
**Summary of San Rafael General Plan 2040 Steering Committee Meeting
Meeting #2 February 14, 2018
6:00-9:00 PM at 750 Lindaro Street**

Attendance

- **Members Present:** *DJ Allison, Jenny Broering, Bella Bromberg, Maribeth Bushey, Bill Carney, Omar Carrera, Berenice Davidson, Richard Hall, Eric Holm, Linda Jackson, Margaret Johnston, Bonnie Marmor, Drew Norton, Stephanie Plante, Kate Powers, Pam Reaves, Jeff Rhoads, Jackie Schmidt, Roger Smith, Sparkie Spaeth, Eric Spielman, Karen Strolia, Cecilia Zamora*
- **Members Absent:** None
- **Alternates Present:** *Hilda Castillo, Robert Miller, Judy Schriebman, Leslie Simons*
- **Staff Present:** *Raffi Boloyan, Anne Derrick, Rob Epstein, Paul Jensen, Barry Miller*
- **Note: Members of the public were also present at this meeting**

Welcome/ Roll Call

Barry Miller called the meeting to order at 6:05 PM and took roll call. Barry reviewed the agenda.

Public Comment on Items Not on the Agenda

None

Briefing on the Brown Act

Robert Epstein, San Rafael City Attorney (CA), gave a description and summary of the Ralph M. Brown Act, which guarantees the public's right to attend meetings and governs the conduct of public meetings and the protocol for communication between members. His presentation focused on how the rules applied to Steering Committee members. **Committee members were encouraged to use the handout included in the agenda packet as a reference for future action.**

Questions and responses from Committee members are highlighted below:

- Are the Committee Meetings considered public meetings subject to Brown Act rules?
 - *Yes, and the public is allowed/encouraged to attend.*
- How does the Brown Act apply to email communication between members?
 - *Members need to be careful with email, and there are risks of violation because emails can be easily forwarded. Email should be reserved for topics like meeting times and not for purposes of deliberating over items on an Agenda. CA Epstein discourages the use of Email or social media posts as they are very easily shared among a lot of people.*
- If email is limited, how can Committee members communicate with their alternates?
 - *CA Epstein noted that email is an appropriate way to coordinate with your Alternate about not being able to be present at a particular meeting, etc. He used the analogy of a "buddy system" – it's OK to communicate with your alternate to share information about upcoming meetings, etc.*

- If a Committee Member posts a comment/ editorial/ letter on the Marin IJ and other Committee Members read that article, is this considered a potential Brown Act violation?
 - *Members should avoid blogging on topics on the agenda for upcoming Steering Committee meetings. The appearance of member comments in of print and social media is often debated among City Attorneys re: Brown Act. He recommends inviting interested persons to the meetings rather than advocating a position to the press or on-line. He urged Committee members to steer clear of getting into a dialogue and giving opinions on policy issues, as this could violate the Brown Act if the discussions are shared with other Committee members.*

- If you are a representative of a Stakeholder group and a member of that group asks how the Steering Committee is going, how does one respond?
 - *Honest reporting out about a given topic at a given meeting is fine. However, if a Committee member were to divulge an opinion on a given item on the upcoming Agenda, that could be a problem.*

- If a Steering Committee Member represents an organization and needs to have open communication with them about their issues and concerns, what is the best way to solicit/share this information?
 - *The best way is to let the constituents know what the issues are and make it clear that you, as a Committee member really want to know what people think. However, refrain from giving your opinion and let them know that you would prefer to wait to be with other Committee Members (at a noticed meeting) before discussing an item.*

It was further mentioned that the best way for Committee members to communicate with the City Attorney's office is to go through Staff; they will refer inquiries to the City Attorney's office. CA Epstein further recommended using "BCC" when sending emails to other Committee Members, to avoid emails being forwarded.

Meeting Bylaws, Protocol and Code of Conduct

Barry Miller delivered a PowerPoint presentation on the Steering Committee bylaws, meeting protocol, and the code of conduct for future meetings. This included a calendar for future meeting topics.

In response to a question about meeting noticing and publicity, Project Manager (PM) Miller responded that noticing varied depending on meeting type. All Committee meetings will be publicly noticed, with agendas posted at least 72 hours before the meeting. However, other types of meetings—such as community workshops—will aim for a larger audience and be advertised more broadly. Some types of meetings, such as focus groups, etc., may not be publicly noticed.

A Committee member asked if General Plan 2040 was a brand new plan or merely an update of General Plan 2020. PM Miller indicated that it was an update. Committee Member Linda Jackson (who was Project Manager of the 2020 Plan) indicated that General Plan 2020 was itself an update of General Plan 2000. The fact that it is an Update does not preclude major changes, new elements and major policy shifts.

General Plan “101” (Project Overview)

Project Manager Barry Miller gave a presentation on State General Plan laws and requirements, and the San Rafael General Plan 2020, going over each element. The presentation may be accessed on the project website. The summary below focuses on Committee member comments, questions, and responses.

- How does the City’s General Plan align with the Marin County General Plan?
 - *PM Miller remarked that the General Plan Update is an iterative process whereby the City participates in updates to the County General Plan and the County Planning Department will be consulted as we prepare General Plan 2040. Miller indicated that staff had met with the Local Agency Formation Commission (LAFCO) which is a County agency that deals with annexations and services in the unincorporated areas around each city.*
- Is the San Rafael Planning Area Boundary already established and are there any plans to change it during GP 2040?
 - *Community Development Director (CD) Jensen remarked that the Plan Area has changed once since the last General Plan. St Vincent / Silveira Ranch in North San Rafael is no longer in the Plan Area.*
- Will Committee Members be provided with maps showing physical features such as water sheds, etc.
 - *Links to on-line maps will be provided depending on the Subject area being discussed at future meetings; in a few instances, hard copies of maps may be distributed.*
- Does the Circulation Element address transportation needs of disabled residents?
 - *Yes. The Element looks at special needs, services, and identifies gaps and how to close them.*
- Is the City required to abide by State Laws concerning traffic, i.e. SB743, if it disagrees with State policies and finds that these laws do not make sense locally?
 - *The specific law mentioned (SB 743) changes the way cities can measure traffic congestion. This is something the Committee will need to discuss. We will try to find a method that is consistent with State Law but also reflects San Rafael’s land uses, densities, and road system*
- With respect to the Housing Element, does the City merely have to show it has the “capacity” to meet its the Fair Share of the region’s housing requirement—or does it have to build the units?
 - *The former applies at this time, unless things change. PM Miller noted that this was the subject of several bills in Sacramento,*
- When will the Regional Agency assign San Rafael its new housing needs numbers and how will this timeline interact with General Plan 2040 and the next Housing Element?
 - *CDD Director Jensen answered that the current Housing Element sunsets in 2023 which is about three years past the forecasted completion of the General Plan 2040. However, he stated the numbers from the Regional Agency are generally provided to Cities ahead of time to review. We do not expect to see any housing numbers from the Regional Agency during the course of the Steering Committee’s work. He predicts the allocation number will go up.*
- A Committee member observed that the City has done a good job of building the number of units required by the state—but we all need to be wary of SB 828, a proposed bill that would increase the quotas that are imposed on cities and have a “rollover” effect as the quotas are reset every four years.

The new bill ignores the fact that cities do not build housing and penalizes cities for things they do not control. SB 828 will also penalize cities that don't meet the quota and result in a bypassing of local zoning, environmental, and design review requirements.

PM Miller went on to describe the other Elements of the General Plan.

- Where will the General Plan address adaptation to sea level rise?
 - *It is an important consideration. At minimum, this will be addressed in the Safety, Land Use, Transportation and Sustainability. It may also be addressed elsewhere in the Plan.*
- How will the Safety and Noise Elements affect decisions about where housing is located?
 - *Safety and noise policies could discourage or limit housing in areas next to freeways, due to high air pollution and noise levels. There are also Environment Justice issues to be addressed.*

PM Miller explained the “optional” Elements.

- The General Plan seems to favor Downtown over other areas like East San Rafael and the West End.
 - *While it is true that there is a strong focus on Downtown, there are policies in the General Plan that cover all neighborhoods, and address other business districts in the City.*

PM Miller described legislation approved since the last General Plan Update that is impacting the General Plan process, including a variety of senate and assembly bills (see presentation).

- How does SB 35 affect the General Plan?
 - *CDD Jensen indicated it allows certain types of multi-family projects “by right” (no discretionary review) if the developer pays a prevailing wage and meets other criteria. It could affect land use and housing policy, but is not a General Plan bill per se.*
- Can staff provide a summary of each legislative bill
 - *Brief summaries are in the staff report.*

At the conclusion of the presentation, a Committee member pointed out that the agenda packet included a link to a 2016 survey of all cities/counties in California regarding their General Plans. She asked if San Rafael's responses to this survey could be provided to Committee members. CDD Jensen indicated that this could be done. Another Committee member asked that the work program be provided to Committee members further in advance of the March 14 meeting to provide more time for review. Miller responded that he would provide a link to the work program by March 1.

Eight Questions About San Rafael's Future

PM Miller opened the next agenda item, pointing out that any committee members who wished to submit responses to the “eight questions” handout should do so by March 1. A Committee member asked for clarification about the intent of the questions. Miller remarked that the exercise would provide a sense of what the Committee feels are the big issues, as well as shared goals and areas of disagreement. Miller further noted that due to the large size of the group and the limited time available, we would not cover all the questions at this meeting.

PM Miller asked the group to discuss the first question: **What is precious here (in San Rafael) that we do not want to lose?** Responses from Committee members are highlighted below:

- The intersection of urban vibrancy and 10,000 acres of open space
- Neighborhoods and their uniqueness and how neighbors care for each other
- A real place, not pretentious, but with urban issues and challenges
- A great place to both work and live—qualities that are unique and unusual. A mix of vibrant commercial areas and nice neighborhood residential areas.
- A connection to history, as the oldest place in Marin County—a real home town. There is no other City in the World that has the history and landscape that San Rafael has.
- The historic nature of San Rafael should be protected. Don't level our history and turn San Rafael into another San Jose
- A traditional Downtown that dates from before the automobile, which makes it quite compact and walkable. Walkable neighborhoods where you run into people you know, unlike living in a larger City like San Francisco.
- Small town character. The challenge is how to accommodate growth while maintaining this character.
- San Rafael does a great job partnering with other agencies, for example the public art display at Winward and Kerner was collaboration between the City and the Trust for Public Land.
- The open space in Terra Linda and being able to walk to a hiking area and not having to take a car to a trailhead.
- The Bayshore and the variety of landscapes along the waterfront.
- San Rafael is the “destination” city of Marin County and a “hometown” place that feels welcoming to those who visit.
- It is a very well-run city compared to other cities in Marin and it makes an effort to respond to its citizens.

There was a follow-up discussion regarding several Committee members' use of the word “vibrant.” A member felt this word was overused and concerned that it's meaning could be misconstrued and manipulated. It was further requested that anecdotal remarks about residents both living and working in the city be supported by hard data before they are accepted as truth, as this was not common in his neighborhood. Another member clarified that the intent of the word “vibrant” was to describe the excitement of our downtown with diversity, shops, restaurants, music, art, etc.

PM Miller asked the second question: **What is terrible about San Rafael that we want to change?** Responses expressed were:

- Lunch in the public school system is inadequate, not healthy, and needs to be better.
- San Rafael is the top city for unfunded benefits, which increases the risk of bankruptcy. Another negative is pressure from the outside (other Agencies, for example) to create transit-oriented development, which is misaligned with the values and wishes of the neighborhoods.
- Heavy traffic congestion, and how difficult it is to get from one end of the City to another.
- Surface street congestion is having a negative impact on livability.
- The devastating risks of climate change, including sea level rise and flooding. City policies may allow land uses that undermine protection and could worsen future hazards. Some City Departments appear to be siloed from each other, which inhibits the ability of staff to think “outside the box” and solve these potential problems. Need to be more flexible when it comes to climate change response.

- Traffic congestion, particularly along major arterials like Second and Third streets. There is also a need for traffic calming in the areas along Highway 101 and around the Transit Center.
- We do not celebrate our creeks like other cities do. We need to have a more environmentally sensitive storm sewer system—and not concrete chutes.
- The City needs to provide better housing opportunities for immigrants and service workers and “missing middle” income housing for families and seniors.
- There are extreme disparities among residents. The City needs to better understand the needs of “disadvantaged” groups; find out who they are and collaborate with other agencies to provide assistance.
- The top issues during the last General Plan Update were (1) traffic near 101; (2) traffic on local roads and (3) the need for affordable housing, especially for those who work here and want to live here and stay here and retire here. These issues are still with us today. Also, San Rafael has a large immigrant population. A segment of the city’s residents is dealing with the threat of being stopped on the street by ICE and deported. This creates palpable fear, makes people reluctant to enjoy public space, and has a bad impact on the community.
- Chronic homelessness—particularly among persons with mental illness—adversely affects our residents and also makes others wary of visiting downtown.
- The REST program has helped with the homeless issue, but when it concludes what will happen to the displaced residents?
- We need to see data on how our residents are getting to work, where they work, and what mode of transportation they are using before we set policies on these topics.
- San Rafael is the most progressive City in Marin County. 50% of student body is Latino, and many are not attaining the skills and education needed to succeed in tomorrow’s work force. Also, keep in mind that a majority of the County’s Latino residents are US citizens.

PM Miller asked the third question: **What is missing in San Rafael?** Responses included:

- Equity in the school system among kids in the Canal. Also, public restrooms and bike lanes.
- The City’s website should be available in Spanish
- Homelessness should be an Element in the General Plan. What is missing is active watershed restoration, implementation of green infrastructure projects so that water does not go into concrete channels but rather into the ground. Also, San Rafael could do a better job linking neighborhoods together to form a more cohesive identity.
- A more accessible and prominent waterfront; the Canal should be our front yard, not our back wall
- Better access and egress to and from East San Rafael, which currently seems cut off from the rest of the city
- More resources to adequately implement policies that are important to citizens
- A walkway between the Canal neighborhood and Montecito Shopping Center. The idea ran into conflict when a member from the Coast Guard indicated that Maritime laws would prohibit such a walkway. Other options to achieve this connection should be pursued—federal regulations are challenging.
- Property taxes have gone up; there needs to be more balance and integrity from policy makers on tax measures and following through on laws that we have passed
- More affordable housing is needed to create greater diversity. The City is losing its diversity due to economic disparity etc.

Election of Chair and Vice Chair

Barry Miller indicated the Committee would now elect a Chair and Vice Chair. He noted that he had sent out several emails in advance of the February 14 meeting asking for nominations. He reminded members that the Chair did not have additional authority, but merely would chair the meetings, ensure that they start and end on time, and moderating the dialogue and feedback. The Chair would also attend a monthly meeting with staff to discuss the agenda. He went over nominations he received from the Committee members, which included Berenice Davidson, Stephanie Plante, and DJ Allison. Members also had suggested Kate Powers, Bill Carney, and Omar Carrera as potential Vice Chairs.

Berenice Davidson indicated that because she chaired the Planning Commission, she would decline the opportunity to serve Committee Chair. DJ Allison indicated he would decline due to schedule commitments. Jeff Rhoades moved that Stephanie Plante be named the Chair of the Committee. Stephanie spoke about her qualifications to serve as Chair. Eric Holm expressed interest in being Chair also and discussed his qualifications. Candidates Plante and Holm were asked to leave the room. The motion went to a vote of the remaining members. Stephanie was elected as Chair. The Committee subsequently moved to name Omar Carrera as Vice Chair, with a majority voting yes.

Comments from Alternates

PM Miller asked if the Alternates present at the meeting had any comments. One Alternate expressed that North San Rafael was under-represented in the General Plan and should be addressed in more detail in the updated Plan.

General Business

PM Miller stated that the next meeting will be at a different location and that the information would be sent to the Committee Members soon.

CD Director Jensen announced that the CD Department was going to the City Council on February 24 to request approval to submit an application for a \$500,000 grant to do a plan for Downtown San Rafael.

Public Comments

An audience member announced an upcoming event at Albert Park and indicated he would encourage people to attend future Steering Committee meetings.

Adjournment

The meeting was adjourned at 9:05 PM.