C. FURLOUGH PLAN

Executives endorse the Furlough Program described in Exhibit B.

D. PAY FOR PERFORMANCE EVALUATION SYSTEM

Executives shall be evaluated annually based upon the evaluation program adopted by the City Council in October of 1996 and incorporated by reference herein.

E. OUTSIDE EMPLOYMENT

All Executives shall abide by the City’s Outside Employment Policy.

F. WELLNESS BENEFIT

Employees are eligible to receive up to \$16.50 per month reimbursement for all eligible health and wellness expenses as follows: preventative medical examinations (minus any amount paid by a private insurance plan), paid health or gym club memberships, licensed weight loss facility memberships, physical therapy sessions, smoking cessation programs, wellness counseling, acupuncture, or meditation programs. Such reimbursement shall be reported as taxable income to the employee.

G. PERSONNEL RULES & REGULATIONS

All employees shall follow the City’s Personnel Rules and Regulations located on the City’s website.

H. AT WILL STATUS

All positions covered by this resolution are at-will and as such serve at the pleasure of the appointing authority and may be removed at any time without cause and without right of appeal.

I. SEVERANCE

Except employees who have committed an abuse of office or position as defined by Government Code Section 53243.4 or committed a violation of the Fair Employment and Housing Act, an Unrepresented Executive Management employee who is involuntarily separated shall receive severance pay in a lump sum equal to the following, provided they sign a settlement and general release provided by the City:

- 1 year of service = two months of salary and two months of COBRA health insurance.
- 2 years of service = three months of salary and three months of COBRA health insurance.
- 3 years of service = four months of salary and four months of COBRA health insurance.
- 4 years of service = five months of salary and five months of COBRA health insurance.
- 5 or more years of service = six months of salary and six months of COBRA health insurance.

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 Council of said City held on the 15th day of July 2024 by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, CITY CLERK

**SAN RAFAEL UNREPRESENTED EXECUTIVE MANAGEMENT
SALARY SCHEDULE**
Effective July 1, 2024

Grade	Position	A	B	C	D	E
2501	Assistant City Attorney	\$ 14,635	\$ 15,367	\$ 16,135	\$ 16,942	\$ 17,789
2001	Assistant City Manager	\$ 20,829	\$ 21,871	\$ 22,964	\$ 24,112	\$ 25,318
2300	Director of Community & Economic Development	\$ 15,770	\$ 16,559	\$ 17,387	\$ 18,256	\$ 19,169
4205	Director of Digital Service & Open Government	\$ 14,977	\$ 15,726	\$ 16,512	\$ 17,337	\$ 18,204
2801	Director of Economic Development & Innovation					
2205	District Manager/Engineer (SRSD)	\$ 14,088	\$ 14,792	\$ 15,532	\$ 16,308	\$ 17,124
2140	Finance Director	\$ 14,772	\$ 15,510	\$ 16,286	\$ 17,100	\$ 17,955
7101	Fire Chief	\$ 20,623	\$ 21,654	\$ 22,737	\$ 23,873	\$ 25,067
1106	Human Resources Director	\$ 14,908	\$ 15,654	\$ 16,436	\$ 17,258	\$ 18,121
2406	Library and Recreation Director	\$ 15,516	\$ 16,292	\$ 17,106	\$ 17,961	\$ 18,859
6101	Police Chief	\$ 20,623	\$ 21,654	\$ 22,737	\$ 23,873	\$ 25,067
2201	Public Works Director	\$ 16,075	\$ 16,879	\$ 17,723	\$ 18,609	\$ 19,540

Position	Monthly Salary
City Manager (Appointed)	\$ 24,494

**SAN RAFAEL UNREPRESENTED EXECUTIVE MANAGEMENT
SALARY SCHEDULE
Effective July 1, 2025**

Grade	Position	A	B	C	D	E
2501	Assistant City Attorney	\$ 15,659	\$ 16,442	\$ 17,264	\$ 18,128	\$ 19,034
2001	Assistant City Manager	\$ 21,454	\$ 22,527	\$ 23,653	\$ 24,836	\$ 26,078
2300	Director of Community & Economic Development	\$ 16,716	\$ 17,552	\$ 18,430	\$ 19,351	\$ 20,319
4205	Director of Digital Service & Open Government	\$ 16,325	\$ 17,141	\$ 17,998	\$ 18,898	\$ 19,843
2801	Director of Economic Development & Innovation					
2205	District Manager/Engineer (SRSD)	\$ 14,510	\$ 15,236	\$ 15,998	\$ 16,798	\$ 17,637
2140	Finance Director	\$ 15,953	\$ 16,751	\$ 17,589	\$ 18,468	\$ 19,391
7101	Fire Chief	\$ 21,241	\$ 22,303	\$ 23,419	\$ 24,590	\$ 25,819
1106	Human Resources Director	\$ 16,250	\$ 17,063	\$ 17,916	\$ 18,812	\$ 19,752
2406	Library and Recreation Director	\$ 16,602	\$ 17,432	\$ 18,304	\$ 19,219	\$ 20,180
6101	Police Chief	\$ 21,241	\$ 22,303	\$ 23,419	\$ 24,590	\$ 25,819
2201	Public Works Director	\$ 17,120	\$ 17,976	\$ 18,875	\$ 19,819	\$ 20,810

Position	Monthly Salary
City Manager (Appointed)	\$ 24,494

**SAN RAFAEL UNREPRESENTED EXECUTIVE MANAGEMENT
SALARY SCHEDULE
Effective July 1, 2026**

Grade	Position	A	B	C	D	E
2501	Assistant City Attorney	\$ 16,129	\$ 16,936	\$ 17,782	\$ 18,671	\$ 19,605
2001	Assistant City Manager	\$ 22,098	\$ 23,203	\$ 24,363	\$ 25,581	\$ 26,860
2300	Director of Community & Economic Development	\$ 17,218	\$ 18,079	\$ 18,983	\$ 19,932	\$ 20,929
4205	Director of Digital Service & Open Government	\$ 17,794	\$ 18,684	\$ 19,618	\$ 20,599	\$ 21,629
2801	Director of Economic Development & Innovation					
2205	District Manager/Engineer (SRSD)	\$ 14,946	\$ 15,693	\$ 16,478	\$ 17,302	\$ 18,167
2140	Finance Director	\$ 17,230	\$ 18,091	\$ 18,996	\$ 19,945	\$ 20,943
7101	Fire Chief	\$ 21,879	\$ 22,973	\$ 24,121	\$ 25,327	\$ 26,594
1106	Human Resources Director	\$ 17,550	\$ 18,428	\$ 19,349	\$ 20,316	\$ 21,332
2406	Library and Recreation Director	\$ 17,598	\$ 18,478	\$ 19,402	\$ 20,372	\$ 21,390
6101	Police Chief	\$ 21,879	\$ 22,973	\$ 24,121	\$ 25,327	\$ 26,594
2201	Public Works Director	\$ 17,634	\$ 18,516	\$ 19,441	\$ 20,413	\$ 21,434

Position	Monthly Salary
City Manager (Appointed)	\$ 24,494

EXECUTIVE MANAGEMENT SALARY RESOLUTION
EXHIBIT "B"

FURLOUGH PROGRAM

Both the City of San Rafael and the Management Group employees recognize the current economic condition of the State of California and the City of San Rafael. Through this recognition and in a cooperative spirit the City of San Rafael and these employees have worked expeditiously on the development of a Furlough Program. This does not mean the City will necessarily implement furloughs; but in the event it is necessary to implement due to continued economic problems in the City of San Rafael the procedures for this Furlough Program shall provide for both Voluntary Time Off (herein described as VTO) and Mandatory Time Off (herein described as MTO).

Voluntary Time Off (VTO).

The needs of the City and the respective departments (as determined by the Department Director and City Manager) will need to be considered in the actual granting of VTO. Any VTO time granted and the resulting savings will have a corresponding impact on the time needed through MTO.

1. An employee's VTO time would count in determining how many hours of MTO an employee needed to take during the fiscal year.
2. Employees who take VTO at a time other than when MTO is taken by other employees will have to take vacation leave, compensatory time off or leave without pay if the MTO results in the closure of the department.

Mandatory Time Off (MTO).

The City will attempt to schedule MTO time in blocks of days (between Christmas and New Years) or individual days next to scheduled holidays and/or weekends.

1. Employees may not take paid vacation time in lieu of designated MTO time.
2. For retirement calculation purposes of the MTO, the City shall follow the policies and procedures of the Marin County Employees' Retirement Association (MCERA) at the time of the furlough.
3. Any employee who notifies the City no later than 07/30/11 of their retirement date and retires from the City during FY 11-12 shall be exempted from the MTO requirements. If said employee did not retire during FY 11-12 as stated, said employee would be docked in pay an amount equivalent to the number of MTO hours taken by other represented employees.
4. MTO time shall apply toward time in service for step increases, completion of probation, and related service credit subject to the policies and procedures of the Marin County Employees' Retirement Association (MCERA).

Other Terms and Conditions.

1. The MTO salary reduction shall be limited to a maximum five percent (5%) reduction in work hours/pay for the fiscal year. When the maximum MTO reduction (5%) is implemented, the involved employee shall be credited with three (3) days of float time.
2. Float Time accrued through the MTO Program must be taken in the fiscal year following the furlough, with supervisory approval, or the leave will be forfeited. The float days have no cash value upon termination of employment.
3. Should the City experience a financial windfall during the fiscal year that furloughs are implemented, the City agrees to re-open discussions on this Furlough Program.
4. The VTO/MTO salary reduction is intended to be permanent for the term of this contract.

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL ESTABLISHING THE
COMPENSATION AND WORKING CONDITIONS FOR
UNREPRESENTED EXECUTIVE MANAGEMENT EMPLOYEES
(JULY 1, ~~2021~~2024 THROUGH JUNE 30, ~~2024~~2027)
AND AUTHORIZING THE CITY MANAGER TO ENTER INTO EMPLOYMENT AGREEMENTS
WITH THE UNREPRESENTED EXECUTIVE MANAGEMENT EMPLOYEES**

1. EXECUTIVE MANAGEMENT EMPLOYEES

The Executive Management Employees of the City of San Rafael are the Executive Management Job Class Titles (“Executives”) enumerated in Exhibit A, attached hereto and incorporated herein. This Resolution shall constitute the compensation and conditions of employment for the Executives for the period from July 1, ~~2021~~2024, through June 30, ~~2024~~2027.

The City Manager is hereby authorized to enter into employment agreements in accordance with the terms specified herein.

2. SALARY AND COMPENSATION GOALS

A. GOALS AND COMPENSATION DEFINITIONS

It is the goal of the City Council to try to achieve a total compensation package for all Executives that is competitive compared to similar cities in our labor market. The survey cities are Fairfield, Hayward, San Leandro, South San Francisco, Alameda, Napa, Novato, and Santa Rosa. The Council’s goal is to attract and retain the most qualified Executives in accordance with the City’s ability to pay.

Total Compensation for survey purposes shall be defined as: Top step salary (excluding longevity pay steps), educational incentive pay, holiday pay, uniform allowance, auto allowance, employer paid deferred compensation (except for such portion that may be part of employee cafeteria plan), employer’s contribution towards employees’ share of retirement, employer’s retirement contribution, employer paid contributions toward insurance premiums for health, life, long term disability, dental and vision plans, Executive Management allowance, and employer paid cafeteria/flexible spending accounts.

B. COMPENSATION SURVEYS

In order to measure progress towards the above-stated goal, the City shall survey all Executive Management positions in the final year of the Resolution in advance of discussions regarding a successor Resolution.

Identified survey positions from other agencies include positions that are filled as well as those that may be unfilled, so long as the position is identified by the survey agency as being on the salary schedule and having a job class description. The appropriate survey positions will be selected for Executive Management positions based upon similar work and similar job requirements.

The City shall review the survey data for accuracy and completeness. The City shall provide the survey data to all Executives.

C. SALARY INCREASES

~~Prior year contract extension — restoration of 3% base wage: For FY 20-21, all bargaining groups (except WCE, Local 1, Mid-Management and Executive Management) received a 3% base wage increase for the 1-year contract extension which was implemented for FY 20/21. The timing of the COVID-19 pandemic and the associated financial losses which were projected at that time, resulted in an unintended disparate treatment of the bargaining groups. WCE, Local 1, Mid-Management and Executive Management did not receive this same 3% base wage increase for FY 20-21. However, the City is now in a financial position to “restore” the 3% base wage increase to those groups. The 3% base wage increase will apply to the Elected City Clerk and Elected City attorney positions and is reflected in the salaries listed below.~~

Individual classification salary increase percentages depend on the labor market adjustment applied to each position. The salary schedule included with this salary resolution authorizes the proposed new salary for each position.

D. CAR ALLOWANCE

The monthly car allowance paid to the Executives shall be \$350. Executives identified in Exhibit A may be eligible to have use of a city car in lieu of the monthly car allowance at the discretion of the City Manager.

3. INSURANCE

Health & Dental Insurance benefits are prorated for part-time employees in accordance with the percentage of full-time work schedule. Domestic partners who are registered with the Secretary of State and same-sex spouses are considered dependents under these benefits. Pertinent taxes will be applied to coverage provided to registered domestic partners and same sex spouses as required by federal and state laws.

A. HEALTH INSURANCE

- 1. **Health Insurance for Active Employees.** Effective January 1, 2009, the City implemented a full flex cafeteria plan for active employees, in accordance with IRS Code Section 125. Active employees participating in the City’s full flex cafeteria plan shall receive a monthly flex dollar allowance to purchase benefits under the full flex cafeteria plan.

The monthly flex dollar allowance effective the paycheck of ~~December 15, 2020~~July 1, 2024, shall be:

For employee only:	\$ <u>673.42735.86</u>
For employee and one dependent:	\$ <u>1,346.82471.71</u>
For employee and two or more dependents:	\$ <u>1,750.88913.24</u>

~~Flex~~The monthly flex dollar allowance effective the paycheck of December 15, 2024, shall be:

<u>For employee only:</u>	<u>\$ 950.00</u>
<u>For employee and one dependent:</u>	<u>\$ 1,900.00</u>
<u>For employee and two or more dependents:</u>	<u>\$ 2,400.00</u>

Effective December 15, 2025, and December 15, 2026, the flex dollar allowances shall increase on the December 15th paycheck up to a maximum of five percent (5.0%) on an

annual basis. If the Kaiser Bay Area premium rate increase is less than five percent (5.0%), the flex dollar allowance shall only increase the amount of the Kaiser Bay Area premium increase. In the event that the Kaiser Bay Area premium rate increase –for the upcoming calendar year exceeds ten percent (10%) and is less than fifteen percent (15%), the City and the employee will split the cost of the increase above ten percent (10%) evenly; each paying 50% of the dollar value of the increase between 10-15%.

Upon expiration of this resolution, the Flex–flex dollar allowances for Executive Management Employees represented by this resolution shall increase on the December 15th paycheck of each subsequent year ~~by~~ up to a maximum of three percent (3%) on an annual basis, based on but not to exceed the Kaiser Bay Area premium rate increase for the upcoming calendar year.

The City shall contribute to the cost of medical coverage for each eligible employee and ~~his/her~~their dependents, an amount not to exceed the California Public Employees' Medical and Hospital Care Act (PEMHCA) contribution, as determined by CalPERS on an annual basis. This portion of the monthly flex dollar allowance is identified as the City's contribution towards PEMHCA. The balance of the monthly flex dollar allowance (after the PEMHCA minimum contribution) may be used in accordance with the terms of the cafeteria plan to purchase health benefits ~~or may be converted to taxable income.~~

Conditional Opt-Out Payment: An employee may elect to waive the City's health insurance coverage and receive the value of the Employee Only contribution as a monthly Opt-Out payment in accordance with the terms of the cafeteria plan, and the Affordable Care Act, if the employee complies with the following conditions:

- 1) The employee certifies that the employee and all individuals in the employee's tax family for whom coverage is waived, have alternative Minimum Essential Coverage as defined by the Patient Protection and Affordable Care Act through a provider other than a federal marketplace, a state exchange, or an individual policy.
- 2) During the City's annual open enrollment period, the employee must complete an annual written attestation confirming that the employee and the other members of the employee's tax family are enrolled in alternative Minimum Essential Coverage. The employee agrees to notify the City no later than 30 days if the employee or other member(s) of the employee's tax family lose coverage under the alternative Minimum Essential Coverage Plan.
- 3) The employee understands that the City is legally required to immediately stop conditional opt-out payments if the City learns that the employee and/or members of the employee's family do not have the alternative Minimal Essential Coverage.

The City reserves the right to modify at any time, the amount an employee is eligible to receive under this paragraph, if required by IRS Cafeteria Plan regulations, other legislation or Federal and/or California agency guidance.

Miscellaneous Allowance for Employees promoted or hired into an Executive position ~~hired~~ on or before January 1, 2009:

The City shall pay to employees hired on or before January 1, 2009 a miscellaneous allowance in an amount equivalent to the difference between the employee's benefit election for coverage under PEMHCA and their flex dollar allowance, if their benefit election under

PEMHCA exceeds their flex dollar allowance. The miscellaneous allowance shall be treated as income. An employee may use the miscellaneous allowance to pay for health coverage on a pre-tax basis as defined under the City's Cafeteria plan.

2. Health Insurance for Retirees

a. Employees promoted or hired into an Executives positionHired prior to April 1, 2007 and who retire from the Marin County Employees' Retirement Association (MCERA) within 120 days of leaving their City of San Rafael Executive Management position (and who comply with the appropriate retirement provisions under the MCERA laws and regulations) are eligible to continue in the City's group health insurance program. The City's contribution towards the coverage of retirees under this subsection (3.A.2.a) shall be the PEMHCA minimum contribution as determined by CalPERS on an annual basis.

On a monthly basis, the City shall make a longevity payment equivalent to the difference between the PEMHCA minimum contribution and the premium cost of coverage, for the retiree and the retiree's spouse/registered domestic partner or surviving spouse/registered domestic partner and/or qualified dependent children's coverage under PEMHCA up to the maximum contribution the City makes towards the cost of coverage of an active employee hired prior to April 1, 2007. The City's longevity contribution shall remain in effect for the retired manager's life and that of the retired manager's spouse/registered domestic partner or surviving spouse/registered domestic partner.

As described in this subsection, the City shall reimburse retired Executives and their spouses or registered domestic partners the Medicare Part B standard premium amount, as determined by the Centers of Medicare and Medicaid Services (CMS) on an annual basis. To initiate reimbursement, retirees must submit proof of payment of the Medicare Part B premiums to the Human Resources Department. If the Medicare Part B is deducted from social security, the retiree/spouse/domestic partner may submit a copy of the social security check, the Medicare Part B bill, or other relevant documentation. Reimbursements will be processed on a quarterly basis. This reimbursement shall remain in effect for the retired Executive's life and that of the retired Executive's spouse/registered domestic partner or surviving spouse/registered domestic partner.

b. Employees promoted or hired into an Executives positionhired on or after April 1, 2007 and who retire from the Marin County Employees' Retirement Association (MCERA) within 120 days of leaving their City of San Rafael position (and comply with the appropriate retirement provisions under the MCERA laws and regulations) are eligible to continue in the City's group health insurance program. The City's contribution towards the coverage of retirees under this subsection (3.A.2.b) shall be the PEMHCA minimum contribution as determined by CalPERS on an annual basis.

On a monthly basis, the City shall make a longevity payment equivalent to the difference between the PEMHCA minimum contribution and the premium cost of coverage, up to \$600, for the retiree. The City shall not be responsible for making any contributions towards the cost of coverage of the retiree's spouse, registered domestic partner or retiree's dependents. The City's longevity contribution shall cease on the retired manager's death. The City shall not be responsible for reimbursing retired Executives and/or their spouses for any Medicare premiums paid by the retired manager and/or the retired manager's spouse or surviving spouse.

c. Employees promoted or hired into an Executives position hired on or after January 1, 2009 and who retire from the Marin County Employees' Retirement Association (MCERA) within 120 days of leaving their City of San Rafael position (and comply with the appropriate retirement provisions under the MCERA laws and regulations) are eligible to continue in the City's group health insurance program. The City's contribution towards the coverage of retirees under this subsection (3.A.2.c) shall be the PEMHCA minimum contribution as determined by CalPERS on an annual basis. The City shall not be responsible for reimbursing retired Executives and/or their spouses for any Medicare premiums paid by the retired manager and/or the retired manager's spouse or surviving spouse.

The City shall additionally make available a retiree health care trust to enable these employees to prefund retiree health care premiums while employed by the City. The retiree health care trust shall be funded by the mandatory annual conversion of 50 hours of sick time in service on July 1 of each year, provided an employee has a remaining balance of 75 hours of sick leave after the conversion.

B. LIFE INSURANCE

The City shall provide a basic group life insurance plan in the amount of \$250,000 at no cost to the employee.

C. LONG-TERM DISABILITY INSURANCE

The City shall provide long-term disability (LTD) insurance, at no cost to the employee, with a benefit of two-thirds (2/3) of the employee's monthly salary, up to a maximum benefit of \$7,500 (reduced by any deductible benefits).

D. DENTAL INSURANCE

~~The City shall make available to employees an additional flex dollar allowance equal to \$113 per month to purchase dental coverage under the City's dental plan.~~ The City shall pay dental premiums on behalf of the employee and eligible dependents.

E. VISION PLAN

The City will contract for and pay for a vision plan for "employee plus dependent" vision benefits.

F. EMPLOYEE ASSISTANCE PLAN

The City provides an Employee Assistance Program (EAP) with confidential personal counseling on work and family related issues such as eldercare, substance abuse, etc. Supervisors may also utilize the EAP to refer employees to counselors for work-related assistance.

4. RETIREMENT

A. EMPLOYER PAID MEMBER CONTRIBUTION (EPMC)

Each Manager is responsible for paying the full cost of their employee contribution rate as established by the Marin County Employee Retirement Association.

Effective September 1, 2013, in accordance with MCERA and City administrative requirements, all Executive employees will pay an additional contribution of one percent (1%) of pensionable compensation toward the normal cost of pension provided by the Marin County Employees Retirement Association, in addition to the current employee contribution towards pension as determined by MCERA.

The only employees excluded from this payment are long-term City employees with thirty or more years of City service who no longer have to pay any employee contribution to the Marin County Retirement System.

B. COLA

Executives participating in the Marin County Employee Retirement Association will pay their full share of members' cost of living rates as allowed under Articles 6 and 6.8 of the 1937 Retirement Act. Miscellaneous and safety member contribution rates include both the basic and COLA portions (currently 50% of the COLA is charged to members as defined in the 1937 Act).

C. RETIREMENT PLAN

The City shall provide the Marin County Employee Retirement Association 2.7% @55 retirement program to all miscellaneous Executives subject to Marin County Employee Retirement Association procedures and regulations and applicable 1937 Act laws. This is based on an employee's single highest year of compensation.

Employees hired on or after July 1, 2011 will receive an MCERA retirement benefit at the formula 2% at 55, calculated based on the average of their highest three years of compensation, in accordance with MCERA regulations. The annual pension adjustment shall be a maximum of 2% COLA. Minimum retirement age is 55.

Employees hired by the City on or after January 1, 2013 who are defined as "new members" of MCERA in accordance with the Public Employees' Pension Reform Act (PEPRA) of 2013, shall be enrolled in the MCERA 2% @ 62 plan for Miscellaneous members. The employee is responsible for paying the employee contribution of half of the total normal cost of the plan, as defined by MCERA, through a payroll deduction. Final compensation will be based upon the highest annual average compensation earnable during the thirty-six (36) consecutive months of employment immediately preceding the effective date of ~~his or her~~their retirement or some other period designated by the retiring employee.

D. SERVICE CREDIT FOR SICK LEAVE

Executives who are eligible to accrue sick leave and who retire from the City of San Rafael, on or after 07/01/95 and within 120 days of leaving City employment (excludes deferred retirements), shall receive employment service credit (incorporated from Resolution #9414, dated July 17, 1995), for retirement purposes only, for all hours of accrued, unused sick leave (exclusive of any sick leave hours they are eligible to receive and they elect to receive in compensation at the time of retirement, pursuant to Section 5-A of this Resolution).

This provision will no longer be available to Executives hired after June 30, 2009.

E. EXECUTIVE MANAGEMENT ALLOWANCE

As of September 16, 2015, the Executive Management Allowance of 4.59% was rolled into base pay for all Unrepresented Executive Management employees.

5. LEAVES OF ABSENCE

A. SICK LEAVE

Executives shall earn sick leave credits at the rate of one (1) working day per month commencing with the date of employment. Accrued sick leave may be used during their probationary period.

Executives who leave City service in good standing shall receive compensation (cash in) of all accumulated, unused sick leave based upon the rate of three percent (3%) for each year of service up to a maximum of fifty percent (50%) of their sick leave balance. In the event of the death of an employee, payment for unused sick leave (based upon the previously stated formula) shall be paid to the employee's designated beneficiary.

Executives may accrue unlimited sick leave for usage purposes. However, a maximum of one thousand, two hundred hours (1,200) accrual applies for cash-in purposes at the time of City separation.

Executives may use sick leave prior to completion of probation. In recognition of Executives' exempt status under FLSA, time off for sick leave purposes shall not be deducted from a Manager's sick leave accrual, unless the employee is absent for the full workday.

Use of sick leave for work-related injuries or illnesses shall not be required when it is determined by the treating physician that this status is permanent and stationary.

B. VACATION LEAVE

1. **Vacation Accrual** - Vacation is accrued when an employee is on pay status and is credited on a semi-monthly basis. Eligible employees accrue vacation at the following rate for continuous service performed in pay status:

<u>Years of service</u>	<u>Leave Accrual rate/yearly</u>
1-5 years	15 days
6 years	16 days
7 years	17 days
8 years	18 days
9 years	19 days
10 years	20 days
11 years	21 days
12 years	22 days
13 years	23 days
14 years	24 days
15 plus years	25 days

In recognition of Executives' exempt status under FLSA, time off for vacation leave purposes shall not be deducted from a Manager's vacation accrual unless the employee is absent for the full workday.

2. **Administration of Vacation Leave**

The City Manager may advance vacation leave to a Manager; prior approval is required. Executives may accrue a maximum of 250 hours of vacation. Vacation leave accrual shall resume once the employee's accumulated vacation leave balance falls below the accrual limit of 250 hours. Executives who terminate their employment shall be paid in a lump sum for all accrued vacation leave earned prior to the date of termination. Executives may not utilize accrued vacation, administrative leave time, or personal leave time to extend their retirement date and service credit at the end of their city service. ~~The vacation accrual may be increased to a maximum of 300 hours at the discretion of the City Manager.~~

3. **Annual Option for Payment of Accrued Vacation Leave**

A Manager who has taken at least ten (10) days of vacation in the preceding twelve (12) months, may request that ~~his/her~~their accrued vacation, not to exceed fifty-two and 1/2 (52.5) hours, be paid to ~~him/her~~them in cash. The request may be granted at the discretion of the City Manager. Executives may not cash-in more than fifty-two and 1/2 (52.5) hours within any twelve (12) month period.

C. ADMINISTRATIVE LEAVE

Executives shall receive ten (10) Administrative Leave days (75 hours) each calendar year subject to the approval of the City Manager. An additional three (3) days may be granted at the discretion and with approval of the City Manager. Unused Administrative Leave shall not carry over from one calendar year to the next, nor shall unused Administrative Leave balances be paid to a Manager upon ~~his/her~~their resignation.

In recognition of exempt status under FLSA time off for Administrative leave purposes shall not be deducted from a Manager's administrative leave accrual, unless the employee is absent for the full workday.

D. HOLIDAYS

In order to be eligible for compensation for the paid holiday, the employee must both be in paid status on the day before the holiday and on the day after the holiday.

All employees who are required to work on a day designated as an authorized holiday, other than a day on which an election is held throughout the state, shall be paid at the applicable rate of pay for the number of hours actually worked.

City shall provide ~~eleven~~twelve designated holidays and ~~two~~one floating holidays per calendar year to Executives. ~~The hours for the f~~loating holiday hours are automatically added to an employees' vacation accrual on ~~a~~n ~~semi~~-annual basis.

E. BEREAVEMENT LEAVE

In the event of the death of a Manager's spouse, registered domestic partner, child, parent, ~~brother, sister, sibling, parent~~ in-law(s), laws, grandchild, grandparent, relative who lives or has lived in the home of the employee, to such an extent that the relative was considered a member of the immediate family and/or another individual who has a legal familial relationship to the employee and resided in the employee's household, ~~the City shall provide~~up to five (5) days may be granted for paid bereavement leave ~~up to a maximum of three (3) days. All bereavement leave must be exhausted within 3 months of the date of the stated death of the family member and five (5) days out of state may be taken intermittently.~~

In those cases where the death involves an individual who had such a relationship with the employee, as defined above, the employee shall sign a simple affidavit describing the relationship and submit this to the City Manager as part of the request for bereavement leave. Directors may make a request to the City Manager, to use bereavement leave for a relative other than those listed above.

The above bereavement clause shall also apply in the event of a reproductive loss for an employee. The City agrees to maintain employee confidentiality related to the reproductive loss leave.

F. CATASTROPHIC LEAVE

All Executives shall abide by the City's Catastrophic Leave Policy.

G. PAID PARENTAL LEAVE

Effective July 1, 2024, any employee who has been continuously employed by the City for at least 12 months prior to the start of the leave shall be eligible for Paid Parental Leave (PPL) to use within 12 months of the following eligible events:

1. Birth of a child of the employee, the employee's spouse, or the employee's registered domestic partner.
2. Placement of a child with the employee for adoption.

For the purposes of PPL, the definition of "parent" and "child" are as defined by the California Family Rights Act.

Benefit and Use:

1. Eligible employees shall be granted 300 PPL hours to use within 12 months of the qualifying event for the purposes of disability due to pregnancy and/or baby bonding. Regular part-time employees shall be eligible for a prorated number of PPL hours, based on scheduled and budgeted FTE.
2. PPL is based on a 12-month rolling calendar. No more than 300 PPL hours may be used in any 12-month period. PPL may not be used or extended beyond the 12-month time frame and any accrued and unused PPL will be forfeited at the end of the 12-month period for the qualifying event.
3. Upon termination of the employee's employment at the City, they will not be paid for any accrued and unused PPL for which they were eligible.
4. PPL is based on the employee's regularly scheduled hourly base wage. It is considered "paid status" for the purpose of merit, seniority, benefit premium contributions, retirement service credit, vacation and sick leave accrual, and City benefit eligibility and contributions.
5. PPL shall be used in a block of continuous time or on an intermittent or reduced schedule. Intermittent leaves or reduced schedules must be arranged and approved by the employee's supervisor in advance.
6. PPL shall run concurrently with FMLA/CFRA and with PDL as set forth in paragraph 7, below. Eligible employees will be reinstated to the same or equivalent position in accordance with FMLA/CFRA protections. This may include altered assignments to accommodate the department's operational needs when the employee is working a reduced work schedule.
7. Pregnancy Disability Leave (PDL): An eligible employee on PDL must reduce their sick leave balance to 40 hours or less to use PPL concurrently with PDL. An eligible employee is not required to further reduce their balance once they have reached the initial threshold of 40 hours or less.

Coordination of Benefits & Leaves:

- PPL taken under this policy will run concurrently with leave under the FMLA, CFRA, and PDL once the eligible employee's sick leave balance is reduced to 40 hours or less.
- PPL will be fully integrated with any short-term disability or California Paid Family Leave program but shall not exceed one hundred percent (100%) of the employee's normal gross salary rate.

- The use of Short-Term Disability (STD) and Paid Family Leave (PFL) will not reduce available hours under the PPL leave entitlement.
- For time covered by FMLA/CFRA job protected leave for baby bonding purposes, PPL must be used prior to other accrued leave or unpaid leave except as discussed in number 7 above.
- If an employee has exhausted FMLA/CFRA entitlements for reasons other than baby bonding, PPL must be used prior to other accrued leaves or Leave Without Pay for arranged leaves for the purpose of baby bonding. Scheduling of non-FMLA/CFRA protected PPL is subject to department approval.
- An employee who is eligible for PPL but is on leave for other reasons cannot use PPL except as described in paragraph 7 above.

H. END OF LIFE CARE LEAVE

Eligibility:

Effective July 1, 2024, employees who have been continuously employed by the City for at least 12 months prior to the start of the leave shall be eligible for End of Life Care leave to provide end of life care for an immediate family member, which shall include an employee's spouse, registered domestic partner, child, parent, sibling, parent, parent in-law(s), grandparent, or grandchild.

End of Life care may be used to provide support, assistance and care to an immediate family member, as defined above, who is receiving end of life services through hospice or a medical facility.

Benefit and Use:

1. Eligible employees shall receive 80 hours of End of Life Care leave to be used during their employment with the City for use to support an immediate family member near the end of life, as described above.
2. Upon termination of the employee's employment at the City, they will not be paid for any accrued and unused End of Life Care leave for which they were eligible. Further, if an employee leaves City employment and returns to City service later in their career, the employee shall receive any unused hours from their previous employment with the City but shall not be granted any additional hours of for End of Life Care Leave.
3. End of Life Care leave is based on the employee's regularly scheduled hourly base wage. It is considered "paid status" for the purpose of merit, seniority, benefit premium contributions, retirement service credit, vacation and sick leave accrual, and City benefit eligibility and contributions.
4. End of Life Care leave shall be used in a block of continuous time or on an intermittent or reduced schedule. Intermittent leaves or reduced schedules must be arranged and approved by the employee's supervisor in advance.
5. End of Life Care shall run concurrently with FMLA/CFRA. Eligible employees will be reinstated to the same or equivalent position in accordance with FMLA/CFRA protections. This may include altered assignments to accommodate the department's operational needs when the employee is working a reduced work schedule.
6. An employee who is eligible for End of Life Care Leave but is on leave for other reasons cannot use PPL except as described in paragraph 5 above.

6. EMPLOYMENT TERMS

A. HOURS OF WORK

The WORK WEEK will reflect thirty-seven and one-half (37.5) hours for all job classes. Unless otherwise designated, the normal business hours for vacation, sick and administrative leave deduction and sick and administrative leave accrual purposes for Executives shall be 7.5 hours per day.

B. DRUG FREE WORK PLACE

All Executives shall abide by the City's Drug and Alcohol Policy.

C. FURLOUGH PLAN

Executives endorse the Furlough Program described in Exhibit B.

D. PAY FOR PERFORMANCE EVALUATION SYSTEM

Executives shall be evaluated annually based upon the evaluation program adopted by the City Council in October of 1996 and incorporated by reference herein.

E. OUTSIDE EMPLOYMENT

All Executives shall abide by the City's Outside Employment Policy.

~~F. GYM REIMBURSEMENT~~ WELLNESS BENEFIT

~~Employees are eligible to receive up to \$16.50 per month reimbursement for all eligible health and wellness expenses as follows: preventative medical examinations (minus any amount paid by a private insurance plan), paid health or gym club memberships, licensed weight loss facility memberships, physical therapy sessions, smoking cessation programs, wellness counseling, acupuncture, or meditation programs. Employees are eligible to receive up to \$16.50 per month reimbursement for paid gym memberships.~~ Such reimbursement shall be reported as taxable income to the employee.

G. PERSONNEL RULES & REGULATIONS

All employees shall follow the City's Personnel Rules and Regulations located on the City's website.

~~H. AT WILL STATUS~~

All positions covered by this resolution are at-will and as such serve at the pleasure of the appointing authority and may be removed at any time without cause and without right of appeal.

~~H. SEVERANCE~~

Except employees who have committed an abuse of office or position as defined by Government Code Section 53243.4 or committed a violation of the Fair Employment and Housing Act, an Unrepresented Executive Management employee who is involuntarily separated shall receive severance pay in a lump sum equal to the following, provided they sign a settlement and general release provided by the City:

- 1 year of service = two months of salary and two months of COBRA health insurance.
- 2 years of service = three months of salary and three months of COBRA health insurance.
- 3 years of service = four months of salary and four months of COBRA health insurance.
- 4 years of service = five months of salary and five months of COBRA health insurance.
- 5 or more years of service = six months of salary and six months of COBRA health insurance.

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 Council of said City held on the ~~19th~~15th day of ~~July 2021~~July 2024 by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, CITY CLERK



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Human Resources

Prepared by: Angela Robinson Piñon,
Assistant City Manager

Marissa Sanchez, Human Resources
Director

City Manager Approval: _____

TOPIC: COMPENSATION FOR ELECTED CITY CLERK AND ELECTED PART-TIME CITY ATTORNEY COMPENSATION

SUBJECT: RESOLUTION ESTABLISHING THE COMPENSATION AND WORKING CONDITIONS FOR THE ELECTED CITY CLERK AND ELECTED PART-TIME CITY ATTORNEY (JULY 1, 2021 THROUGH JUNE 30, 2024)

RECOMMENDATION: Staff recommends that the City Council adopt the resolution establishing the compensation and working conditions for the Elected City Clerk and Elected Part-Time City Attorney (July 1, 2024, through June 30, 2027).

BACKGROUND:

The elected City Clerk and elected part-time City Attorney resolution expired on June 30, 2024. In keeping with the equity adjustment approach for Unrepresented Mid-Management and Executive Management employees and represented employees, the proposed salary increases for these positions depend on the extent to which each position is behind the labor market average. The proposed base wage increase of three percent (3.0%) and the proposed adjustments to the City's contributions to the flex cafeteria plan f are in line with adopted labor agreements by the City Council for represented employees for the same three-year period.

ANALYSIS:

The following reflects highlights of the recommended changes in the attached salary resolution.

- 1. Term of the Resolution:** July 1, 2024, through June 30, 2027
- 2. Salary Increase:** Both the City Attorney and City Clerk will receive a three percent (3.0%) cost of living adjustment over the term of the resolution. In addition, City Attorney will receive an equity adjustment in years 1 and 2 based on a comparison of current compensation and the difference from the labor market average. The salary schedule included in the attached resolution authorizes the proposed new salary for each position.

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

- a. Year 1: A 3.0% cost of living increase for both the City Clerk and the City Attorney, and an additional 3.0% equity adjustment for the City Attorney
- b. Year 2: A 3.0% cost of living increase for both the City Clerk and the City Attorney, and an additional 3.0% equity adjustment for the City Attorney
- c. Year 3: A 3.0% cost of living increase for both the City Clerk and City Attorney, and an additional 3.0% equity adjustment for the City Attorney.

3. Full Flex Cafeteria Plan: To address rising healthcare costs, the City Clerk will receive an increase in their monthly Flex Dollar Allowance as noted below. The proposed health insurance contribution increases to the cafeteria benefit plan are consistent with those being offered to all City of San Rafael employees in their successor collective bargaining agreements.

Health Tier	Current	Increase	Effective Dec 2024
Employee Only	\$ 735.86	\$ 214.14	\$ 950.00
Employee +1 dependent	\$ 1,471.71	\$ 428.29	\$ 1,900.00
Employee + Family	\$ 1,913.24	\$ 486.76	\$ 2,400.00

For the term of this resolution, on December 15, 2025, and December 15, 2026, the flex dollar amount shall increase up to a maximum of 5%, based on the Kaiser Bay Area premium rate increase. If the Kaiser Bay Area premium rate increase is between 10%-15%, the City and employee will split the cost of the increase above ten percent (10%) evenly. Upon expiration of the resolution, the flex dollar amount increase shall revert back to a maximum of 3%, based on the Kaiser Bay Area premium rate increase.

As codified in Resolution number 12616 adopted by the San Rafael City Council on October 20, 2008, persons elected before January 1, 2009, shall receive an allowance to cover the full cost of their medical coverage. The City Attorney would continue to receive this benefit under the proposed resolution.

- 4. Non-Economic Items:** The attached resolution also includes the following changes:
- Gender Neutral Language: Replaces references to “he,” “she,” “his,” and “hers” with “they,” “them,” and “their.”
 - Dental Premiums: Clarifies that the City pays the full cost of dental insurance premiums for the City Attorney, City Clerk, and their eligible dependents.
 - Wellness Benefit: Broadens use of the exiting benefit to include reimbursement for health and wellness expenses such as wellness counseling, physical therapy, and other health and wellness related programs.

FISCAL IMPACT:

The current total annual salary and benefit cost to the City for the elected City Clerk and elected part-time City Attorney is \$ 547,581. The additional ongoing incremental cost of the recommended salary resolution beyond the FY 2024-25 budget is:

	<u>Incremental FY 2024-25</u>	<u>Incremental FY 2025-26</u>	<u>Incremental FY 2026-27</u>

Wages:			
Salary	\$14,583	\$15,295	\$16,045
Other Costs:			
Pension*	\$7,048	\$7,391	\$7,753
Taxes (Medicare, WC)	\$373	\$392	\$411
Benefits	<u>\$8,411</u>	<u>\$2,010</u>	<u>\$2,111</u>
Total Annual Incremental Costs:	\$30,415	\$25,088	\$26,320
Total Over Term of Contract	\$91,245	\$50,176	\$26,320
			\$167,741

***This incremental pension cost results only from the negotiated wage increase and does not include the cost of associated MCERA rate changes. The terms and conditions of the pension benefit plan remain unchanged.*

While the incremental cost is \$30,415 for fiscal year 2024-2025, \$25,088 for fiscal year 2025-2026, and \$26,320 for fiscal year 2026-2027, the increases are compounding and therefore the projected cumulative wages and other costs total \$167,741. The increase in compensation included in this resolution is in line with the City’s current budget projections. Funding for these positions is provided for in the City’s General Fund.

OPTIONS:

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

- Accept staff’s recommendation to adopt the resolution.
- Adopt resolution with modifications.
- Direct staff to return with more information.
- Take no action.

RECOMMENDED ACTION:

Staff recommends that the City Council adopt the Resolution Establishing the Compensation and Working Conditions for the Elected City Clerk and Elected Part-Time City Attorney (July 1, 2024, through June 30, 2027).

ATTACHMENTS:

1. Resolution Establishing the Compensation and Working Conditions for the Elected City Clerk and Elected Part-Time City Attorney (July 1, 2024, through June 30, 2027), with attachment
2. Resolution with tracked changes

RESOLUTION NO.

AMENDED RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL ESTABLISHING THE COMPENSATION AND WORKING CONDITIONS FOR THE ELECTED CITY CLERK AND ELECTED PART TIME CITY ATTORNEY (JULY 1, 2024 THROUGH JUNE 30, 2027)

This Resolution shall constitute the amended compensation and conditions of employment for the elected City Clerk and elected part-time City Attorney for the period from July 1, 2024, through June 30, 2027.

1. SALARY

a) Salary Increase

Individual classification salary increases depend on the labor market adjustment applied to each position. The salary schedule, effective July 1, 2024, attached hereto as Exhibit A, is adopted for the positions identified herein.

b) Car Allowance

An incumbent who holds the City Clerk's office is eligible to receive a monthly car allowance of \$350.

2. INSURANCE

a) Health Insurance: Effective January 1, 2009, the City implemented a full flex cafeteria plan for active employees, in accordance with IRS Code Section 125. Active employees participating in the City's full flex cafeteria plan, including the City Clerk and City Attorney, shall receive a monthly flex dollar allowance to purchase benefits under the full flex cafeteria plan.

The monthly flex dollar allowance effective the paycheck of July 1, 2024, shall be:

For employee only:	\$ 735.86
For employee and one dependent:	\$1,471.71
For employee and two or more dependents:	\$1,913.24

The monthly flex dollar allowance effective the paycheck of December 15, 2024, shall be:

For employee only:	\$ 950.00
For employee and one dependent:	\$ 1,900.00
For employee and two or more dependents:	\$ 2,400.00

Effective December 15, 2025, and December 15, 2026, the flex dollar allowances shall increase on the December 15th paycheck up to a maximum of five percent (5.0%) on an annual basis. If the Kaiser Bay Area premium rate increase is less than five percent (5.0%), the flex dollar allowance shall only increase the amount of the Kaiser Bay Area premium increase. In the event that the Kaiser Bay Area premium rate increase for the upcoming calendar year exceeds ten percent (10%) and is less than fifteen percent (15%), the City and the employee will split the cost of the increase above ten percent (10%) evenly; each paying 50% of the dollar value of the increase between 10-15%.

Upon the expiration of this resolution, the flex dollar allowances shall increase on the December 15th paycheck of each subsequent year up to a maximum of three percent (3%) on an annual basis, based on but not to exceed the Kaiser Bay Area premium rate increase for the upcoming calendar year.

The City shall contribute to the cost of medical coverage for each eligible employee and their dependents, an amount not to exceed the California Public Employees' Medical and Hospital Care Act (PEMHCA) contribution, as determined by CalPERS on an annual basis. This portion of the monthly flex dollar allowance is identified as the City's contribution towards PEMHCA. The balance of the monthly flex dollar allowance (after the PEMHCA minimum contribution) may be used in accordance with the terms of the cafeteria plan to purchase health benefits.

Conditional Opt-Out Payment: An employee may elect to waive the City's health insurance coverage and receive the value of the Employee Only contribution as a monthly Opt-Out payment in accordance with the terms of the cafeteria plan, and the Affordable Care Act, if the employee complies with the following conditions:

- 1) The employee certifies that the employee and all individuals in the employee's tax family for whom coverage is waived, have alternative Minimum Essential Coverage as defined by the Patient Protection and Affordable Care Act through a provider other than a federal marketplace, a state exchange, or an individual policy.
- 2) During the City's annual open enrollment period, the employee must complete an annual written attestation confirming that the employee and the other members of the employee's tax family are enrolled in alternative Minimum Essential Coverage. The employee agrees to notify the City no later than 30 days if the employee or other member(s) of the employee's tax family lose coverage under the alternative Minimum Essential Coverage Plan.
- 3) The employee understands that the City is legally required to immediately stop conditional opt-out payments if the City learns that the employee and/or members of the employee's family do not have the alternative Minimal Essential Coverage.

The City reserves the right to modify at any time, the amount an employee is eligible to receive under this paragraph, if required by IRS Cafeteria Plan regulations, other legislation or Federal and/or California agency guidance.

Miscellaneous Allowance for Employees placed into office on or before January 1, 2009:

The City shall pay to employees hired on or before January 1, 2009 a miscellaneous allowance in an amount equivalent to the difference between the employee's benefit election for coverage under PEMHCA and their flex dollar allowance, if their benefit election under PEMHCA exceeds their flex dollar allowance. The miscellaneous allowance shall be treated as income. An employee may use the miscellaneous allowance to pay for health coverage on a pre-tax basis as defined under the City's Cafeteria plan.

b) Health Insurance for Retirees

i) Elected or Appointed officials placed into office prior to April 1, 2007 and who retire from the Marin County Employees' Retirement Association (MCERA) within 120 days of leaving their City of San Rafael elected position of City Clerk or City Attorney (and who comply with the appropriate retirement provisions under the MCERA laws and regulations) are eligible to continue in the City's group health insurance program and receive the PEMHCA minimum contribution as determined by CalPERS on an annual basis.

Longevity Payments: The City shall make a longevity payment equivalent to the difference between the PEMHCA minimum contribution and the premium cost of coverage for the retiree, the retiree's spouse/registered domestic partner and/or qualified dependent children (as defined by PEMHCA) capped at the contribution the City makes towards the health coverage of an active City Attorney or City Clerk. The City's longevity contribution shall remain in effect during the

lifetime of the retired City Attorney and City Clerk and their spouse/registered domestic partner or surviving spouse/registered domestic partner.

As described in this subsection, the City shall reimburse retired elected or appointed officials and their spouses or registered domestic partners the Medicare Part B standard premium amount, as determined by the Centers of Medicare and Medicaid Services (CMS) on an annual basis. To initiate reimbursement, retirees must submit proof of payment of the Medicare Part B premiums to the Human Resources Department. If the Medicare Part B is deducted from social security, the retiree/spouse/domestic partner may submit a copy of the social security check, the Medicare Part B bill, or other relevant documentation. Reimbursements will be processed on a quarterly basis. This reimbursement shall remain in effect for the retired elected or appointed official's life and that of the retired elected or appointed officials spouse/registered domestic partner or surviving spouse/registered domestic partner.

ii) Elected or Appointed officials placed into office on or after April 1, 2007 and who retire from the Marin County Employees Retirement Association (MCERA) within 120 days of leaving their City of San Rafael elected position of City Clerk or City Attorney (and comply with the appropriate retirement provisions under the MCERA laws and regulations) are eligible to continue in the City's group health insurance program. The City's contribution towards the coverage of retirees under this subsection shall be the PEMHCA minimum contribution as determined by CalPERS on an annual basis.

Longevity Payments: The City shall make a longevity payment equivalent to the difference between the PEMHCA minimum contribution and the premium cost of coverage, up to \$600, for the retiree. The City shall not be responsible for making any contributions towards the cost of coverage of the retiree's spouse, registered domestic partner or dependents. The City's longevity contribution shall cease upon the retired City Attorney or City Clerk's death.

iii) Elected or Appointed officials placed into office on or after January 1, 2009
Elected or Appointed officials placed into office on or after January 1, 2009, and who retire from the Marin County Employees Retirement Association (MCERA) within 120 days of leaving their City of San Rafael position (and comply with the appropriate retirement provisions under the MCERS laws and regulations) are eligible to continue in the City's group health insurance program. The City's contribution towards the coverage of retirees under this subsection shall be the PEMHCA minimum contribution as determined by CalPERS on an annual basis.

- c) Life Insurance.** The City shall provide a basic group life insurance plan in the amount of \$250,000 at no cost to the employee.
- d) Long-Term Disability Insurance.** The City shall provide long term disability (LTD) insurance, at no cost to the City Clerk/City Attorney, with a benefit of two-thirds (2/3) of their respective monthly salaries, up to a maximum benefit of \$7,500 (reduced by any deductible benefits).
- e) Dental Insurance.** The City shall pay dental premiums on behalf of the City Clerk/City Attorney and eligible dependents.
- f) Vision Plan.** The City will contract for and pay for a vision plan for "employee plus dependent" vision benefits.
- g) Wellness Benefit.** The City Clerk and City Attorney are eligible to receive up to \$16.50 per month reimbursement for all eligible health and wellness expenses as follows: preventative medical examinations (minus any amount paid by a private insurance plan), paid health or gym club memberships, licensed weight loss facility memberships, physical therapy sessions, smoking cessation programs, wellness counseling, acupuncture, or meditation programs.. Such reimbursement shall be reported as taxable income to the employee.

3) RETIREMENT

a) **Retirement Plan.** The City shall provide the Marin County Employee Retirement Association 2.7% @ 55 retirement program to the City Clerk and City Attorney, subject to Marin County Employee Retirement Association procedures and regulations and applicable 1937 Act laws. This is based on an employee’s single highest year of compensation.

Employees hired on or after July 1, 2011, will receive an MCERA retirement benefit at the formula 2% at 55, calculated based on the average of their three highest years of compensation, in accordance with MCERA regulations. The annual pension adjustment shall be a maximum of 2% COLA. Minimum retirement age is 55.

Employees hired by the City on or after January 1, 2013, who are defined as “new members” of MCERA in accordance with the Public Employees’ Pension Reform Act (PEPRA) of 2013, shall be enrolled in the MCERA 2% @ 62 plan for Miscellaneous members. The employee is responsible for paying the employee contribution of half of the total normal cost of the plan, as defined by MCERA, through a payroll deduction. Final compensation will be based upon the highest annual average compensation earnable during the thirty-six (36) consecutive months of employment immediately preceding the effective date of their retirement or some other period designated by the retiring employee.

b) **Employer Paid Member Contribution (EPMC).** The City Clerk and City Attorney are responsible for the full cost of their own employee contribution rate as established by MCERA.

Effective September 1, 2013, in accordance with MCERA and City administrative requirements, the City Attorney and City Clerk will pay an additional contribution of one percent (1%) of pensionable compensation toward the normal cost of pension provided by the Marin County Employees Retirement Association, in addition to the current employee contribution towards pension as determined by MCERA. The only employees excluded from this payment are long-term City employees with thirty or more years of City service who no longer have to pay any employee contribution to the Marin County Retirement System.

c) **COLA.** Participating members in the Marin County Employee Retirement Association will pay their full share of members’ cost of living rates as allowed under Articles 6 and 6.8 of the 1937 Retirement Act. Miscellaneous and safety member contribution rates include both the basic and COLA portions (currently 50% of the COLA is charged to members as defined in the 1937 Act).

d) **Management Allowance.** As of September 16, 2015, the Management Allowance of 4.59% was rolled into base pay for the City Clerk and City Attorney.

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 the 15th day of July, 2024 by the following vote, to wit:

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

LINDSAY LARA, CITY CLERK

CITY OF SAN RAFAEL
ELECTED EMPLOYEE SALARY SCHEDULE

Effective July 1, 2024:

Grade	Position	A	B	C	D	E
1103	City Clerk	\$ 14,088	\$ 14,792	\$ 15,532	\$ 16,308	\$ 17,124
1104	City Attorney	N/A				\$ 13,478

Effective July 1, 2025:

Grade	Position	A	B	C	D	E
1103	City Clerk	\$ 14,510	\$ 15,236	\$ 15,998	\$ 16,798	\$ 17,637
1104	City Attorney	N/A				\$ 14,287

Effective July 1, 2026:

Grade	Position	A	B	C	D	E
1103	City Clerk	\$ 14,946	\$ 15,693	\$ 16,478	\$ 17,302	\$ 18,167
1104	City Attorney	N/A				\$ 15,144

RESOLUTION NO.

AMENDED RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL ESTABLISHING THE COMPENSATION AND WORKING CONDITIONS FOR THE ELECTED CITY CLERK AND ELECTED PART TIME CITY ATTORNEY (JULY 1, ~~2021-2024~~ THROUGH JUNE 30, ~~2024~~2027)

This Resolution shall constitute the amended compensation and conditions of employment for the elected City Clerk and elected part-time City Attorney for the period from July 1, ~~2021-2024~~, through June 30, ~~2024~~2027.

1. SALARY

a) Salary Increase

~~Prior year contract extension—restoration of 3% base wage: For FY 20-21, all bargaining groups (except WCE, Local 1, Mid-Management and Executive Management) received a 3% base wage increase for the 1-year contract extension which was implemented for FY 20/21. The timing of the COVID-19 pandemic and the associated financial losses which were projected at that time, resulted in an unintended disparate treatment of the bargaining groups. WCE, Local 1, Mid-Management and Executive Management did not receive this same 3% base wage increase for FY 20-21. However, the City is now in a financial position to “restore” the 3% base wage increase to those groups. The 3% base wage increase will apply to the Elected City Clerk and Elected City attorney positions and is reflected in the salaries listed below.~~

Individual classification salary ~~increase~~increases ~~percentages~~ depend on the labor market adjustment applied to each position. ~~The salary schedule, effective July 1, 2024, attached hereto as Exhibit A, is adopted for the positions identified herein. The proposed new salary for each position is as follows:~~

~~The proposed new salary for each position is as follows:~~

~~Year 1:~~

Step	A	B	C	D	E
City Clerk	\$ 9,326	\$ 9,792	\$ 10,282	\$ 10,796	\$ 11,335
City Attorney	N/A	N/A	N/A	N/A	\$ 11,755

~~Year 2:~~

Step	A	B	C	D	E
City Clerk	\$ 9,699	\$ 10,184	\$ 10,693	\$ 11,227	\$ 11,789
City Attorney	N/A	N/A	N/A	N/A	\$ 12,226

~~Year 3:~~

Step	A	B	C	D	E
City Clerk	\$ 10,087	\$ 10,591	\$ 11,121	\$ 11,677	\$ 12,260
City Attorney	N/A	N/A	N/A	N/A	\$ 12,715

b) Car Allowance

An incumbent who holds the City Clerk’s office is eligible to receive a monthly car allowance of \$350.

2. INSURANCE

a) Health Insurance: Effective January 1, 2009, the City implemented a full flex cafeteria plan for active employees, in accordance with IRS Code Section 125. Active employees participating in the City’s full flex cafeteria plan, including the City Clerk and City Attorney, shall receive a monthly flex dollar allowance to purchase benefits under the full flex cafeteria plan.

The monthly flex dollar allowance effective the paycheck of ~~December 15, 2020~~July 1, 2024, shall be:

For employee only:	\$ <u>673.42735.86</u>
For employee and one dependent:	\$ <u>1,346.82471.71</u>
For employee and two or more dependents:	\$ <u>1,750.88913.24</u>

The monthly flex dollar allowance effective the paycheck of December 15, 2024, shall be:

<u>For employee only:</u>	<u>\$ 950.00</u>
<u>For employee and one dependent:</u>	<u>\$ 1,900.00</u>
<u>For employee and two or more dependents:</u>	<u>\$ 2,400.00</u>

Effective December 15, 2025, and December 15, 2026, the flex dollar allowances shall increase on the December 15th paycheck up to a maximum of five percent (5.0%) on an annual basis. If the Kaiser Bay Area premium rate increase is less than five percent (5.0%), the flex dollar allowance shall only increase the amount of the Kaiser Bay Area premium increase. In the event that the Kaiser Bay Area premium rate increase for the upcoming calendar year exceeds ten percent (10%) and is less than fifteen percent (15%), the City and the employee will split the cost of the increase above ten percent (10%) evenly; each paying 50% of the dollar value of the increase between 10-15%.

Flex-~~Upon the expiration of this resolution, the flex~~ dollar allowances shall increase on the December 15th paycheck of each subsequent year ~~by~~ up to a maximum of three percent (3%) on an annual basis, based on but not to exceed the Kaiser Bay Area premium rate increase for the upcoming calendar year.

The City shall contribute to the cost of medical coverage for each eligible employee and ~~his/her~~their dependents, an amount not to exceed the California Public Employees’ Medical and Hospital Care Act (PEMHCA) contribution, as determined by CalPERS on an annual basis. This portion of the monthly flex dollar allowance is identified as the City’s contribution towards PEMHCA. The balance of the monthly flex dollar allowance (after the PEMHCA minimum contribution) may be used in accordance with the terms of the cafeteria plan to purchase health benefits ~~or may be converted to taxable income.~~

Conditional Opt-Out Payment: An employee may elect to waive the City’s health insurance coverage and receive the value of the Employee Only contribution as a monthly Opt-Out payment in accordance with the terms of the cafeteria plan, and the Affordable Care Act, if the employee complies with the following conditions:

- 1) The employee certifies that the employee and all individuals in the employee’s tax family for whom coverage is waived, have alternative Minimum Essential Coverage as defined by the Patient Protection and Affordable Care Act through a provider other than a federal marketplace, a state exchange, or an individual policy.

- 2) During the City's annual open enrollment period, the employee must complete an annual written attestation confirming that the employee and the other members of the employee's tax family are enrolled in alternative Minimum Essential Coverage. The employee agrees to notify the City no later than 30 days if the employee or other member(s) of the employee's tax family lose coverage under the alternative Minimum Essential Coverage Plan.
- 3) The employee understands that the City is legally required to immediately stop conditional opt-out payments if the City learns that the employee and/or members of the employee's family do not have the alternative Minimal Essential Coverage.

The City reserves the right to modify at any time, the amount an employee is eligible to receive under this paragraph, if required by IRS Cafeteria Plan regulations, other legislation or Federal and/or California agency guidance.

Miscellaneous Allowance for Employees placed into office hired on or before January 1, 2009:

The City shall pay to employees hired on or before January 1, 2009 a miscellaneous allowance in an amount equivalent to the difference between the employee's benefit election for coverage under PEMHCA and their flex dollar allowance, if their benefit election under PEMHCA exceeds their flex dollar allowance. The miscellaneous allowance shall be treated as income. An employee may use the miscellaneous allowance to pay for health coverage on a pre-tax basis as defined under the City's Cafeteria plan.

b) Health Insurance for Retirees

i) Elected or Appointed officials placed into office prior to April 1, 2007 and who retire from the Marin County Employees' Retirement Association (MCERA) within 120 days of leaving their City of San Rafael elected position of City Clerk or City Attorney (and who comply with the appropriate retirement provisions under the MCERA laws and regulations) are eligible to continue in the City's group health insurance program and receive the PEMHCA minimum contribution as determined by CalPERS on an annual basis.

Longevity Payments: The City shall make a longevity payment equivalent to the difference between the PEMHCA minimum contribution and the premium cost of coverage for the retiree, the retiree's spouse/registered domestic partner and/or qualified dependent children (as defined by PEMHCA) capped at the contribution the City makes towards the health coverage of an active City Attorney or City Clerk. The City's longevity contribution shall remain in effect during the lifetime of the retired City Attorney and City Clerk and their spouse/registered domestic partner or surviving spouse/registered domestic partner.

As described in this subsection, the City shall reimburse retired elected or appointed officials and their spouses or registered domestic partners the Medicare Part B standard premium amount, as determined by the Centers of Medicare and Medicaid Services (CMS) on an annual basis. To initiate reimbursement, retirees must submit proof of payment of the Medicare Part B premiums to the Human Resources Department. If the Medicare Part B is deducted from social security, the retiree/spouse/domestic partner may submit a copy of the social security check, the Medicare Part B bill, or other relevant documentation. Reimbursements will be processed on a quarterly basis. This reimbursement shall remain in effect for the retired elected or appointed official's life and that of the retired elected or appointed officials spouse/registered domestic partner or surviving spouse/registered domestic partner.

ii) Elected or Appointed officials placed into office on or after April 1, 2007 and who retire from the Marin County Employees Retirement Association (MCERA) within 120 days of leaving their City of San Rafael elected position of City Clerk or City Attorney (and comply with the

appropriate retirement provisions under the MCERA laws and regulations) are eligible to continue in the City's group health insurance program. The City's contribution towards the coverage of retirees under this subsection shall be the PEMHCA minimum contribution as determined by CalPERS on an annual basis.

Longevity Payments: The City shall make a longevity payment equivalent to the difference between the PEMHCA minimum contribution and the premium cost of coverage, up to \$600, for the retiree. The City shall not be responsible for making any contributions towards the cost of coverage of the retiree's spouse, registered domestic partner or dependents. The City's longevity contribution shall cease upon the retired City Attorney or City Clerk's death.

iii) Elected or Appointed officials placed into office on or after January 1, 2009

Elected or Appointed officials placed into office on or after January 1, 2009, and who retire from the Marin County Employees Retirement Association (MCERA) within 120 days of leaving their City of San Rafael position (and comply with the appropriate retirement provisions under the MCERS laws and regulations) are eligible to continue in the City's group health insurance program. The City's contribution towards the coverage of retirees under this subsection shall be the PEMHCA minimum contribution as determined by CalPERS on an annual basis.

- c) **Life Insurance.** The City shall provide a basic group life insurance plan in the amount of \$250,000 at no cost to the employee.
- d) **Long-Term Disability Insurance.** The City shall provide long term disability (LTD) insurance, at no cost to the City Clerk/City Attorney, with a benefit of two-thirds (2/3) of their respective monthly salaries, up to a maximum benefit of \$7,500 (reduced by any deductible benefits).
- e) **Dental Insurance.** ~~The City shall make available to all employees an additional flex dollar allowance equal to \$113 per month to purchase dental coverage under the City's dental plan.~~ The City shall pay dental premiums on behalf of the City Clerk/City Attorney and eligible dependents.
- f) **Vision Plan.** The City will contract for and pay for a vision plan for "employee plus dependent" vision benefits.
- g) **Wellness BenefitGym Reimbursement.** The City Clerk and City Attorney are eligible to receive up to \$16.50 per month reimbursement for all eligible health and wellness expenses as follows: preventative medical examinations (minus any amount paid by a private insurance plan), paid health or gym club memberships, licensed weight loss facility memberships, physical therapy sessions, smoking cessation programs, wellness counseling, acupuncture, or meditation programs. ~~for paid gym memberships.~~ Such reimbursement shall be reported as taxable income to the employee.

3) RETIREMENT

- a) **Retirement Plan.** The City shall provide the Marin County Employee Retirement Association 2.7% @ 55 retirement program to the City Clerk and City Attorney, subject to Marin County Employee Retirement Association procedures and regulations and applicable 1937 Act laws. This is based on an employee's single highest year of compensation.

Employees hired on or after July 1, 2011, will receive an MCERA retirement benefit at the formula 2% at 55, calculated based on the average of their three highest years of compensation, in accordance with MCERA regulations. The annual pension adjustment shall be a maximum of 2% COLA. Minimum retirement age is 55.

Employees hired by the City on or after January 1, 2013, who are defined as “new members” of MCERA in accordance with the Public Employees’ Pension Reform Act (PEPRA) of 2013, shall be enrolled in the MCERA 2% @ 62 plan for Miscellaneous members. The employee is responsible for paying the employee contribution of half of the total normal cost of the plan, as defined by MCERA, through a payroll deduction. Final compensation will be based upon the highest annual average compensation earnable during the thirty-six (36) consecutive months of employment immediately preceding the effective date of ~~his or her~~their retirement or some other period designated by the retiring employee.

b) Employer Paid Member Contribution (EPMC). The City Clerk and City Attorney are responsible for the full cost of their own employee contribution rate as established by MCERA.

Effective September 1, 2013, in accordance with MCERA and City administrative requirements, the City Attorney and City Clerk will pay an additional contribution of one percent (1%) of pensionable compensation toward the normal cost of pension provided by the Marin County Employees Retirement Association, in addition to the current employee contribution towards pension as determined by MCERA. The only employees excluded from this payment are long-term City employees with thirty or more years of City service who no longer have to pay any employee contribution to the Marin County Retirement System.

c) COLA. Participating members in the Marin County Employee Retirement Association will pay their full share of members’ cost of living rates as allowed under Articles 6 and 6.8 of the 1937 Retirement Act. Miscellaneous and safety member contribution rates include both the basic and COLA portions (currently 50% of the COLA is charged to members as defined in the 1937 Act).

d) Management Allowance. As of September 16, 2015, the Management Allowance of 4.59% was rolled into base pay for the City Clerk and City Attorney.

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 the ~~19th~~15th day of July, ~~by 2021-2024~~ by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, CITY CLERK