



SAN RAFAEL CITY COUNCIL – TUESDAY, SEPTEMBER 3, 2019

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

AGENDA

OPEN SESSION – THIRD FLOOR CONFERENCE ROOM, CITY HALL – 6:00 PM

1. Mayor Phillips to announce Closed Session items.

CLOSED SESSION – THIRD FLOOR CONFERENCE ROOM, CITY HALL – 6:00 PM

2. Closed Session:

- a. Conference with Legal Counsel – Existing Litigation
Government Code §54956.9(d)(1)
Barron v. City of San Rafael, Marin County Superior Court No. CIV1702502
- b. Conference with Legal Counsel-Existing Litigation
Government Code §54956.9(d)(1)
Gerstle Park Sidewalk Solutions v. City of San Rafael, Marin County Superior Court No. CIV 1702742
- c. Conference with Legal Counsel – Anticipated Litigation
Government Code §54956.9(d)(4) – Initiation of Litigation (One case)

OPEN TIME FOR PUBLIC EXPRESSION – 7:00 PM

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

CITY MANAGER'S REPORT:

3. City Manager's Report:

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 City Council / Successor Agency Regular and Special Meetings of Monday, August 19, 2019 (CC)
Recommended Action - Approve as submitted

- b. **Bicycle and Pedestrian Advisory Committee Vacancies**
Call for Applications to Fill Three Four-Year Terms and One Alternate Four-Year Term on the Bicycle and Pedestrian Advisory Committee to the End of November 2023 Due to the Expiration of Terms of Marc Solomon, Philip Mooney, Jim Geraghty and Alternate Member Barry Bergman (CC)
Recommended Action - Approve as submitted

- c. **Alarm Ordinance Adoption**
Second Reading and Final Adoption of Ordinance 1973: An Ordinance of the City of San Rafael Amending Chapter 8.20 of the San Rafael Municipal Code Regulating Intrusion Detection Alarm Systems (PD)
Recommended Action - Final Adoption of Ordinance 1973

- d. **Traffic Safety Grants**
Resolution Approving Use of State of California Office of Traffic Safety Grant Funds in the Amount of \$100,000 for the "Selective Traffic Enforcement Program" ("STEP") Grant from October 1, 2019 Through September 30, 2020, and Authorizing the City Manager to Execute a Grant Agreement and Any Other Documents Related to the Grant (PD)
Recommended Action - Adopt Resolution

- e. **FY 2019-20 Fleet Vehicle Purchases**
Resolution Authorizing the City Manager to Purchase One Parking Services Enforcement Vehicle and Two Public Works Vehicles, Including Outfitting, For a Total Not to Exceed Amount of \$242,900 (PW)
Recommended Action - Adopt Resolution

- f. **City Hall Switchgear Replacement Project**
Accept Completion of the City Hall Switchgear Replacement Project (City Project No. 11304), and Authorize the City Clerk to File the Notice of Completion (PW)
Recommended Action - Approve staff recommendation

SPECIAL PRESENTATIONS:

5. Special Presentations:

- a. Presentation of a Proclamation for National Preparedness Month

OTHER AGENDA ITEMS:

6. Other Agenda Items:

a. **Regional Wildfire Prevention**

Marin Wildfire Prevention Authority Informational Report (FD)

Recommended Action – Accept report

b. **Housing Development Challenges**

Informational Report on the Challenges to Approving and Developing Housing (CD)

Recommended Action – Accept report

c. **Grand Jury Report: “Marin’s Telecommunications Disconnect”**

Resolution Approving and Authorizing the Mayor to Execute the City’s Response to the June 13, 2019 Marin County Civil Grand Jury Report Entitled, “Marin’s Telecommunications Disconnect” (CM)

Recommended Action – Adopt Resolution

COUNCILMEMBER REPORTS / REQUESTS FOR FUTURE AGENDA ITEMS:

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

7. Councilmember Reports:

SAN RAFAEL SUCCESSOR AGENCY:

1. Consent Calendar: - None.

ADJOURNMENT:

Any records relating to an agenda item, received by a majority or more of the Council less than 72 hours before the meeting, shall be available for inspection in the City Clerk’s Office, Room 209, 1400 Fifth Avenue, and placed with other agenda-related materials on the table in front of the Council Chamber prior to the meeting. Sign Language interpreters and assistive listening devices may be requested by calling (415) 485-3066 (voice), emailing Lindsay.lara@cityofsanrafael.org or using the California Telecommunications Relay Service by dialing “711”, at least 72 hours in advance of the meeting. Copies of documents are available in accessible formats upon request. Public transportation is available through Golden Gate Transit, Line 22 or 23. Paratransit is available by calling Whistlestop. Wheels at (415) 454-0964. To allow individuals with environmental illness or multiple chemical sensitivity to attend the meeting/hearing, individuals are requested to refrain from wearing scented products.

Minutes subject to approval at the City Council meeting of September 3, 2019

**In the City Manager's Conference Room of the City of San Rafael
Monday, August 19, 2019 at 6:00 p.m.**



**Special Meeting
San Rafael City Council**

Minutes

Present: Mayor Pro Tem Colin
Councilmember Bushey
Councilmember Gamblin

Absent: Mayor Phillips
Vice-Mayor McCullough

Also Present: City Manager Jim Schutz
City Clerk Lindsay Lara
Economic Development Coordinator Simon Vuong

Mayor Pro Tem Colin called the meeting to order at 6:09 p.m.

**1. Citizens Advisory Committee Interviews
Interview Applicants and Consider Appointments to Fill One Unexpired Four-Year
Term to the End of June 2021 on the Citizens Advisory Committee on Economic
Development & Affordable Housing Due to the Resignation of Andrea de la Fuente**
[CAC Interviews](#)

The City Council interviewed the following applicants: Allan Aranha, Andrew Cullen, Greg Hingsbergen, Joe Mccallum and Madeline Silva Khan.

After discussion, there was City Council consensus to appoint Madeline Silva Khan to the Citizens Advisory Committee on Economic Development and Affordable Housing to the end of June 2021, and to appoint Joe Mccallum as alternate member. It was noted that if a vacancy were to occur within six months, Joe Mccallum would be appointed to fill the vacancy.

ADJOURNMENT:

Mayor Pro Tem Colin adjourned the meeting at 6:40 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS _____ DAY OF _____, 2019

GARY O. PHILLIPS, Mayor

In the Council Chambers of the City of San Rafael, Monday, August 19, 2019 at 7:00 p.m.



Regular Meeting

San Rafael City Council

Minutes

Present: Mayor Pro Tem Colin
Councilmember Bushey
Councilmember Gamblin

Absent: Mayor Phillips
Vice-Mayor McCullough

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

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

OPEN SESSION – THIRD FLOOR CONFERENCE ROOM, CITY HALL

1. None.

CLOSED SESSION – THIRD FLOOR CONFERENCE ROOM, CITY HALL

2. Closed Session: - None.

Mayor Pro Tem Colin called the meeting to order at 7:00 p.m.

OPEN TIME FOR PUBLIC EXPRESSION – 7:00 PM

- None

CITY MANAGER'S REPORT:

3. City Manager's Report:

City Manager Jim Schutz announced former City Clerk Jeanne Leoncini passed away on Sunday, August 11, 2019. He noted that Jeanne served as the City Clerk for thirty years, from 1977-2007, and was originally hired in 1972. He noted our database showed no separation date because she occasionally returned to the City Clerk's Office to help whenever needed, which was a small example of Jeanne's dedication to San Rafael. He commented that Jeanne was the quintessential City Clerk and had an unfaltering commitment to doing things right and capture all the details for the sake of preservation and history. He noted the City Clerk deals with what is going on in the present, while keeping an eye on the future, and has an extreme dedication to professionalism and fulfilling a role the community entrusted them with, and Jeanne filled that role well. He expressed thanks on behalf of staff for Jeanne and what she meant for the City of San Rafael, and announced the Celebration of Life on Saturday August 31, 2019, at 11:30 a.m. at the First Presbyterian Church, 1510 Fifth Avenue, San Rafael, CA 94901.

OTHER AGENDA ITEMS:

7. Other Agenda Items:

- a. Grand Jury Report: “Marin’s Telecommunications Disconnect” Resolution Approving and Authorizing the Mayor to Execute the City’s Response to the June 13, 2019 Marin County Civil Grand Jury Report Entitled, “Marin’s Telecommunications Disconnect” (CM)**

[Grand Jury Response on Marin's Telecommunications Disconnect](#)

Councilmember Bushey moved and Councilmember Gamblin seconded to continue item 7.b to the City Council meeting of Monday, September 3, 2019

Continued to City Council meeting of Monday, September 3, 2019

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

CONSENT CALENDAR:

4. Consent Calendar Items:

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

- a. Approval of Minutes**
Approve Minutes of City Council / Successor Agency Regular and Special Meetings of Monday, August 5, 2019 (CC)

[Regular Minutes 2019-08-05](#)
[Special Minutes 2019-08-05](#)

Approved Minutes as submitted

- b. ADA Access Advisory Committee Appointment and Vacancies**

- 1) Appointment of Timothy Lord to Fill One Unexpired Four-Year Term on the ADA Access Advisory Committee to the End of October 2019 Due to Resignation of Carol Manashil (CC)**

- 2) Call for Applications to Fill Four Four-Year Terms and One Alternate Four-Year Term on the ADA Access Advisory Committee to the End of October 2023 Due to the Expiration of Terms of Ewen McKechnie, Ashley Tomerlin, Jonathan Frieman, Carol Manashil and Alternate Member John Erdmann (CC)**

[ADA Access Advisory Committee Appointment & Vacancies](#)

Approved staff's recommendation

- c. Liability Claims Administration Services**
Resolution Authorizing the City Manager to Execute an Agreement with George Hills Company for the Provision of Third-Party Liability Claims Administration Services for a One-Year Period, In an Amount Not to Exceed \$93,350 (CA)

[Liability Claims Administration Services](#)

RESOLUTION 14717 – RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH GEORGE HILLS COMPANY FOR THE PROVISION OF THIRD-PARTY LIABILITY CLAIMS ADMINISTRATION SERVICES FOR A ONE-YEAR PERIOD, IN AN AMOUNT NOT TO EXCEED \$93,350

**d. City-Wide Budget Amendments
Resolution Adopting Amendments to the City of San Rafael Budget for Fiscal Year 2018-2019 for the Purpose of Confirming Authorized Appropriations and Transfers (Fin)**

[City-Wide Budget Amendments](#)

RESOLUTION 14718– RESOLUTION ADOPTING AMENDMENTS TO THE CITY OF SAN RAFAEL BUDGET FOR FISCAL YEAR 2018-2019 FOR THE PURPOSE OF CONFIRMING AUTHORIZED APPROPRIATIONS AND TRANSFERS

AYES: Councilmembers: Bushey, Gamblin & Mayor Pro Tem Colin

NOES: Councilmembers: None

ABSENT: Councilmembers: McCullough & Mayor Phillips

SPECIAL PRESENTATIONS:

5. Special Presentations:

a. Presentation of a Proclamation to Jack Robertson for Eight Years of Service on the Planning Commission

[Mayor Pro Tem Colin presented the Proclamation to Jack Robertson, former Planning Commissioner, for eight years of service on the Planning Commission.](#)

PUBLIC HEARINGS:

6. Public Hearings:

**a. Alarm Ordinance Revision
Consideration of an Ordinance of the City of San Rafael Amending Chapter 8.20 of the San Rafael Municipal Code Regulating Intrusion Detection Alarm Systems (PD)**

[Alarm Ordinance Amendments](#)

[Police Lieutenant Dan Fink presented the staff report](#)

[Staff responded to questions from the City Council.](#)

[Mayor Pro Tem Colin declared the public hearing opened](#)

Speakers: [John Sudden](#)

[There being no further comment from the audience, Mayor Pro Tem Colin closed the public hearing](#)

Minutes subject to approval at the City Council meeting of September 3, 2019

Staff responded to questions for the City Council, and Councilmembers provided comments.

Councilmember Bushey moved and Councilmember Gamblin seconded to pass Charter Ordinance No. 1973 to print

Passed Charter Ordinance 1973 to print:

AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING CHAPTER 8.20 OF THE SAN RAFAEL MUNICIPAL CODE REGULATING INTRUSION DETECTION ALARM SYSTEMS

AYES: Councilmembers: Bushey, Gamblin & Mayor Pro Tem Colin

NOES: Councilmembers: None

ABSENT: Councilmembers: McCullough & Mayor Phillips

COUNCILMEMBER REPORTS / REQUESTS FOR FUTURE AGENDA ITEMS:

8. Councilmember Reports:

None

SAN RAFAEL SUCCESSOR AGENCY:

1. Consent Calendar: - None.

ADJOURNMENT:

Mayor Pro Tem Colin adjourned the meeting at 7:24 p.m. in honor of Jeanne Leoncini

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2019

GARY O. PHILLIPS, Mayor



SAN RAFAEL CITY COUNCIL STAFF REPORT

Department: City Clerk

Prepared by: Lindsay Lara, City Clerk

City Manager Approval: _____

TOPIC: BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE VACANCIES

SUBJECT: CALL FOR APPLICATIONS TO FILL THREE FOUR-YEAR TERMS AND ONE ALTERNATE FOUR-YEAR TERM ON THE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE TO THE END OF NOVEMBER 2023 DUE TO THE EXPIRATION OF TERMS OF MARC SOLOMON, PHILIP MOONEY, JIM GERAGHTY AND ALTERNATE MEMBER BARRY BERGMAN

RECOMMENDATION:

1. Call for Applications to fill three four-year terms and one alternate four-year term on the Bicycle and Pedestrian Advisory Committee to the end of November 2023 due to the expiration of terms of Marc Solomon, Philip Mooney, Jim Geraghty and Alternate Member Barry Bergman.
2. Set deadline for receipt of applications for Wednesday, September 25, 2019 at 5:00 p.m. at City Hall in the City Clerk's Office, Room 209.

BACKGROUND:

The goal of the Bicycle and Pedestrian Advisory Committee is to promote bicycling and walking as viable means of transportation throughout San Rafael; to provide conceptual input on public bicycle and pedestrian infrastructure projects; and to support the implementation of the City's Bicycle and Pedestrian Master Plan. The Advisory Committee consists of 7 members, and members of the Committee may either be residents of San Rafael or business owners within the City of San Rafael. [Meetings](#) are held on the first Wednesday, every other month (even months) at 6:00 p.m. at City Hall, Third Floor Conference Room, 1400 Fifth Avenue, San Rafael, CA 94901

ANALYSIS:

The terms of Marc Solomon, Philip Mooney, Jim Geraghty and Alternate Member Barry Bergman are set to expire on November 30, 2019. To serve on the Committee, members may either be residents of San Rafael or business owners within the City of San Rafael. By approving this item, staff will be able to release a Call for Applications for eligible and interested community members to apply. Once applications are received and reviewed, the City Clerk's Office will schedule a special City Council meeting where the City Council will interview candidates and make a selection to appoint a candidate to the Bicycle and Pedestrian Advisory Committee.

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

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

RECOMMENDED ACTION:

1. Call for Applications to fill three four-year terms and one alternate four-year term on the Bicycle and Pedestrian Advisory Committee to the end of November 2023 due to the expiration of terms of Marc Solomon, Philip Mooney, Jim Geraghty and Alternate Member Barry Bergman.
2. Set deadline for receipt of applications for Wednesday, September 25, 2019 at 5:00 p.m. at City Hall in the City Clerk's Office, Room 209.

ATTACHMENT:

1. Application Materials

Four Vacancies

Bicycle and Pedestrian Advisory Committee

Applications to serve on the Bicycle and Pedestrian Advisory to fill three four-year terms and one Alternate four-year term to the end of November 2023 may be obtained online at <https://www.cityofsanrafael.org/boards-commissions/> and may be completed and submitted electronically. Hard copies of the application are also available in the City Clerk's Office.

Deadline for filing applications: **Wednesday, September 25, 2019 at 5:00 p.m.**

There is no compensation paid to Committee Members. Members must comply with the City's ethics training requirement of AB 1234, and reimbursement policy. See attached information.

MEMBERS OF THE COMMITTEE MAY EITHER BE RESIDENTS OF SAN RAFAEL OR BUSINESS OWNERS WITHIN THE CITY OF SAN RAFAEL.

Bicycle and Pedestrian Advisory Committee meetings are held on the first Wednesday, every other month (even months) at 6:00 p.m. at City Hall, Third Floor Conference Room, 1400 Fifth Avenue, San Rafael, CA 94901.

Interviews of applicants will be held at a date to be determined.

An excerpt from the San Rafael Municipal Code re: Bicycle and Pedestrian Advisory Committee membership, terms of Commission members, powers and duties, etc., is also attached.



Lindsay Lara
City Clerk City of San Rafael

Dated: September 3, 2019

**CITY OF SAN RAFAEL
APPLICATION TO SERVE AS MEMBER OF
BICYCLE & PEDESTRIAN ADVISORY COMMITTEE**

NAME: _____

STREET ADDRESS: _____

CITY/STATE/ZIP CODE: _____

RESIDENT OF THE CITY OF SAN RAFAEL FOR _____ YEARS

PRESENT POSITION: _____

NAME OF FIRM: _____

BUSINESS ADDRESS: _____

*HOME & BUSINESS PHONE: _____

*E-MAIL ADDRESS: _____

EDUCATION: _____

PARTICIPATION IN THE FOLLOWING CIVIC ACTIVITIES: _____

MEMBER OF FOLLOWING CIVIC ORGANIZATIONS: _____

MY REASONS FOR WANTING TO SERVE ARE: _____

DESCRIBE POSSIBLE AREAS IN WHICH YOU MAY HAVE A CONFLICT OF INTEREST WITH THE CITY: _____

Demographics (Optional)

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

Ethnicity:

- American Indian or Alaska Native (For example, Navajo Nation, Blackfeet Tribe, Mayan, Aztec, Native Village or Barrow Inupiat Traditional Government, Nome Eskimo Community, etc.)
- Asian (For example, Chinese, Filipino, Asian Indian, Vietnamese, Korean, Japanese, etc.)
- Black or African American (For example, African American, Jamaican, Haitian, Nigerian, Ethiopian, Somalian, etc.)
- Hispanic, Latino, or Spanish origin (For example, Mexican or Mexican American, Puerto Rican, Cuban, Salvadoran, Guatemalan, Dominican, Colombian, etc.)
- Middle Eastern or North African (For example, Lebanese, Iranian, Egyptian, Syrian, Moroccan, Algerian, etc.)
- Native Hawaiian or Other Pacific Islander (For example: Native Hawaiian, Samoan, Chamorro, Tongan, Fijian, Marshallese, etc.)
- White (For example: German, Irish, English, Italian, Polish, French, etc.)
- Other race, ethnicity or origin: _____

To which gender to your most identify?

- Male
- Female
- Nonbinary or Third Gender
- Prefer to self-describe
- Prefer not to say

How old are you?

- Under 18
- 18-24 years old
- 25-34 years old
- 35-44 years old
- 45-54 years old
- 55-64 years old
- 65-74 years old
- 75+ years old

DATE: _____

SIGNATURE: _____

Filing Deadline:

Date: Wednesday, September 25, 2019
Time: 5:00 p.m.

Mail or deliver to: City of San Rafael, Dept. of City Clerk
City Hall, 1400 Fifth Avenue, Room 209
San Rafael, CA 94903

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

BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE

PURPOSE

The Bicycle and Pedestrian Advisory Committee meets twice a year to review the City's progress in implementing the San Rafael Bicycle and Pedestrian Master Plan and other related issues as directed by the City Council. The Committee will also promote public involvement and support for bicycling and walking as viable alternatives to driving.

QUALIFICATIONS

All members of the Bicycle and Pedestrian Advisory Committee must be individuals with a strong interest and enthusiasm for planning and improving bicycle and pedestrian facilities.

The Advisory Committee shall consist of seven (7) members. Members of the Committee may either be:

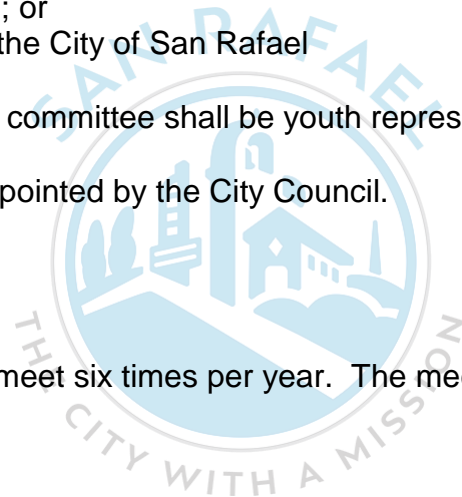
Residents of San Rafael; or
Business owners within the City of San Rafael

Two additional members of the committee shall be youth representatives.

Committee members will be appointed by the City Council.

TIME COMMITMENT

The Advisory Committee shall meet six times per year. The meetings shall comply with all provisions of the Brown Act.



NOTICE TO BOARD & COMMISSION APPLICANTS

REGARDING ETHICS TRAINING

On January 1, 2006, a new law became effective that requires two (2) hours of ethics training of the local legislative bodies by January 1, 2007. This new law defines a local legislative body as a "Brown Act" governing body, whether permanent or temporary, decision-making or advisory, and created by formal action of the City Council. In other words, any person serving on a City Council, Board, Commission, or Committee created by the Council is subject to this ethics training requirement. After this initial class, training will be required every two years.

Ethics training can be accomplished by taking a 2-hour class, self-study, or an on-line class. You may seek reimbursement for taking any authorized ethics class. The city staff member that is assigned to your committee can help you with the reimbursement process.

After you have completed the ethics class, the original certificate needs to be given to the City Manager's Office for record-keeping, with a copy kept for your records.

AB 1234 (Salinas). Local Agencies: Compensation and Ethics

Chapter 700, Statutes of 2005

This law does the following:

- **Ethics Training:** Members of the Brown Act-covered decision-making bodies must take two hours of ethics training every two years, if they receive compensation or are reimbursed expenses. The training can be in-person, on-line, or self-study. For those in office on 1/1/06, the first round of training must be completed by 1/1/07.
- **Expense Reimbursement -- Levels:** Local agencies which reimburse expenses of members of their legislative bodies must adopt written expense reimbursement policies specifying the circumstances under which expenses may be reimbursed. The policy may specify rates for meals, lodging, travel, and other expenses (or default to the Internal Revenue Service's (IRS) guidelines). Local agency officials must also take advantage of conference and government rates for transportation and lodging.

Expense Reimbursement -- Processes: Local agencies, which reimburse expenses, must also provide expense reporting forms; when submitted, such forms must document how the expense reporting meets the requirements of the agency's expense reimbursement policy. Officials attending meetings at agency expense must report briefly back to the legislative body at its next meeting.

ORDINANCE NO. 1973

**AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING
CHAPTER 8.20 OF THE SAN RAFAEL MUNICIPAL CODE
REGULATING INTRUSION DETECTION
ALARM SYSTEMS**

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

DIVISION 1. FINDINGS.

1. In its current form, Chapter 8.20 of the San Rafael Municipal Code (“SRMC”) entitled “Intrusion Detection and/or Burglar Alarm and Fire Alarm Systems,” is outdated. The San Rafael Fire Department uses SRMC Chapter 4 to enforce fire alarm systems, therefore the language in SRMC Chapter 8.20 regarding the fire alarms is obsolete. The provisions governing intrusion detection alarm systems, commonly known as “burglar alarms,” have not been updated for over fifteen years.
2. Intrusion detection alarms were the fourth most frequent type of call for service for the San Rafael Police Department (SRPD) in 2018, with 2,412 calls. That is an average of 6.6 alarm calls per day, of which over 99% are false alarms. These alarms are false mainly due to human error, but significant weather can also trigger false alarms.
3. Since false alarms create a significant demand on the services of the City’s Police Department, City staff recommends, and the City Council finds, that SRMC Chapter 8.20 should be amended as set forth in this Ordinance, to incorporate best practices implemented by other Bay Area jurisdictions.

DIVISION 2. AMENDMENT OF MUNICIPAL CODE

Chapter 8.20 of the San Rafael Municipal Code, entitled “Intrusion Detection and/or Burglar Alarm and Fire Alarm Systems” is hereby amended to read in its entirety as follows:

Chapter 8.20 - INTRUSION DETECTION ALARM SYSTEMS

8.20.010 – Definitions

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

- (a) ***Alarm Administrator*** means a person or persons designated by the City to administer the provisions of this ordinance.
- (b) ***Alarm Company*** means a person, company, firm, or corporation which has the contractual agreement with the alarm user and is subject

to the licensing requirements, and engaged in selling, leasing, installing, servicing and/or monitoring alarm systems; this entity shall be licensed in compliance with city, county and state laws.

- (c) **Alarm event** means an alarm system activation, to which law enforcement is requested to respond.
- (d) **Alarm permit** means a permit issued to an alarm user by the City, allowing the operation of an alarm system within the City.
- (e) **Alarm system or Alarm** means an assembly of equipment installed at a fixed location designed to detect and/or verify an occurrence of an illegal or unauthorized entry or other activity to which law enforcement is requested to respond.
- (f) **Alarm user** means any person, corporation, partnership, proprietorship, governmental or educational entity or any other entity owning, leasing, or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.
- (g) **Alarm User Awareness Class** means a class conducted for the purpose of educating alarm users about the responsible use, operation, maintenance of alarm systems and effective verification and false alarm reduction strategies.
- (h) **Cancellation** means that the alarm company provides notification that response by law enforcement is no longer being requested in connection with an alarm event. If cancellation occurs prior to law enforcement arriving at the scene, this will not be deemed to be a false alarm under this Chapter, and no penalty will be assessed.
- (i) **City** means the City of San Rafael or its agent.
- (j) **CP-01** means the ANSI - American National Standard Institute-approved Security Industry Association - SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations are marked as follows: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction."
- (k) **Communications Center** means the San Rafael Police Department's communications/dispatch center.
- (l) **Enhanced Call Confirmation** means an attempt by the alarm system monitoring company to contact the alarm site and/or alarm user, to determine whether an alarm event is valid before requesting law enforcement response. A second call will be made to contact the alarm user if the first attempt fails EXCEPT as defined by ANSI/CSAA CS V 01 2016 or current version, in case of a fire, panic, robbery-in-progress alarm or verified alarm.
- (m) **False Alarm** means the activation of an alarm system when, upon observation by law enforcement, there is no evidence of unauthorized entry, robbery, or other such crime attempted in or on the premises.
- (n) **Permit Year** means a twelve (12) month period beginning on the day and month on which an alarm permit is issued.

- (o) **Verified Alarm** is defined as an electronic security system event in which a trained central station operator utilizing a standardized protocol has determined the presence of human(s) and/or the high probability that a criminal offense is in progress. A verified alarm system may consist of a two-zone alarm activation, or an installed video, audio, or other approved verification technology. Verification of alarm response does not apply to duress, robbery, holdup, and panic alarms.

8.20.020 – Alarm Permit

- (a) **Permit Required.** No alarm user shall use an alarm system in the City without first registering for and obtaining a permit for such alarm system from the City. Each alarm permit shall be assigned a unique permit number, and the user shall provide the permit number to the alarm company to facilitate law enforcement dispatch.
- (b) **Application.** The permit shall be requested on an application form provided by the City. The application will include at least the following information:
 - 1) **Multiple Alarm Systems.** If an alarm user has one or more alarm systems protecting two or more separate structures or units having different addresses and/or tenants, a separate permit shall be required for each structure and/or unit.
 - 2) **Type of Verified Alarm System.** If an alarm user has an electronic verified alarm system protecting the premises, the permit application shall identify the type of verification system used (for example, video verification or audio verification.)
 - 3) **Installer of the Alarm System.** The name of service provider that installed the system, or if installed by the alarm user DIY (“do it yourself”).
 - 4) **Monitoring Agency.** The name of the monitoring station that is monitoring the alarm system.
- (c) **Annual Renewal Required.** Alarm permits must be renewed annually. Police response to a property without a valid annual renewal will be subject to the same fine as failing to register.
- (d) **Permit Fees.** A permit fee will be required for the initial registration and annual permit renewals. The fee will be established by resolution of the City Council adopted from time to time. No fee will be required for merely updating information on a valid permit.
- (e) **Reporting Updated Information.** Whenever the information provided on the alarm permit application changes, the alarm user shall provide correct information to the City within thirty (30) days of the change. In addition, each year after the issuance of the permit, permit holders will receive from the City a form requesting updated information. The permit holder shall complete and return this form to the City whether or not any of the requested information has changed; failure to comply

will constitute a violation of this Chapter and may result in a civil penalty.

- (f) ***Transfer of Possession.*** Alarm permits are not transferable. When the possession of the premises at which an alarm system is maintained is transferred, the alarm user obtaining possession of the property shall file an application for an alarm permit within thirty (30) days of obtaining possession of the property.

8.20.030 – Duties of the Alarm User

Every alarm user in the City has a duty to comply with the following requirements:

- (a) Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms.
- (b) Provide the alarm company with the alarm user's alarm permit number so that the alarm company can provide it to the communications center to facilitate dispatch.
- (c) Respond or cause a representative to respond to the alarm system's location within a reasonable amount of time when notified by the San Rafael Police Department.
- (d) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.
- (e) Obtain a new permit and pay any associated fees if there is a change in address or ownership of the location of the alarm system.
- (f) Annually renew the alarm permit.
- (g) An alarm user that installs the system themselves (Do It Yourself or DIY) is subject to the same duties as described in Section 8.20.040 - Duties of the Alarm Company.

8.20.040 – Duties of the Alarm Company

- (a) Every alarm company engaged in business in the City shall comply with the following requirements:
 - 1) Obtain and maintain the required state, county and/or city license(s).
 - 2) Provide name, address, and telephone numbers of the alarm company license holder or a designee who can be called in an emergency, twenty-four (24) hours a day; and be able to respond to an alarm call, when notified, within a reasonable amount of time.
 - 3) Be able to provide the most current contact information for the alarm user; and to contact a key holder for a response, if requested.
 - 4) Prior to activation of the alarm system, the alarm company must provide instructions to the alarm user explaining the proper operation of the alarm system.

- 5) Provide alarm user customers with information on how to obtain service from the alarm company for the alarm system.
 - 6) After the effective date of this ordinance, for commercial accounts, alarm companies shall not install, modify or repair “single action” devices for the activation of Hold-up, Robbery or Panic Alarms. New devices for those purposes shall require two actions or an activation time delay to provide more positive assurance that the user intends to activate the device.
 - 7) After the effective date of this ordinance, alarm companies shall install only CP-01 compliant security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms,
 - 8) An alarm company responsible for monitoring services shall:
 - a. Ensure the monitoring center utilizes Enhanced Call Confirmation. The monitoring center shall make two (2) attempts to contact the user or users of an alarm system prior to requesting law enforcement response.
 - b. Provide the alarm user’s alarm permit number to the communications center to facilitate dispatch and/or cancellations.
 - c. Communicate to the communications center any available information regarding specifics of the alarm event.
 - d. Communicate a cancellation to the communications center as soon as possible following a determination that response is unnecessary.
- (b) **Existing alarm systems.** Within thirty (30) days after being notified in writing by the Alarm Administrator, an alarm company must provide to the alarm administrator a list of the names and addresses of existing alarm users in the City.
- (c) **New alarm systems.** Any alarm company that installs an alarm system on premises located within the City after the effective date of this ordinance must notify the Alarm Administrator within ten (10) days after the date of installation that an alarm system has been installed and provide the name and address of the alarm user.
- (d) **Purchased accounts.** An alarm company that purchases any alarm system account from another person or alarm company shall notify the Alarm Administrator of such purchase and shall provide the Alarm Administrator a complete list of the acquired customers. This information shall include the customer name, alarm site address, alarm permit number, and alarm company license number.
- (e) **Yearly account updates.** On or before the first of January of each year, an alarm installation company or monitoring company shall provide the Alarm Administrator with a complete list of active customers to assist the Alarm Administrator with creating and maintaining tracking data. The customer information must include: the customer name, the alarm site address, permit number, and the alarm company license number.

8.20.050 – Prohibited Acts

- (a) It shall be unlawful for any person to activate an alarm system for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm.
- (b) It shall be unlawful to install, maintain, or use an audible alarm system that can sound continually for more than ten (10) minutes.

8.20.060 – Enforcement of Provisions

Civil Non-Criminal Violation. A violation of any of the provisions of this Chapter shall be a civil violation and shall not constitute a misdemeanor or infraction. In addition to any other remedies available to the City under this Code or state law, violations of this Chapter may be enforced as follows:

- (a) **Penalties for false alarms and other violations.** Upon occurrence of a false alarm or other violation of this Chapter, the Alarm Administrator may issue a notice of penalty to an alarm user imposing civil penalties as follows:
 - 1) First false alarm during permit year \$ 50.00
 - 2) Second false alarm during permit year \$100.00
 - 3) Third false alarm during permit year \$150.00
 - 4) Fourth false alarm during permit year \$200.00
 - 5) Fifth and subsequent false alarm during permit year \$250.00
 - 6) Failure to register or failure to renew permit \$100.00
 - 7) Other violations of this Chapter \$100.00
- (b) **Excessive false alarms.** It is hereby found and determined that eight (8) or more false alarms within a permit year is excessive, constitutes a public nuisance, and shall be unlawful. After eight (8) false alarms within a permit year, the police response may be restricted to dispatching to only verified alarms.
- (c) **Payment of Civil Penalty(ies).** Civil penalty(ies) shall be paid within thirty (30) days from the date of the administrative citation.
- (d) **Discontinuance of Law Enforcement Response.** The failure of an alarm user to make payment of any civil penalty(ies) assessed under this ordinance within thirty (30) days from the date of an administrative citation may result in discontinuance of law enforcement response to alarm signals that may occur at the premises described in the alarm user's permit until payment is received.

8.20.070 – Alarm User Awareness Class

Alarm User Awareness Class. The City may establish an Alarm User Awareness Class and may request the assistance of the area alarm companies to assist in developing and conducting the class. The class shall inform alarm users of the problems created by false alarms and instruct alarm users how to help reduce false alarms. The City may grant the option of attending an alarm user awareness class in lieu of paying one assessed penalty, not to exceed \$50.00. Alternatively, if the class can be delivered to the user as an online training module, the City may authorize the alarm user to satisfy the attendance requirement by participating in the online training module.

8.20.080 – Appeals

- (a) **Appeals Process.** Assessments of civil penalty(ies) and other enforcement decisions made under this Chapter may be appealed by filing a written notice of appeal with the San Rafael Police Department within thirty (30) days after the date of notification of the assessment of civil penalty(ies) or other enforcement decision. The failure to file a notice of appeal within this time period shall constitute a waiver of the right to contest the assessment of penalty(ies) or other enforcement decision. Appeals shall be determined through an administrative process established by the City including a hearing by a hearing officer appointed by the City. Any person aggrieved by the decision of the hearing officer may obtain review of the decision by filing a notice of appeal with the Marin County courts in accordance with the timelines and provisions set forth in California Government Code section 53069.4.
- (b) **Appeal Standard.** The hearing officer shall review an appeal from the assessment of civil penalty(ies) or other enforcement decisions using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment of civil penalty(ies) or other enforcement decision, the hearing officer shall have the discretion to dismiss or reduce civil penalty(ies) or reverse any other enforcement decision where warranted.

8.20.090 – Confidentiality

In the interest of public safety, all information contained in and gathered through the alarm registration/permit applications, response records, applications for appeals and/or any other alarm records of the City shall be held in confidence by all employees and/or representatives of the City to the maximum extent allowed by law.

8.20.100 – Government Immunity

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response on the part of the City of San Rafael, the San Rafael Police Department, or any of their officers, employees or agents. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that the San Rafael Police Department response may be influenced by a variety of factors including but not limited to: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

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 in that this Ordinance regulates only the permitting, maintenance and use of intrusion detection ("burglar") alarm systems, and it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment,

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.

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 as of January 1, 2020. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.



GARY O. PHILLIPS, Mayor

ATTEST:



LINDSAY LARA, City Clerk

The foregoing Ordinance No. 1973 was read and introduced at a Regular Meeting of the City Council of the City of San Rafael, held on the 19th day of August 2019 and ordered passed to print by the following vote, to wit:

AYES: Councilmembers: Bushey, Gamblin & Mayor Pro Tem Colin

NOES: Councilmembers: None

ABSENT: Councilmembers: McCullough & Mayor Phillips

and will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the 3rd day of September 2019.



LINDSAY LARA, City Clerk

Marin Independent Journal

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

2070419

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

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

STATE OF CALIFORNIA County of Marin

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

08/23/2019

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

Dated this 23th day of August, 2019.



Signature

PROOF OF PUBLICATION

Legal No. **0006387356**

SUMMARY OF ORDINANCE NO. 1973

AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING CHAPTER 8.20 OF THE SAN RAFAEL MUNICIPAL CODE REGULATING INTRUSION DETECTION ALARM SYSTEMS

This Summary concerns a proposed ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 1973, which will amend San Rafael Municipal Code 8.20, regulating intrusion detection alarm systems. Ordinance No. 1973 is scheduled for a second reading and adoption by the San Rafael City Council at its regular meeting of September 3, 2019. 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 will amend San Rafael Municipal Code 8.20 to bring the City's intrusion detection alarm ("burglar alarm") system regulations into conformance with current best practices.

The ordinance would continue the current requirement for an annual alarm permit that allows the City's Police Department to keep an up-to-date record of properties with alarm systems, with contact information for the occupants. The ordinance would require alarm users to obtain an alarm permit and to properly maintain and use their alarm. The ordinance would also impose duties on the alarm company.

The ordinance would provide for enforcement by civil penalties, including penalties for false alarms ranging from \$50 for the first false alarm to \$250 for the fifth or subsequent false alarms within the permit year. The proposed ordinance would also define the occurrence of 8 or more false alarms during a permit year to be a public nuisance that may result in a limitation of police response to the offending property.

Copies of Ordinance No. 1973 will be available for public review as of Wednesday, August 23, 2019, at the San Rafael City Clerk's Office, 1400 Fifth Avenue, 2nd Floor, Room 209 during regular business hours, 8:30 a.m. to 5:00 p.m., and on the City's website: <https://www.cityofsanrafael.org>. You may also contact the City Clerk at (415) 485-3066 for information.

LINDSAY LARA
San Rafael City Clerk
Dated: 8/21/2019

NO. 1086 August 23, 2019



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Police Department

Prepared by: Lisa Holton, Lieutenant

City Manager Approval: _____

TOPIC: TRAFFIC SAFETY GRANTS

SUBJECT: RESOLUTION APPROVING USE OF STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY GRANT FUNDS IN THE AMOUNT OF \$100,000 FOR THE “SELECTIVE TRAFFIC ENFORCEMENT PROGRAM” (“STEP”) GRANT FROM OCTOBER 1, 2019 THROUGH SEPTEMBER 30, 2020 AND AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT AGREEMENT AND ANY OTHER DOCUMENTS RELATED TO THE GRANT

RECOMMENDATION:

Adopt a resolution accepting a \$100,000 grant from the California Office of Traffic Safety.

BACKGROUND:

For the past eighteen years, the Office of Traffic Safety (OTS) of the State of California has awarded over \$2 million dollars in traffic safety grants to the City of San Rafael. These grants have included the Marin County “Avoid the Marin 13” DUI/ DL campaign, Click it or Ticket grants, DUI Mini grants, DUI Enforcement and Awareness grants and STEP grants. Each of the grants have provided critical traffic enforcement and education operations by funding the deployment of officers for DUI / DL checkpoints, DUI saturation patrols, red light and speed enforcement, seat belt enforcement and distracted driving enforcement. As of October 1st, 2016, OTS no longer offers the countywide “Avoid the Marin 13” grants. The only funding available is through the STEP grant program. This development has greatly reduced our funding for traffic and DUI related enforcement activities. The San Rafael Police Department (SRPD) currently has two officers assigned full-time to traffic enforcement. This is down from seven full-time officers in 2007.

ANALYSIS:

The project goal of this OTS grant is to reduce the number of persons killed or injured in vehicle collisions involving alcohol, speed, red light violations and other primary collision factors, by implementing “best practice” strategies. Enforcement and education have shown to be critical in reducing vehicle collisions. The following grant will provide the necessary resources for traffic enforcement and education operations.

FOR CITY CLERK ONLY

File No.: _____

Council Meeting: _____

Disposition: _____

The acceptance and implementation of this \$100,000 grant is critical to maintain traffic safety levels in San Rafael. A review of the City of San Rafael collision data from 2018-2019 indicates San Rafael continues to have a high number of injury collisions associated with pedestrians, intoxicated drivers, and unsafe speeds. San Rafael has had 182 injury collisions in the past ten months, including thirty pedestrians and twenty-three bicycles.

The SRPD encourages patrol and traffic officers to conduct focused enforcement for the purpose of reducing alcohol, pedestrian, and speed related collisions, however current staffing levels inherently limit the frequency by which more proactive traffic enforcement efforts can occur because officers are primarily focused on responding to emergency calls for service.

The goals of the grant are to reduce the number of people injured or killed in collisions, to reduce alcohol involved collisions, to reduce drug involved collisions, and to reduce the number of hit and run collisions.

Should the City Council approve this grant, the San Rafael Police Department will have the resources to implement numerous enforcement programs including, but not limited to, various safety and awareness campaigns, a program to identify repeat DUI offenders, and DUI checkpoints. The grant also includes funding for officer trainings and enforcement operations for distracted driving, motorcycle safety, and bicycle/pedestrian safety, among others. See attachment 1 for a full list of grant-funded programs.

Operations for this grant will be scheduled between October 1, 2019 and September 30, 2020.

The SRPD will report statistics quarterly to the Office of Traffic Safety. This grant will be evaluated by how well the stated goals and objectives were accomplished.

Nothing in the grant agreement is to be interpreted as a requirement, formal or informal, that a particular police officer issue a specified or predetermined number of citations in pursuance of the goals and objectives.

COMMUNITY OUTREACH:

A significant aspect of this grant is educating the community and increasing awareness regarding traffic safety. This will be accomplished through press releases and the use of social media. The San Rafael Police Department has 14,700 Twitter and 9,389 Facebook followers as well as 32,034 subscribers to updates on Nextdoor and over 1,200 subscribers to press release email notifications.

FISCAL IMPACT:

The grant funding will be included in Grant Fund – Safety (fund no. 281) and will fund operational expenses such as overtime costs, travel and training associated with the focused enforcement of traffic safety, up to the total proceeds of the grant of \$100,000.

OPTIONS:

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

1. Adopt the Resolution accepting the \$100,000 Office of Traffic Safety STEP grant as submitted.
2. Decline to accept the Office of Traffic Safety grant (The OTS grants require the implementation of all the grant components for funding to be provided).

RECOMMENDED ACTION:

Adopt the Resolution approving the use of the \$100,000 from Office of Traffic Safety Grant Funds and authorizing the City Manager to execute the Grant Agreement and any other related documents in a form approved by the City Attorney.

ATTACHMENTS:

1. Grant Funded Enforcement and Community Educational Programs
2. Selective Traffic Enforcement Program (STEP) Grant Agreement
3. Resolution


Attachment 1 – Grant-Funded Enforcement and Community Educational Programs

- 1) Issue a press release announcing the kick-off of the grant by November 15, 2019.
- 2) Participate in the following campaigns:
 - National Walk to School Day – October 2019
 - National Teen Driver Safety Week – October 2019
 - NHTSA Winter Mobilization – December 2019 to January 2020
 - National Distracted Driving Awareness Month – April 2020
 - National Bicycle Safety Month – May 2020
 - National Motorcycle Safety Month – May 2020
 - National Click It or Ticket Mobilization – May 2020
 - NHTSA Summer Mobilization – August 2020 to September 2020
 - National Child Passenger Safety Week – September 2020
 - California's Pedestrian Safety Month – September 2020
- 3) Develop and maintain a "HOT Sheet" program to notify patrol and traffic officers to be on the lookout for identified repeat DUI offenders with a suspended or revoked license as a result of DUI convictions.
- 4) Send **2** law enforcement officers to the NHTSA Standardized Field Sobriety Testing (SFST) (minimum 16 hours) POST-certified training.
- 5) Send **2** law enforcement officers to the NHTSA Advanced Roadside Impaired Driving Enforcement (ARIDE) 16-hour POST-certified training.
- 6) Send **1** law enforcement officer to the Drug Recognition Expert (DRE) training.
- 7) Send **1** law enforcement officers to the DRE Recertification training.
- 8) Conduct **2** DUI/DL Checkpoints. ***Note:** A minimum of 1 checkpoint should be conducted during the NHTSA Winter Mobilization and 1 during the NHTSA Summer Mobilization.*
- 9) Conduct **40** DUI Saturation Patrol operation(s).
- 10) Conduct **35** Traffic enforcement operation(s), including but not limited to, primary collision factor violations.
- 11) Conduct **2** Distracted Driving enforcement operation(s) targeting drivers using hand held cell phones and texting.
- 12) Conduct **2** highly publicized Motorcycle Safety enforcement operation(s) in areas or during events with a high number of motorcycle incidents or collisions resulting from unsafe speed, DUI, following too closely, unsafe lane changes, improper turning, and other primary collision factor violations by motorcyclists and other drivers.
- 13) Conduct **2** Night-Time (1800hrs-0559hrs) Click It or Ticket enforcement operation(s).

Attachment 1 – Grant-Funded Enforcement and Community Educational Programs

- 14) Conduct **8** highly publicized Pedestrian and Bicycle enforcement operation(s) in areas of or during events with a high number of pedestrian and/or bicycle collisions resulting from violations made by pedestrians, bicyclists, and drivers.
- 15) Conduct **4** Traffic Safety educational presentations with an effort to reach community members.

1. GRANT TITLE Selective Traffic Enforcement Program (STEP)	
2. NAME OF AGENCY San Rafael	3. Grant Period
4. AGENCY UNIT TO ADMINISTER GRANT San Rafael Police Department	From: 10/01/2019 To: 09/30/2020
5. GRANT DESCRIPTION Best practice strategies will be conducted to reduce the number of persons killed and injured in crashes involving alcohol and other primary collision factors. The funded strategies may include impaired driving enforcement, enforcement operations focusing on primary collision factors, distracted driving, night-time seat belt enforcement, special enforcement operations encouraging motorcycle safety, enforcement and public awareness in areas with a high number of bicycle and pedestrian collisions, and educational programs. These strategies are designed to earn media attention thus enhancing the overall deterrent effect.	
6. Federal Funds Allocated Under This Agreement Shall Not Exceed: \$100,000.00	
7. TERMS AND CONDITIONS: The parties agree to comply with the terms and conditions of the following which are by this reference made a part of the Agreement: <ul style="list-style-type: none"> • Schedule A – Problem Statement, Goals and Objectives and Method of Procedure • Schedule B – Detailed Budget Estimate and Sub-Budget Estimate (if applicable) • Schedule B-1 – Budget Narrative and Sub-Budget Narrative (if applicable) • Exhibit A – Certifications and Assurances • Exhibit B* – OTS Grant Program Manual <p>*Items shown with an asterisk (*), are hereby incorporated by reference and made a part of this agreement as if attached hereto.</p> <p>These documents can be viewed at the OTS home web page under Grants: www.ots.ca.gov.</p> <p>We, the officials named below, hereby swear under penalty of perjury under the laws of the State of California that we are duly authorized to legally bind the Grant recipient to the above described Grant terms and conditions.</p> <p>IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.</p>	
8. Approval Signatures	
A. GRANT DIRECTOR NAME: _____ PHONE: _____ TITLE: _____ FAX: _____ ADDRESS: _____ EMAIL: _____ _____ (Signature) _____ (Date)	B. AUTHORIZING OFFICIAL OF AGENCY NAME: _____ PHONE: _____ TITLE: _____ FAX: _____ ADDRESS: _____ EMAIL: _____ _____ (Signature) _____ (Date)
C. FISCAL OR ACCOUNTING OFFICIAL NAME: _____ PHONE: _____ TITLE: _____ FAX: _____ ADDRESS: _____ EMAIL: _____ _____ (Signature) _____ (Date)	D. AUTHORIZING OFFICIAL OF OFFICE OF TRAFFIC SAFETY NAME: Rhonda L. Craft PHONE: (916) 509-3030 TITLE: Director FAX: (916) 509-3055 ADDRESS: 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758 EMAIL: rhonda.craft@ots.ca.gov _____ (Signature) _____ (Date)
E. ACCOUNTING OFFICER OF OFFICE OF TRAFFIC SAFETY NAME: Carolyn Vu ADDRESS: 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758	9. DUNS INFORMATION DUNS #: 082447459 REGISTERED ADDRESS: 1400 5th Ave PD CITY: San Rafael ZIP+4: 94901-1943

10. PROJECTED EXPENDITURES						
FUND	CFDA	ITEM/APPROPRIATION	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
				AGREEMENT TOTAL		\$100,000.00
<i>I CERTIFY upon my own personal knowledge that the budgeted funds for the current budget year are available for the period and purpose of the expenditure stated above.</i>				AMOUNT ENCUMBERED BY THIS DOCUMENT		\$100,000.00
				PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT		\$ 0.00
OTS ACCOUNTING OFFICER'S SIGNATURE 			DATE SIGNED	TOTAL AMOUNT ENCUMBERED TO DATE		
				\$100,000.00		

1. PROBLEM STATEMENT

The San Rafael Police Department serves the people that live and work in the City of San Rafael. San Rafael serves as the seat of Marin County and has a population of approximately 59,237 people. Traffic volume is extremely heavy throughout the city due to several reasons. Business and commerce bring people and vehicles into San Rafael from other areas of the San Francisco Bay Area. The population of San Rafael during the day swell to well over 100,000 people. US 101 and I-580 intersect in San Rafael, providing a very large volume of traffic during morning and evening commute hours along with steady traffic flow during non-commute hours.

Much of the traffic is concentrated in the downtown area, which is congested by on and off-ramps connecting northbound and southbound US 101, plus eastbound/westbound I-580. The Golden Gate Transit Center, the largest transit center in Marin County, is also located downtown. In July of 2017, the Sonoma Marin Area Rail Transit (SMART Train) began operating 34 daily trains from the Sonoma County Airport, through Santa Rosa and Petaluma into Downtown San Rafael. The SMART Train station is adjacent to the Golden Gate Transit Center. SMART Train is conducting further expansion south towards the Larkspur Ferry Terminal. We have seen an increase in pedestrian traffic in an area that is already heavily congested. This a major concern for our department because there have been numerous fatal and major injury collisions involving pedestrians and bicyclist in this area. As of January 2019, there is currently major construction in the downtown area due to the expansion of SMART train into the Larkspur Ferry Terminal as well as the relocation of the Golden Gate Transit Center. Furthermore, PG&E is also replacing main gas lines in the downtown area of San Rafael, shutting some lanes during day time hours. Lastly, San Rafael High School is located within 0.5 miles of the transit center. Most of the student population walk to the transit center to take public transit or walk through the downtown area. Davidson Middle School is also within 0.5 miles of the transit center and many students walk or bike to school.

Collision data from FY 2018 base year indicated that most of the injury collisions occur due to speed, unsafe turns, and red-light violations. The Department has also struggled to reduce fatal and injury collisions involving pedestrians and bicyclists. On January 3, 2019, a local radio station, KCBS, reported that the Third and Heatherton intersection is the most dangerous for pedestrians and bicyclists. See <https://omny.fm/shows/kcbsam-on-demand/marin-county-is-among-most-dangerous-for-pedestria> for details.

The San Rafael Police Department has encouraged patrol officers and traffic officers for enforcement focused on reducing the alcohol and speed related collisions, along with increased pedestrian and bicyclist safety. Unfortunately, sworn personnel has significantly diminished due to injuries, retirements, and resignations. This has impacted traffic enforcement and the routine workload per officer has increased dramatically. There is currently only one officer assigned to the Traffic Unit. At times, the motor officer is asked to assist with basic patrol staffing. This increase in workload has resulted in a significant decrease in proactive traffic enforcement by officers.

We also were once the host of the Avoid the Marin 13 county wide DUI/DL enforcement effort. That funding stream has been eliminated. As such the enforcement efforts (checkpoints and saturation patrols) that were conducted within the jurisdiction of San Rafael will not occur this coming year. I am asking for additional funding for enhanced enforcement in the operations that have been traditionally conducted is added to the STEP funding for the 2019-2020 budget.

This Selective Traffic Enforcement Program (STEP) grant would greatly increase the San Rafael Police Department ability to employ enforcement strategies to reduce persons killed or injured in traffic collisions. With a focused enforcement plan designed through the Selective Traffic Enforcement Program, this department will be more successful in curbing the problems associated with intoxicated drivers, red light runners, speeding vehicles, other aggressive driving behavior and increase pedestrian and bicyclist safety.

2. PERFORMANCE MEASURES

A. Goals:

1. Reduce the number of persons killed in traffic collisions.
2. Reduce the number of persons injured in traffic collisions.
3. Reduce the number of pedestrians killed in traffic collisions.

4. Reduce the number of pedestrians injured in traffic collisions.
5. Reduce the number of bicyclists killed in traffic collisions.
6. Reduce the number of bicyclists injured in traffic collisions.
7. Reduce the number of persons killed in alcohol-involved collisions.
8. Reduce the number of persons injured in alcohol-involved collisions.
9. Reduce the number of persons killed in drug-involved collisions.
10. Reduce the number of persons injured in drug-involved collisions.
11. Reduce the number of persons killed in alcohol/drug combo-involved collisions.
12. Reduce the number of persons injured in alcohol/drug combo-involved collisions.
13. Reduce the number of motorcyclists killed in traffic collisions.
14. Reduce the number of motorcyclists injured in traffic collisions.
15. Reduce hit & run fatal collisions.
16. Reduce hit & run injury collisions.
17. Reduce nighttime (2100 - 0259 hours) fatal collisions.
18. Reduce nighttime (2100 - 0259 hours) injury collisions.

B. Objectives:	Target Number
1. Issue a press release announcing the kick-off of the grant by November 15. The kick-off press releases and media advisories, alerts, and materials must be emailed to the OTS Public Information Officer at pio@ots.ca.gov , and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.	1
2. Participate and report data (as required) in the following campaigns, National Walk to School Day, National Teen Driver Safety Week, NHTSA Winter Mobilization, National Distracted Driving Awareness Month, National Motorcycle Safety Month, National Bicycle Safety Month, National Click it or Ticket Mobilization, NHTSA Summer Mobilization, National Child Passenger Safety Week, and California's Pedestrian Safety Month.	10
3. Develop (by December 31) and/or maintain a "HOT Sheet" program to notify patrol and traffic officers to be on the lookout for identified repeat DUI offenders with a suspended or revoked license as a result of DUI convictions. Updated HOT sheets should be distributed to patrol and traffic officers monthly.	12
4. Send law enforcement personnel to the NHTSA Standardized Field Sobriety Testing (SFST) (minimum 16 hours) POST-certified training.	2
5. Send law enforcement personnel to the NHTSA Advanced Roadside Impaired Driving Enforcement (ARIDE) 16 hour POST-certified training.	2
6. Send law enforcement personnel to the Drug Recognition Expert (DRE) training.	1
7. Send law enforcement personnel to the DRE Recertification training.	1
8. Conduct DUI/DL Checkpoints. A minimum of 1 checkpoint should be conducted during the NHTSA Winter Mobilization and 1 during the Summer Mobilization. To enhance the overall deterrent effect and promote high visibility, it is recommended the grantee issue an advance press release and conduct social media activity for each checkpoint. For combination DUI/DL checkpoints, departments should issue press releases that mention DL's will be checked at the DUI/DL checkpoint. Signs for DUI/DL checkpoints should read "DUI/Driver's License Checkpoint Ahead." OTS does not fund or support independent DL checkpoints. Only on an exception basis and with OTS pre-approval will OTS fund checkpoints that begin prior to 1800 hours. When possible, DUI/DL Checkpoint screeners should be DRE- or ARIDE-trained.	2
9. Conduct DUI Saturation Patrol operation(s).	40
10. Conduct Traffic Enforcement operation(s), including but not limited to, primary collision factor violations.	35
11. Conduct highly publicized Distracted Driving enforcement operation(s) targeting drivers using hand held cell phones and texting.	2
12. Conduct highly publicized Motorcycle Safety enforcement operation(s) in areas or during events with a high number of motorcycle incidents or collisions resulting from unsafe speed, DUI, following too closely, unsafe lane changes, improper turning, and other primary collision factor violations by motorcyclists and other drivers.	2
13. Conduct Nighttime (1800-0559) Click It or Ticket enforcement operation(s).	2
14. Conduct highly publicized pedestrian and/or bicycle enforcement operation(s) in areas or	8

during events with a high number of pedestrian and/or bicycle collisions resulting from violations made by pedestrians, bicyclists, and drivers.	
15. Conduct Traffic Safety educational presentation(s) with an effort to reach community members. Note: Presentation(s) may include topics such as distracted driving, DUI, speed, bicycle and pedestrian safety, seat belts and child passenger safety.	4
3. METHOD OF PROCEDURE A. <u>Phase 1 – Program Preparation (1st Quarter of Grant Year)</u> <ul style="list-style-type: none"> • The department will develop operational plans to implement the “best practice” strategies outlined in the objectives section. • All training needed to implement the program should be conducted this quarter. • All grant related purchases needed to implement the program should be made this quarter. • In order to develop/maintain the “Hot Sheets,” research will be conducted to identify the “worst of the worst” repeat DUI offenders with a suspended or revoked license as a result of DUI convictions. The Hot Sheets may include the driver’s name, last known address, DOB, description, current license status, and the number of times suspended or revoked for DUI. Hot Sheets should be updated and distributed to traffic and patrol officers at least monthly. • Implementation of the STEP grant activities will be accomplished by deploying personnel at high collision locations. <u>Media Requirements</u> • Issue a press release announcing the kick-off of the grant by November 15, but no earlier than October 1. If unable to meet the November 15 date, communicate reasons to your OTS Coordinator. The kick-off press releases and any related media advisories, alerts, and materials must be emailed for approval to the OTS Public Information Officer at pio@ots.ca.gov, and copied to your OTS Coordinator, 14 days prior to the issuance date of the release. • The department will work to create media opportunities throughout the grant period to call attention to the innovative program strategies and outcomes. 	
B. <u>Phase 2 – Program Operations (Throughout Grant Year)</u> <u>Media Requirements</u> <ul style="list-style-type: none"> • Send all grant-related activity press releases, media advisories, alerts and general public materials to the OTS Public Information Officer (PIO) at pio@ots.ca.gov, with a copy to your OTS Coordinator. The following requirements are for grant-related activities and are different from those regarding any grant kick-off release or announcement. • If an OTS-supplied, template-based press release is used, there is no need for pre-approval, however, the OTS PIO and Coordinator should be copied when at the same time as the release is distributed to the press. • If an OTS-supplied template is not used, or is substantially changed, a draft press release shall be sent to the OTS PIO for approval. Optimum lead-time would be 10 days prior to the release distribution date, but should be no less than 5 working days prior to the release distribution date. • Press releases reporting the immediate and time-valued results of grant activities such as enforcement operations are exempt from the recommended advance approval process, but still should be copied to the OTS PIO and Coordinator when the release is distributed to the press. • Activities such as warrant or probation sweeps and court stings that could be compromised by advanced publicity are exempt from pre-publicity, but are encouraged to offer embargoed media coverage and to report the results. • Use the following standard language in all press, media, and printed materials: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration. • Email the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator at least 30 days in advance, a short description of any significant grant-related traffic safety event or program so OTS has sufficient notice to arrange for attendance and/or participation in the event. • Submit a draft or rough-cut of all printed or recorded material (brochures, posters, scripts, artwork, trailer graphics, etc.) to the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator for approval 14 days prior to the production or duplication. • Space permitting, include the OTS logo, on grant-funded print materials; consult your OTS Coordinator for specifics and format-appropriate logos. • Contact the OTS PIO or your OTS Coordinator, sufficiently far enough in advance of need, for 	

consultation when deviation from any of the above requirements might be contemplated

C. Phase 3 – Data Collection & Reporting (Throughout Grant Year)

- Invoice Claims (due January 30, April 30, July 30, and October 30)
- Quarterly Performance Reports (due January 30, April 30, July 30, and October 30)
 - Collect and report quarterly, appropriate data that supports the progress of goals and objectives.
 - Provide a brief list of activity conducted, procurement of grant-funded items, and significant media activities. Include status of grant-funded personnel, status of contracts, challenges, or special accomplishments.
 - Provide a brief summary of quarterly accomplishments and explanations for objectives not completed or plans for upcoming activities.
 - Collect, analyze and report statistical data relating to the grant goals and objectives.
 -

4. METHOD OF EVALUATION

Using the data compiled during the grant, the Grant Director will complete the “Final Evaluation” section in the fourth/final Quarterly Performance Report (QPR). The Final Evaluation should provide a brief summary of the grant’s accomplishments, challenges and significant activities. This narrative should also include whether goals and objectives were met, exceeded, or an explanation of why objectives were not completed.

5. ADMINISTRATIVE SUPPORT

This program has full administrative support, and every effort will be made to continue the grant activities after grant conclusion.

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
164 AL-20	20.608	Minimum Penalties for Repeat Offenders for Driving While Intoxicated	\$60,000.00
402PT-20	20.600	State and Community Highway Safety	\$40,000.00

COST CATEGORY	CFDA	TOTAL COST TO GRANT
A. PERSONNEL COSTS		
Positions and Salaries		
Full-Time		\$0.00
Overtime		
DUI/DL Checkpoints	20.608	\$25,920.00
DUI Saturation Patrols	20.608	\$28,800.00
Benefits @1.45 %	20.608	\$793.00
Traffic Enforcement	20.600	\$25,200.00
Distracted Driving	20.600	\$1,440.00
Motorcycle Safety	20.600	\$1,440.00
Night-time Click It Or Ticket	20.600	\$1,440.00
Pedestrian and Bicycle Enforcement	20.600	\$5,760.00
Traffic Safety Education	20.600	\$2,880.00
Benefits @ 1.45	20.600	\$553.00
Part-Time		\$0.00
Category Sub-Total		\$94,226.00
B. TRAVEL EXPENSES		
In State Travel	20.600	\$1,287.00
		\$0.00
Category Sub-Total		\$1,287.00
C. CONTRACTUAL SERVICES		
		\$0.00
Category Sub-Total		\$0.00
D. EQUIPMENT		
		\$0.00
Category Sub-Total		\$0.00
E. OTHER DIRECT COSTS		
DUI Checkpoint Supplies	20.608	\$4,487.00
Category Sub-Total		\$4,487.00
F. INDIRECT COSTS		
		\$0.00
Category Sub-Total		\$0.00
GRANT TOTAL		\$100,000.00

BUDGET NARRATIVE	
PERSONNEL COSTS	QUANTITY
DUI/DL Checkpoints - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	2
DUI Saturation Patrols - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	40
Benefits @1.45 % - Overtime Benefits Medicare 1.45	1
Traffic Enforcement - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	35
Distracted Driving - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	2
Motorcycle Safety - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	2
Night-time Click It Or Ticket - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	2
Pedestrian and Bicycle Enforcement - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	8
Traffic Safety Education - Overtime for grant funded traffic safety presentations or campaigns conducted by appropriate department personnel.	4
Benefits @ 1.45 - Overtime Benefits Medicare 1.45	1
TRAVEL EXPENSES	
In State Travel - Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and objectives and/or traffic safety. Local mileage for grant activities and meetings is included. Anticipated travel may include (enter other known conferences or required events). All conferences, seminars or training not specifically identified in the Budget Narrative must be approved by OTS. All travel claimed must be at the agency approved rate. Per Diem may not be claimed for meals provided at conferences when registration fees are paid with OTS grant funds.	1
CONTRACTUAL SERVICES	
-	
EQUIPMENT	
-	
OTHER DIRECT COSTS	
DUI Checkpoint Supplies - DUI Checkpoint Supplies - on-scene supplies needed to conduct sobriety checkpoints. Costs may include 28" traffic cones, MUTCD compliant traffic signs, MUTCD compliant high visibility vests (maximum of 10), traffic counters (maximum of 2), generator, gas for generators, lighting, reflective banners, electronic flares, PAS device supplies, heater, propane for heaters, fan, anti-fatigue mats, and canopies. Additional items may be purchased if approved by OTS. The cost of food and beverages will not be reimbursed.	1
INDIRECT COSTS	

STATEMENTS/DISCLAIMERS

Program Income default statement:

There will be no program income generated from this grant.

Enforcement Grant Quota Disclaimer:

Nothing in this "agreement" shall be interpreted as a requirement, formal or informal, that a particular law enforcement officer issue a specified or predetermined number of citations in pursuance of the goals and objectives here under.

CERTIFICATIONS AND ASSURANCES
HIGHWAY SAFETY GRANTS
(23 U.S.C. CHAPTER 4 AND SEC. 1906, PUB. L. 109-59, AS AMENDED)

Failure to comply with applicable Federal statutes, regulations, and directives may subject Grantee Agency officials to civil or criminal penalties and/or place the State in a high-risk grantee status in accordance with 49 CFR §18.12.

The officials named on the grant agreement, certify by way of signature on the grant agreement signature page, that the Grantee Agency complies with all applicable Federal statutes, regulations, and directives and State rules, guidelines, policies and laws in effect with respect to the periods for which it receives grant funding. Applicable provisions include, but are not limited to, the following:

- 23 U.S.C. Chapter 4—Highway Safety Act of 1966, as amended
- 49 CFR Part 18—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- 23 CFR Part 1300—Uniform Procedures for State Highway Safety Grant Programs

NONDISCRIMINATION

(applies to subrecipients as well as States)

The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination (“Federal Nondiscrimination Authorities”). These include but are not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. 324 et seq.), and Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 et seq.), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. 6101 et seq.), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;

- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR 74087-74100)).

The State highway safety agency—

- Will take all measures necessary to ensure that no person in the United States shall, on the grounds of race, color, national origin, disability, sex, age, limited English proficiency, or membership in any other class protected by Federal Nondiscrimination Authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of its programs or activities, so long as any portion of the program is Federally-assisted;
- Will administer the program in a manner that reasonably ensures that any of its subrecipients, contractors, subcontractors, and consultants receiving Federal financial assistance under this program will comply with all requirements of the Non-Discrimination Authorities identified in this Assurance;
- Agrees to comply (and require its subrecipients, contractors, subcontractors, and consultants to comply) with all applicable provisions of law or regulation governing US DOT's or NHTSA's access to records, accounts, documents, information, facilities, and staff, and to cooperate and comply with any program or compliance reviews, and/or complaint investigations conducted by US DOT or NHTSA under any Federal Nondiscrimination Authority;
- Acknowledges that the United States has a right to seek judicial enforcement with regard to any matter arising under these Non-Discrimination Authorities and this Assurance;
- Agrees to insert in all contracts and funding agreements with other State or private entities the following clause:

“During the performance of this contract/funding agreement, the contractor/funding recipient agrees—

- a. To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
- b. Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in appendix B of 49 CFR part 21 and herein;
- c. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
- d. That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding

recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and

- e. To insert this clause, including paragraphs (a) through (e), in every subcontract and sub agreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.

POLITICAL ACTIVITY (HATCH ACT)

(applies to subrecipients as well as States)

The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

CERTIFICATION REGARDING FEDERAL LOBBYING

(applies to subrecipients as well as States)

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

RESTRICTION ON STATE LOBBYING

(applies to subrecipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

(applies to subrecipients as well as States)

Instructions for Primary Tier Participant Certification (States)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency may terminate the transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Tier Covered Transactions

- (1) The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

- (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) Where the prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Participant Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

BUY AMERICA ACT

(applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE

(applies to subrecipients as well as States)

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

LAW ENFORCEMENT AGENCIES

All subrecipient law enforcement agencies shall comply with California law regarding profiling. Penal Code section 13519.4, subdivision (e), defines "racial profiling" as the "practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped." Then, subdivision (f) of that section goes on to provide, "A law enforcement officer shall not engage in racial profiling."

RESOLUTION NO. _____

RESOLUTION OF THE SAN RAFAEL CITY COUNCIL APPROVING USE OF STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY GRANT FUNDS IN THE AMOUNT OF \$100,000 FOR THE “SELECTIVE TRAFFIC ENFORCEMENT PROGRAM” (“STEP”) GRANT FROM OCTOBER 1, 2019 THROUGH SEPTEMBER 30, 2020 AND AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT AGREEMENT AND ANY OTHER DOCUMENTS RELATED TO THE GRANT.

Whereas, the State of California, Office of Traffic Safety granted the City of San Rafael \$100,000 in grant funds for the period of October 1, 2019 through September 30, 2020; and

Whereas, this grant money may be spent to pay overtime costs, travel and equipment purchase associated with the Selective Traffic Enforcement Program (“STEP”) Grant Program to mitigate traffic safety program deficiencies and expand ongoing activity; and

Whereas, to improve traffic safety, the San Rafael Police Department will use the STEP Grant funds to conduct DUI checkpoints and saturation patrols, distracted driving enforcement, warrant service operations, court stings and stakeouts on DUI offenders, high collision intersection enforcement, speed enforcement patrols, and enforcement traffic stops; and

Whereas, the Police Department will use the STEP Grant funds for overtime personnel costs of Captains, Lieutenants, Sergeants, Corporals, Officers, Community Service Officers, Dispatchers and Cadets incurred in connection with the enforcement activities; and

Whereas, the Police Department will use the STEP Grant funds for travel and training, and expenses related to the enforcement activities;

NOW, THEREFORE BE IT RESOLVED, that the City Council approves the use of \$100,000 in California Office of Traffic Safety grant funds for the City’s “Selective Traffic Enforcement Program” from October 1, 2019 through September 30, 2020, with funds to be appropriated in the Safety Grant Fund 281, and authorizes the City Manager to execute a Grant Agreement and any documents related to the Grant in a form approved by the 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 San Rafael City Council meeting held on September 3, 2019 by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

Lindsay Lara, City Clerk



SAN RAFAEL
THE CITY WITH A MISSION

Agenda Item No: 4.e

Meeting Date: September 3, 2019

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

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

City Manager Approval:

File No.: 24.03

TOPIC: FY 2019-20 FLEET VEHICLE PURCHASES

SUBJECT: RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE ONE PARKING SERVICES ENFORCEMENT VEHICLE AND TWO PUBLIC WORKS VEHICLES FOR A TOTAL NOT TO EXCEED \$242,900.

RECOMMENDATION: Adopt a resolution authorizing the City Manager to purchase fleet vehicles for Parking Services and Public Works.

BACKGROUND: The City of San Rafael's vehicle fleet consists of 203 vehicles. This includes passenger cars and trucks, as well as the City's specialty vehicles supporting the Fire Department, Police Department, Public Works, and others. In addition to the street-legal vehicles maintained in the City fleet, the Public Works Vehicle Maintenance and Replacement Program maintains 69 heavy equipment vehicles, including a backhoe, paint striper, tractors, and street sweepers. Most City vehicles are utilized by public safety (Police and Fire), followed by Public Works.

The Department of Public Works annually proposes a list of vehicles that are recommended for replacement during the respective fiscal year. The City's Fleet Management Policy and Procedures (Attachment 9) outlines the role of the Fleet Manager and various policies around replacement and repairs (including a commitment to purchase "green" (e.g. hybrid or electric vehicles) whenever possible). In addition, the Policy and Procedures document suggests a useable life for fleet vehicles by type. Although the usable life schedule outlined in the Fleet Policy and Procedures serves as a guide for estimating when replacement should occur, vehicles are not necessarily replaced in the number of years dictated by this schedule. The decision to replace a vehicle or other piece of equipment is based on its safety, mechanical condition, repair history and cost, the department's operational needs, and available finances. This results in some vehicle replacements made well after a vehicle's original anticipated replacement date, and at times vehicles may also be recommended for replacement before their scheduled replacement date.

FOR CITY CLERK ONLY

File No.:

Council Meeting:

Disposition:

ANALYSIS:

There are three vehicles that are recommended for replacement: one parking enforcement and two Public Works trucks. All vehicles will be purchased utilizing cooperative purchasing contracts, therefore under section 2.55.100(E) of the City’s Municipal Code, competitive bidding requirements do not apply.

Dept	Vehicle to be replaced	Last year replaced	Replace with (Make/Model)	Price	Build up + outfitting	Purchase Strategy
Parking Services	2014 Firefly Parking Buggy #217-14	2014	2019 Toyota Tacoma	\$27,600	\$5,000	State Contract
Public Works	Chevy Sign Truck #58	2000	2018 Ford Bucket Truck	\$126,600	\$5,000	Sourcewell Contract
Public Works	Chevy Chipper Truck	2002	2019 Chevy Diesel	\$50,700	\$28,000	Sourcewell Contract
Total				\$204,900	\$38,000	
				Grand Total: \$242,900		

Parking Services

The 2014 Firefly ESV Parking Enforcement Buggy is primarily used by the Abandoned Vehicle Officer to identify abandoned vehicles in the City. The vehicle requires major repairs, but various parts are no longer available as the manufacturer has ceased production of this vehicle. In addition, the vehicle has reached its replacement schedule of 5 years per the City’s Fleet Management Policy.

The recommended vehicle to replace the buggy is the 2019 Toyota Tacoma small pickup. Though the Toyota is a gas-powered vehicle and is replacing a more fuel-efficient electric buggy, this new vehicle provides parking services with flexibilities that an electric buggy does not. This light truck will enable Parking Services the option to install license plate readers (LPR) in the future. LPR technology has been successfully utilized on other City vehicles to enforce the vehicle code and will assist the Abandoned Vehicle Officer in identifying abandoned vehicles more efficiently. The LPR equipment manufacturer does not recommend the installation of LPR equipment on an electric buggy vehicle. In addition to enforcement and LPR use, the truck can also be used to haul parking barricades, parking meters and other heavier or bulky items that cannot be accommodated in a buggy.

The new vehicle will be purchased from the state cooperative purchasing contract, ensuring the lowest possible cost to the city. The make and model were selected due to its known reliability and low-maintenance cost. It is a multipurpose vehicle and the total cost is half the cost of purchasing a parking enforcement buggy like the 2014 Firefly. Importantly, the vehicle is expected to last longer than the 5 years the previous vehicle lasted.

The outfitting of this vehicle will include a bed enclosure to secure equipment, emergency/auxiliary lighting, city/enforcement decals, and city radio installation and testing.

Public Works

Public Work's secondary sign truck is now approaching 20 years of service. In evaluating the needs of the fleet and to provide better service, the department recommends upgrading the current truck to a bucket lift truck. Currently all aerial work done by Public Works is either performed by a contractor or through the rental of specialized equipment. It is estimated that the Parks Division would save around \$40,000 a year for small limb and emergency branch removals. The Streets Division would save about \$3,500 annually for sign removals, replacements, and emergency call-outs for signage and Facilities would save \$25,000 a year for lift rental for lighting maintenance. In addition to reduced cost, the department would be better able to respond to emergencies that require aerial work.

The Parks Division chipper truck has been in use for 18 years and has reached the end of its useable life cycle. The deck of the dump bed and the metal chipper hut are rusted out and neither can be repaired. The Parks Division uses this truck daily for parks maintenance and vegetation management.

Both vehicles will be purchased through the Sourcewell cooperative purchasing contract, ensuring the lowest possible price. Sourcewell was formerly known as the National Joint Powers Alliance (NJPA).

FISCAL IMPACT: There are sufficient funds available in the Vehicle Replacement Fund (fund no. 600) for the purchases totaling \$242,900. The following tables summarize the costs associated with each Department:

<i>Parking Services</i>	
2019 Toyota Tacoma	\$27,600
Equipment and Outfitting	\$5,000
TOTAL	\$32,600

<i>Public Works</i>	
2018 Ford Bucket Truck	\$126,600
2019 Chevy Diesel	\$50,700
Equipment and Outfitting (2)	\$33,000
TOTAL	\$210,300

Per the City's Purchasing Policy, all retired City vehicles will be competitively bid and sold at auction or to other agencies. Any income received from the sale of the vehicles will be deposited back into the Vehicle Replacement Fund for future vehicle purchases. Additionally, upfitting funds that are not used will be appropriated back to the Vehicle Replacement Fund.

OPTIONS:

1. Approve the resolution authorizing the City Manager to purchase one parking services and two public works vehicles, for a not-to-exceed amount of \$242,900.
2. Direct the Department of Public Works to modify the proposed purchases.
3. Direct the Department of Public Works to withhold the proposed purchases. This option may have additional costs associated with vehicle/equipment rentals if the current vehicles or equipment experience mechanical failure.

RECOMMENDED ACTION: Adopt a resolution authorizing the City Manager to purchase one parking services enforcement vehicle and two public works vehicles, including outfitting, for a total not-to-exceed amount of \$242,900.

ATTACHMENTS:

1. Resolution
2. Parking Services – Toyota – 2019 Tacoma Quote
3. Public Works – Chipper Truck Quote
4. Public Works – Chipper Truck Upfit
5. Public Works Altec Quote
6. City Fleet Management Policy and Procedures

RESOLUTION NO.

RESOLUTION OF THE SAN RAFAEL CITY COUNCIL AUTHORIZING THE CITY MANAGER TO PURCHASE ONE PARKING SERVICES ENFORCEMENT VEHICLE AND TWO PUBLIC WORKS VEHICLES, INCLUDING OUTFITTING, FOR A NOT-TO-EXCEED AMOUNT OF \$242,900.

WHEREAS, San Rafael's various departments operate a fleet of 203 vehicles; and

WHEREAS, the management and replacement of the City's fleet of vehicles and equipment is governed by the guidelines set forth in San Rafael's Fleet Management Policies and Procedures document issued September 6, 2012; and

WHEREAS, one Parking Enforcement buggy and two Public Works vehicles have reached the end of their useful life and their term set forth on the replacement schedule in the City's Fleet Management Policies and Procedures, and several are notably costing the City more to repair and maintain than to replace; and

WHEREAS, these vehicles serve vital functions to City services; and

WHEREAS, the Department of Public Works is recommending the purchase of one Parking Services pickup truck and two Public Works vehicles; and

WHEREAS, the City Vehicle Maintenance program also purchases, installs, and maintains equipment on City fleet vehicles; and

WHEREAS, there is sufficient fund balance in the City's Vehicle Replacement Fund (#600) to accommodate the recommended purchases;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of San Rafael authorizes the City Manager to execute the purchase of one Parking Services vehicle and two Public Works vehicles as described in the Staff Report submitted to the City Council and incorporated herein, in accordance with the guidelines set forth in San Rafael's Fleet Management Policies and Procedures, issued on September 6, 2012. Funds shall be appropriated to the Vehicle Replacement budget in order to support these purchases totaling \$242,900.

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 the 3rd day of September 2019 by the following vote, to wit:

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

LINDSAY LARA, City Clerk

FREEWAY TOYOTA



1835 Glendale Ave
Hanford, CA. 93230

City of San Rafael

7/15/2019

San Rafael, CA.

Attn: Ryan Montes

As per your request for CA State Contract #1-18-23-20C Line Item #1

2019 Toyota Tacoma SR AC (7162)	\$23905.00
2T-All weather floor liners/door sill	\$248.00
CJ-Bed mat	\$120.00
MF-Mud guards	\$129.00
R2-5" Oval tube step - black	\$469.00
9% County Sales Tax	\$2238.39
CA Tire Tax	\$8.75
Delivery to San Rafael	\$450.00
Total	\$27,568.14

Protect against future mechanical or electrical issue's with Toyota Platinum Extra Care \$0 Deductible
5 Years / 100,000 Miles \$1030.00
6 Years / 100,000 Miles \$1250.00
7 Years / 125,000 Miles \$1745.00

Thank you for the opportunity to earn your business.

Patrick G Ireland

Government Fleet Manager



National Auto Fleet Group

A Division of Chevrolet of Watsonville

490 Auto Center Drive, Watsonville, CA 95076

(855) 289-6572 • (831) 480-8497 Fax

Fleet@NationalAutoFleetGroup.com

7/2/2019

Quote ID: 19223

Order Cut Off Date: TBA

Ryan Montes
City of San Rafael
Public Works

111 Morphew St

San Rafael, California, 94901

Dear Ryan Montes,

National Auto Fleet Group is pleased to quote the following vehicle(s) for your consideration.

One (1) New/Unused (2019 Chevrolet 5500HD LCF Diesel (CT52003) 2WD Reg Cab 132.5" ,) and delivered to your specified location, each for

	One Unit
Contract Price	\$46,535.14
Tax (9.0000 %)	\$4,188.16
Tire fee	\$8.75
Total	\$50,732.06

- per the attached specifications. Price includes 1 additional key(s).

This vehicle(s) is available under the **Sourcewell (Formerly Known as NJPA) Contract 120716-NAF** . Please reference this Contract number on all purchase orders to National Auto Fleet Group. Payment terms are Net 20 days after receipt of vehicle.

Thank you in advance for your consideration. Should you have any questions, please do not hesitate to call.

Sincerely,

Jesse Cooper
Account Manager
Email: Fleet@NationalAutoFleetGroup.com
Office: (855) 289-6572
Fax: (831) 480-8497



GMC

In order to Finalize your Quote, please submit this purchase packet to your governing body for Purchase Order Approval. Once you issue a Purchase Order please send by:

Fax: (831) 480-8497

**Mail: National Auto Fleet Group
490 Auto Center Drive
Watsonville, CA 95076**

Email: Fleet@nationalautofleetgroup.com

We will then send a W-9 if you need one

**Please contact our main office with any questions:
1-855-289-6572**

Vehicle Configuration Options

ENGINE	
Code	Description
I1B	ENGINE, DIESEL 5.2L 4 CYLINDER, 215 hp [160.3 kW] @2500 rpm, 452 lb-ft of torque [612.8 Nm] @ 1850-2750 rpm (Governed). 16 valve, four cycle, chain-driven dual overhead camshaft valve train, a cast iron cylinder block, and a cast aluminum cylinder head. Turbocharged, inter-cooled, water cooled EGR, direct injection, electronically controlled common rail fuel system and engine cruise control. Oil level check switch and light. Engine warning system with audible warning for low oil pressure, high coolant temperature, and a protection system that will reduce fueling if excessive coolant temperature is detected (STD)
TRANSMISSION	
Code	Description
IR7	TRANSMISSION, 6-SPEED AUTOMATIC AISIN A465 TRANSMISSION, with fifth and sixth gear overdrive with lock up in 2nd, 3rd, 4th, 5th and 6th, PTO capability automatic torque converter lockup in stationary PTO mode. (STD)
AXLE	
Code	Description
062	REAR AXLE, 5.12 RATIO
PREFERRED EQUIPMENT GROUP	
Code	Description
1WT	PREFERRED EQUIPMENT GROUP, includes standard equipment
PAINT	
Code	Description
16U	ARC WHITE
PAINT SCHEME	
Code	Description
___	STANDARD PAINT
SEAT TYPE	
Code	Description
A1F	SEAT, FRONT HIGH BACK BUCKET DRIVER AND PASSENGER, tricoat cloth covered reclining high back driver seat with single two occupant fold down passenger seat (STD)
SEAT TRIM	
Code	Description
HNF	VERY DARK PEWTER, CLOTH SEAT TRIM
RADIO	

Code	Description
UIZ	AUDIO SYSTEM, AM/FM STEREO WITH CD PLAYER, AUXILIARY JACK, USB PORT AND BLUETOOTH, (STD)
ADDITIONAL EQUIPMENT	
Code	Description
G86	AXLE, LIMITED SLIP
9W8	PIO, SEAT-COVER PROTECTOR
UZF	PIO, BACK UP ALARM
MTE	PIO, FIRE EXTINGUISHER AND SAFETY REFLECTOR MOUNTING PROVISIONS
Y5Q	WARRANTY, 4-YEARS/100,000 MILES, (whichever comes first). Covers engine, transmission and drive axle
AIR CONDITIONING	
Code	Description
C60	AIR CONDITIONING, SINGLE-ZONE MANUAL, INTEGRAL IN-DASH MOUNTED

2019 Fleet/Non-Retail Chevrolet 5500HD LCF Diesel 2WD Reg Cab 132.5"

WINDOW STICKER

2019 Chevrolet 5500HD LCF Diesel 2WD Reg Cab 132.5"

CODE	MODEL	MSRP
CT52003	2019 Chevrolet 5500HD LCF Diesel 2WD Reg Cab 132.5"	\$57,610.00
OPTIONS		
I1B	ENGINE, DIESEL 5.2L 4 CYLINDER, 215 hp [160.3 kW] @2500 rpm, 452 lb-ft of torque [612.8 Nm] @ 1850-2750 rpm (Governed). 16 valve, four cycle, chain-driven dual overhead camshaft valve train, a cast iron cylinder block, and a cast aluminum cylinder head. Turbocharged, inter-cooled, water cooled EGR, direct injection, electronically controlled common rail fuel system and engine cruise control. Oil level check switch and light. Engine warning system with audible warning for low oil pressure, high coolant temperature, and a protection system that will reduce fueling if excessive coolant temperature is detected (STD)	\$0.00
IR7	TRANSMISSION, 6-SPEED AUTOMATIC AISIN A465 TRANSMISSION, with fifth and sixth gear overdrive with lock up in 2nd, 3rd, 4th, 5th and 6th, PTO capability automatic torque converter lockup in stationary PTO mode. (STD)	\$0.00
062	REAR AXLE, 5.12 RATIO	\$0.00
1WT	PREFERRED EQUIPMENT GROUP, includes standard equipment	\$0.00
16U	ARC WHITE	\$0.00
—	STANDARD PAINT	\$0.00
A1F	SEAT, FRONT HIGH BACK BUCKET DRIVER AND PASSENGER, tricoat cloth covered reclining high back driver seat with single two occupant fold down passenger seat (STD)	\$0.00
HNF	VERY DARK PEWTER, CLOTH SEAT TRIM	\$0.00
UIZ	AUDIO SYSTEM, AM/FM STEREO WITH CD PLAYER, AUXILIARY JACK, USB PORT AND BLUETOOTH, (STD)	\$0.00
G86	AXLE, LIMITED SLIP	\$840.00
9W8	PIO, SEAT-COVER PROTECTOR	\$280.00
UZF	PIO, BACK UP ALARM	\$115.00
MTE	PIO, FIRE EXTINGUISHER AND SAFETY REFLECTOR MOUNTING PROVISIONS	\$90.00
Y5Q	WARRANTY, 4-YEARS/100,000 MILES, (whichever comes first). Covers engine, transmission and drive axle	\$250.00
C60	AIR CONDITIONING, SINGLE-ZONE MANUAL, INTEGRAL IN-DASH MOUNTED	\$1,275.00

Please note selected options override standard equipment

SUBTOTAL	\$60,460.00
Advert/ Adjustments	\$0.00
Manufacturer Destination Charge	\$1,125.00
TOTAL PRICE	\$61,585.00
Est City:	
Est Highway:	
Est Highway Cruising Range:	

Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

Standard Equipment

MECHANICAL

Engine, Diesel 5.2L 4 cylinder 215 hp [160.3 kW] @2500 rpm, 452 lb-ft of torque [612.8 Nm] @ 1850-2750 rpm (Governed). 16 valve, four cycle, chain-driven dual overhead camshaft valve train, a cast iron cylinder block, and a cast aluminum cylinder head. Turbocharged, inter-cooled, water cooled EGR, direct injection, electronically controlled common rail fuel system and engine cruise control. Oil level check switch and light. Engine warning system with audible warning for low oil pressure, high coolant temperature, and a protection system that will reduce fueling if excessive coolant temperature is detected
Transmission, 6-speed automatic Aisin A465 transmission with fifth and sixth gear overdrive with lock up in 2nd, 3rd, 4th, 5th and 6th, PTO capability automatic torque converter lockup in stationary PTO mode.
Rear axle, 5.12 ratio
Air cleaner, heavy-duty, 11" diameter dry paper single element. Air cleaner canister standard with air restriction gauge. Back of cab location.
Drivetrain, rear-wheel drive
Battery, dual 750 cold-cranking amps, 12 volt, maintenance free
Alternator, 140 amps
Frame, ladder-type channel frame. Full C section straight frame 33.5" (85.1 cm) wide. Yield strength 44,000 psi, section modulus 7.20 cu.in. and RBM 316,800 lb-ft/in per rail.
Incomplete vehicle certification
Wheelbase, 132.5" (336.6 cm)
GVWR, 17,950 lbs. (8142 kg)
Front suspension, 8,440 lbs. (3828 kg) tapered leaf (Standard on 4500XD, 5500HD and 5500XD only.)
Rear Suspension, 14,550 lbs. (6599 kg) (Standard on 5500HD and 5500XD only.)
Front axle, 6,830 lbs. (3098 kg), reverse Elliot "I"-beam includes integral hydraulic power steering. ratio 18.8-20.9:1
Rear axle, 14,550 lbs. (6600 kg) (Standard on 5500HD and 5500XD only.)
Vehicle Application Truck
Brakes, 4-wheel antilock, front disc, rear drum, dual circuit, vacuum assisted hydraulic with EBD (Electronic Brake Distribution). Disc front and self-adjust outboard mounted drum rear. Mechanical, transmission-mounted parking brake. Non-asbestos semi-metallic linings are standard. 4 channel anti-lock brake system.
Exhaust brake
Fuel tank, 30 Gallon, (113L), rectangular fuel tank. mounted between frame rail with electric type fuel pump (mounted in tank). Through the rail fuel fill
Exhaust, single horizontal outlet

EXTERIOR

Wheels, 19.5" x 6", K steel (Standard on 4500XD, 5500HD and 5500XD only.)
Tires, front, 225/70R19.5 F 125/123 L BW HWY VAR1 (Standard on 4500XD, 5500HD and 5500XD only.)
Tires, rear, 225/70R19.5 F 125/123 L BW HWY VAR1 (Standard on 4500XD, 5500HD and 5500XD only.)
Assist steps
Glass, tinted

Mirror, outside left hand and right hand dual cab mounted exterior with integral convex mirror
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Windshield wiper, pulse, wet arm

ENTERTAINMENT

Audio System, AM/FM stereo with CD player, auxiliary jack, USB port and Bluetooth

Audio system feature, 2 speakers

INTERIOR

Seat, front high back bucket driver and passenger tricoat cloth covered reclining high back driver seat with single two occupant fold down passenger seat

Seat trim, Cloth

Cup holders

Floor mats

Steering wheel, urethane

Steering wheel, tilt and telescopic

Driver Information Center, (DIC) (monitors vital functions including diesel exhaust fluid levels (DEF), particulate matter emissions level in the diesel particulate filter (DPF), diesel particulate filter regeneration, service reminders for engine oil, transmission oil, differential oil, power steering fluid, engine oil filter, and fuel filters. The DIC provides fuel economy reporting by average, instant, and trip.)

Windows, power

Door locks, power

Cruise control, electronic, automatic

Windshield washer bottle access on passenger side dash when passenger-side door is open

Storage, door pockets

Lighting, interior dome

Storage, seatback pockets

SAFETY

Brake, parking, cable actuated, internal expanding drum type, transmission-mounted
--

Daytime Running Lamps



Western Truck Fabrication, Inc.

1923 West Winton Avenue
Hayward, CA 94545

Phone: 510-785-9994

Email: sales@westerntruckfab.com

Fax: 510-785-9986

www.westerntruckfab.com

Quotation

Date 7/3/2019

Quote # **69472**

WTF Rep Mark

Customer Name / Address

CITY OF SAN RAFAEL

End User's Name RYAN MONTES

End User's Phone 415-458-5345

Contact Phone

Vehicle Year 2019

Make / Model CHEVY LCF 550...

W.B.

C.A. 110"

Dealer Contact

Fuel Type

Part #	Qty	Description	Tax
WTFBD-14-510		FURNISH AND INSTALL 8'-0" WIDE X 14'-0" LONG FLATBED DUMP TO INCLUDE: 60" HIGH STEEL HEADBOARD 3/16" SMOOTH STEEL FORMED BED 4" CROSSMEMBERS 12" ON CENTER ROPE HOOKS CRYSTEEL LB510-EDA 6.7-TON CAPACITY, ELECTRIC DOUBLE ACTING UNDER BODY HOIST, NTEA CLASS 30 DUMP SAFETY PACKAGE AND BACK UP ALARM ICC DOCK BUMPER LEGAL LIGHTING ANTI-SAIL MUD FLAPS UNDERSEALED AND PAINTED BLACK	
MATERIALS FBD	1	60" HIGH X 72" LONG FRONT FIXED CHIPPER ENCLOSURE 12 GAUGE GALVANNEAL SIDE WALLS AND ROOF 3"X2" TUBING FRAME	
MATERIALS FBD	1	24" TALL STAKE SIDES, SIX (6) SECTIONS TWO EACH SIDE BEHIND CHIPPER ENCLOSURE, TWO AT REAR STEEL STAKES, FORMED 12 GAUGE GALVANNEAL STEEL SHEETING 3/4" PIPE HORIZONTAL GRAB BAR BACKING PLATES BETWEEN EACH PANEL STAKE LATCHES	
MATERIALS FBD	1	TWO (2) SHOVEL RACK ON CHIPPER ENCLOSURE, ONE EACH SIDE	

PLEASE REVIEW AND READ QUOTE CAREFULLY.
SPECIAL ORDERS ARE NON RETURNABLE AND NON REFUNDABLE.
ALL RETURNED PARTS ARE SUBJECT TO A 25% RESTOCKING FEE.
CREDIT CARD PAYMENTS OVER \$1,000 ARE SUBJECT TO A 3% PROCESSING FEE.
UPON ACCEPTANCE OF THIS QUOTE CIRCLE OPTIONS DESIRED, SIGN & FAX BACK TO 510.785.9986
THIS QUOTE IS GOOD FOR 30 DAYS FROM THE DATE OF CREATION.

Accepted By: _____ Date: _____

P.O #: _____ Chassis ETA: _____

VIN #: _____

**THANK YOU FOR THE
OPPORTUNITY
TO QUOTE THIS JOB**



Western Truck Fabrication, Inc.

1923 West Winton Avenue
Hayward, CA 94545

Phone: 510-785-9994

Email: sales@westerntruckfab.com

Fax: 510-785-9986

www.westerntruckfab.com

Quotation

Date 7/3/2019

Quote # **69472**

WTF Rep Mark

Customer Name / Address

CITY OF SAN RAFAEL

End User's Name RYAN MONTES

End User's Phone 415-458-5345

Contact Phone

Vehicle Year 2019

Make / Model CHEVY LCF 550...

W.B.

C.A. 110"

Dealer Contact

Fuel Type

Part #	Qty	Description	Tax
FBD-HREC		FRAME MOUNTED CLASS 4 RECEIVER HITCH TWO 5/8" D RINGS VERIFY TRAILER PLUG TYPE	
EC-BUCAM	1	FURNISH & INSTALL BACK-UP CAMERA SYSTEM 7" MONITOR NIGHT VISION 130 DEGREE LENS ANGLE WATERPROOF CAMERA & CONNECTORS *** TV-505A *** *** VERIFY LOCATION OF CAMERA ***	
EC-WHTANF85	1	WHELEN EIGHT LAMP LINEAL LED TRAFFIC ADVISOR IN-CAB CONTROLS MOUNTED ON TOP REAR OF CHIPPER ENCLOSURE	
MATERIALS EC	2	TWO AMBER STROBE LIGHTS ONE MOUNTED EACH REAR SIDE OF CHIPPER ENCLOSURE WIRED TO DASH MOUNTED SWITCH	

PLEASE REVIEW AND READ QUOTE CAREFULLY.
SPECIAL ORDERS ARE NON RETURNABLE AND NON REFUNDABLE.
ALL RETURNED PARTS ARE SUBJECT TO A 25% RESTOCKING FEE.
CREDIT CARD PAYMENTS OVER \$1,000 ARE SUBJECT TO A 3% PROCESSING FEE.
UPON ACCEPTANCE OF THIS QUOTE CIRCLE OPTIONS DESIRED, SIGN & FAX BACK TO 510.785.9986
THIS QUOTE IS GOOD FOR 30 DAYS FROM THE DATE OF CREATION.

Accepted By: _____ Date: _____

P.O #: _____ Chassis ETA: _____

VIN #: _____

**THANK YOU FOR THE
OPPORTUNITY
TO QUOTE THIS JOB**

Subtotal **\$20800.00**

Sales Tax (9.25%) **\$2,028.00**

Total \$22,828.00

January 16, 2019
Our 90th Year

Ship To:
CITY OF SAN RAFAEL (CA)
111 MORPHEW ST
SAN RAFAEL, CA 94901
US

Bill To:
CITY OF SAN RAFAEL (CA)
FINANCE DEPT
1400 5TH AVE
SAN RAFAEL, CA 94901-0000
United States

Attn:
Phone:
Email:

Altec Quotation Number: 443999 - 3
Account Manager: William P Hamburger
Technical Sales Rep: Omar Salcedo

<u>Item</u>	<u>Description</u>	<u>Qty</u>	<u>Price</u>
	<u>Unit</u>		
1.	ALTEC Model AT37G telescoping/articulating continuous rotation aerial device with an insulating articulating arm, insulating telescopic upper boom, and the patented ISO-Grip insulating system at the boom tip. Includes the following features:	1	
	A. Ground to bottom of platform height: 37.8 feet		
	B. Working height: 42.8 feet		
	C. Maximum reach to edge of platform. Side Mounted Platform: 26.6 feet. End Mounted Platform: 28.3 feet (at 14.4 foot platform height).		
	D. Telescopic boom extension: 9 feet 8 inches		
	E. Continuous rotation		
	F. Insulating Aerial Device, ANSI Category C, 46kV and Below		
	G. Articulating Arm: Articulation is from -7 to 90 degrees. Insulator provides 12 inches of isolation.		
	H. Compensation System: By raising the articulating arm only, the telescopic boom maintains its relative angle in relation to the ground. The work position is achieved through a single function operation.		
	I. Telescoping upper boom: Articulation is from -25 to 75 degrees.		
	J. Master/ Slave Leveling: Platform automatically maintains level during boom articulation through a lifetime master/slave hydraulic leveling system that requires no major preventive maintenance.		
	K. The INSULATING UPPER CONTROL SYSTEM includes a single handle controller incorporating high electrical resistance components that is dielectrically tested to 40 kV AC with no more than 400 microampers of leakage. The control handle is green in color to differentiate it from other non-tested controllers.		
	L. One set of tool outlets at the platform providing up to 5 gpm of flow for open center tools		
	M. Hydraulic System: Open center system operating at 5gpm and 2,400 psi.		
	N. Unit is painted with a powder coat paint process which provides a finish-painted surface that is highly resistant to chipping, scratching, abrasion and corrosion.		
	O. Structural Warranty all of the following applicable major components is to be warranted for so long as the initial purchaser owns the product: Booms, boom		

<u>Item</u>	<u>Description</u>	<u>Qty</u>	<u>Price</u>
	articulation links, hydraulic cylinder structures, outrigger weldments, pedestals, subbases and turntables.		
P.	Manuals: Two (2) operator and Maintenance/Parts manuals		
2.	AT37G Unit Model	1	
3.	Engine Start/Stop & Secondary Stowage System: 12 VDC powered motor and pump assembly for temporary operation of the unit in a situation wherein the primary hydraulic source fails. Electric motor is powered by the chassis battery. This feature allows the operator to completely stow the booms and platform. Secondary Stowage & Start/Stop is activated with an air plunger at the platform and switch at the lower control station.	1	
4.	Post style pedestal mounting	1	
5.	Poly Hydraulic Reservoir, Pedestal Mounted, 7 Gallon (Includes Sight Gauge)	1	
6.	Single, One (1) Man, Fiberglass Platform; End Mounted with 180 degree rotator. 24 x 30 x 42 inches, includes hydraulic tilt.	1	
7.	Two (2) Platform Steps	1	
8.	Soft nylon reinforced vinyl platform cover for a 24 x 30 inch platform	1	
9.	Platform liner for a 24 x 30 x 42 inch platform	1	
10.	Platform Capacity, 400LBS.	1	
11.	Altec Patented ISO-Grip Insulating 4 Function, Proportional Speed, Upper Control Handle - with safety interlock and interlock guard. Forward/back operates upper boom in/out, tiller operates rotation CW/CCW, up/down operates lower boom up/down, and twist operates articulating arm up/down. Platform leveling is controlled with a separate interlocked control handle.	1	
12.	Manual lowering valve located at the boomtip. For use in emergency situations to allow the operator to lower the boom to the ground	1	
13.	H Frame Outriggers with fixed shoe, provides 85.5 inch maximum spread to outer edge of shoes. Includes 8 x 10 inch shoes, control valves, motion alarms to sound during movement, and outrigger interlocks. Interlocks will not allow the unit to be operated until the outriggers have been deployed. Standard installation is directly behind the cab chassis.	1	
14.	Hydraulic Outrigger Control Valves	1	
15.	Powder coat unit Altec White.	1	

Unit & Hydraulic Acc.

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<u>Item</u>	<u>Description</u>	<u>Qty</u>	<u>Price</u>
16.	HVI-22 Hydraulic Oil (Standard).	9	
17.	Standard Pump For PTO	1	
18.	Hot shift PTO for automatic transmission	1	

Body

19.	102 Inch Universal Small Aerial Body for a 60 Inch CA Chassis with 29 Inch Long Tailshelf, to Meet the Following Specifications:	1	
	<ul style="list-style-type: none"> A. Basic body fabricated from A40 grade 100% zinc alloy coated steel B. All doors are full, double paneled, self-sealed with built-in drainage. C. Stainless steel hinge rods extend full length of door. D. Door hinges are zinc alloy material attached with rivets E. All doors contain stainless steel, flush mounted, paddle activated rotary style latches with two-stage locking, including keyed locks and adjustable strikers. F. Heavy-gauge welded steel frame construction with smooth galvanneal floor. G. Possible contact edges are folded for safety. H. Door header drip rail at top for maximum weather protection. I. Neoprene or rolled fenders on wheel fender panels. J. Steel treated for improved primer bond and rust resistance. K. Automotive underseal applied to body. L. Automotive type non-porous door seals fastened to the door facing. M. 102 Inch Body Length N. 40 Inch Body Height (Standard) O. 94 Inch Body Width (Standard) P. 20 Inch Body Compartment Depth (Standard) Q. Finish paint body Altec White at body manufacturer. R. 8 Inch Body Crossmembers (Standard) S. No Treadplate On Compartment Tops T. 6 Inch tall wooden tailboard installed at the rear of body cargo area U. Stainless Steel Rotary Paddle Latch With Lock (Standard) V. Master Body Locking System (Standard) W. One (1) Double-Capacity Chock Holder On Curbside Of Body X. Gas Shock Type Rigid Door Holders For Vertical Doors (Standard) Y. Chains On Horizontal Doors Z. Hotstick shelf extending full length of body on Curbside. AA. Drop-Down Hot Stick Door For One (1) Shelf (Right Side) AB. Two (2) Hot Stick Brackets AC. 1st Vertical Streetside (LH) - Two (2) Adjustable Shelves With Removable Dividers On 4 Inch Centers AD. 1st Horizontal Streetside (LH) - One (1) Fixed Shelf With Removable Dividers On 8 Inch Centers AE. Rear Vertical Streetside (LH) - Four (4) Adjustable Locking Swivel Hooks 		

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<u>Item</u>	<u>Description</u>	<u>Qty</u>	<u>Price</u>
AF.	1st Vertical Curbside (RH) - Five (5) Adjustable Locking Swivel Hooks		
AG.	1st Horizontal Curbside (RH) - Vacant		
AH.	Rear Vertical Curbside (RH) - Two (2) Adjustable Shelves With Removable Dividers On 4 inch Centers		
AI.	One (1) Small Bolt-On Grab Handle Installed At Rear Of Curbside Compartments		
AJ.	29 Inch Tailshelf with Smooth Galvaneal Floor Installed at Rear of Body. Includes One (1) U-Shaped Grab Handle.		

Body and Chassis Accessories

20.	Expanded Metal Aluminum Cab Guard	1	
21.	Rear chassis cab window guard installed. The window guard shall follow the contour of the rear window. Expanded metal center protection in the perimeter of the window guard	1	
22.	ICC Underride Protection	1	
23.	Combination 2 Ball (10,000 LB MGTW) And Pintle Hitch (16,000 LB MGTW)	1	
24.	Set Of Eye Bolts for Trailer Safety Chain, installed one each side of towing device mount.	1	
25.	Rear Torsion Bar Installed On Chassis	1	
26.	Appropriate counterweight added for stability.	1	
27.	Cable Step Installed At Rear, Single Step	1	
28.	Platform Rest, Rigid with Rubber Tube	1	
29.	Platform to be rotated and stowed in the side mounted position	1	
30.	Boom Rest for a Telescopic Unit	1	
31.	Wood Outrigger Pad, 19" x 19" x 2.5", With Rope Handle	2	
32.	Outrigger Pad Holder, 20" L x 20" W x 5" H, Fits 19.5" x 19.5" x 4" And Smaller Pads, Bolt-On, Bottom Washout Holes, 3/4" Lip Retainer	2	
33.	Mud Flap Without Altec Logo (Pair)	1	
34.	Wheel Chocks, Rubber, 9.75" L x 7.75" W x 5.00" H, with 4" L Metal Hairpin Style Handle (Pair)	1	
35.	Slope Indicator Assembly For Machine With Outriggers	1	

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<u>Item</u>	<u>Description</u>	<u>Qty</u>	<u>Price</u>
36.	Cone Holder, Post Style, With Hinged Plate and Latch	1	
37.	Spare Tire Holder Mounted In The Cargo Area	1	
38.	Ladder Rack, Sloped Front To Rear Of Body, Steel, Roller At Rear, Retaining Brackets And Strap (Dog Collar), Typically Mounted Flush At Rear Of Body and Overhung Towards Cargo Area. Installed on Streetside Compartment Top	1	
39.	Safety Harness & 4.5 FT Lanyard (Medium To X-large)	1	
40.	Triangular Reflector Kit, Installed behind bench seat in chassis cab	1	
41.	Soft Vinyl Lanyard Pouch	1	
42.	Vinyl manual pouch for storage of all operator and parts manuals	1	
43.	Rock Guards, Lexan, Installed Each Front Corner Of Body (Supplied by Final Assembly)	1	

Electrical Accessories

44.	Lights and reflectors in accordance with FMVSS #108 lighting package. (Complete LED, including LED reverse lights)	1	
45.	4-Corner Strobes, Amber, LED, Two (2) Surface Mounted Lights In Grille, Two (2) Rectangular Surface Mounted Lights At Rear, Class II (Permit May Be Required)	1	
46.	Strobe Lights Wired Battery Hot	1	
47.	Spot Light, LED, with Chrome Housing, 6" DIA	2	
48.	Dual Tone Back-Up With Outrigger Motion Alarm	1	
49.	PTO Hour Meter, Digital, with 10,000 Hour Display	1	
50.	7-Way Trailer Receptacle (Pin Type) Installed At Rear	1	
51.	Ford Upfitter Switches (Supplied With Chassis)	1	
52.	Generator, Gas, 3000 Watt, Recoil Start (Honda #EB3000)	1	
53.	Power Distribution Module Is A Compact Self-Contained Electronic System That Provides A Standardized Interface With The Chassis Electrical System. (Includes Operator's Manual)	1	
54.	Install Chassis (OEM) Supplied Backup Camera in Final Assembly	1	

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<u>Item</u>	<u>Description</u>	<u>Qty</u>	<u>Price</u>
55.	Install Outrigger Interlock System	1	
56.	Install secondary stowage system.	1	
57.	PTO Indicator Light Installed In Cab	1	
<u>Finishing Details</u>			
58.	Powder Coat Unit Altec White	1	
59.	Finish Paint Body Accessories Above Body Floor Altec White	1	
60.	Altec Standard; Components mounted below frame rail shall be coated black by Altec. i.e. step bumpers, steps, frame extension, pintle hook mount, dock bumper mounts, D-rings, receiver tubes, accessory mounts, light brackets, under-ride protection, etc. Components mounted to under side of body shall be coated black by Altec. i.e. Wheel chock holders, mud flap brackets, pad carriers, boxes, lighting brackets, steps, and ladders.	1	
61.	Apply Non-Skid Coating to all walking surfaces	1	
62.	English Safety And Instructional Decals	1	
63.	Vehicle Height Placard - Installed In Cab	1	
64.	Placard, HVI-22 Hydraulic Oil	1	
65.	Dielectric test unit according to ANSI requirements.	1	
66.	Stability test unit according to ANSI requirements.	1	
67.	Non-Focus Factory Build	1	
68.	Delivery Of Completed Unit	1	
69.	Inbound Freight	1	
70.	Ship Altec Supply Kit with Truck - 070420301 - Tool Holder for Impact Wrenches and Drills - 900050320 - Heavy Reinforced Canvas Bucket, round bucket, rope swivel, snap 12"x15"	1	
71.	AT37G FA Installation	1	

Chassis

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<u>Item</u>	<u>Description</u>	<u>Qty</u>	<u>Price</u>
72.	Chassis	1	
73.	Altec Supplied Chassis	1	
74.	2019 Model Year	1	
75.	Ford F550	1	
76.	4x4	1	
77.	60 Clear CA (Round To Next Whole Number)	1	
78.	Regular Cab	1	
79.	Chassis Cab	1	
80.	Chassis Color - White	1	
81.	Chassis Wheelbase Length - 145	1	
82.	Ford Gas 6.8L	1	
83.	Ford Torqshift 6-Speed (6R140) Automatic Transmission (w/PTO Provision)	1	
84.	GVWR 19,000 LBs	1	
85.	6,500 LBS Front GAWR	1	
86.	Spring Suspension	1	
87.	13,660 LBS Rear GAWR	1	
88.	Hydraulic Brakes	1	
89.	Park Brake In Rear Wheels	1	
90.	Ford E/F250-550 Single Horizontal Right Side Exhaust	1	
91.	63C - Aft Axle Frame Extension	1	
92.	872 - Rear View Camera and Prep Kit	1	
93.	No Idle Engine Shut-Down Required	1	

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<u>Item</u>	<u>Description</u>	<u>Qty</u>	<u>Price</u>
94.	50-State Emissions	1	
95.	Ford 40 Gallon Fuel Tank (Rear)	1	
96.	AM/FM Radio	1	
97.	Ford SYNC	1	
98.	Backup Camera, OEM Supplied	1	
99.	Cruise Control	1	
100.	Keyless Entry	1	
101.	Power Door Locks	1	
102.	Power Windows	1	
103.	Spare Tire	1	
104.	Power Mirrors with Heated Glass	1	
105.	Trailer Brake Controller (Factory Installed)	1	

Additional Pricing

106.	Standard Altec Warranty: One (1) year parts warranty, one (1) year labor warranty, ninety (90) days warranty for travel charges, limited lifetime structural warranty	1	
107.	Documentation Fees	1	

Miscellaneous

108.	GSA Order Designation	1	
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Unit / Body / Chassis Total	115,957.00
Deliver to Customer	210.00
Total	116,167.00

Altec Industries, Inc.

BY _____

Omar Salcedo

Notes:



CITY OF SAN RAFAEL POLICIES AND PROCEDURES

Policy No.	
Subject:	Fleet Management Policy
Resolution No.	
Issue Date:	September 6, 2012
Revision Date:	
Prepared By	Richard Landis
Approved By:	<i>Nancy Mackle</i>

FLEET MANAGEMENT POLICY AND PROCEDURES

PURPOSE: The City of San Rafael establishes this policy to govern the management of the City's vehicle fleet.

SCOPE: The acquisition, outfitting and replacement of all City vehicles.

DEFINITIONS: "City vehicle" shall include all automobiles, trucks, motorcycles, or any other equipment registered with the Department of Motor Vehicles and owned, leased, or rented by the City. "Fleet Manager" shall be the Director of Public Works or his/her designee.

POLICY:

General Provisions

Fleet Manager

The role of the Fleet Manager is to advise the City Manager and City Council on matters relating to the City's vehicle fleet. The Fleet Manager shall communicate with all department directors regarding vehicle needs and submit timely reports to the City Manager. The Fleet Manager is committed to the following principles:

1. The size and nature of the City's fleet is governed primarily by need and function, i.e., the number of vehicles should be no greater than what is necessary to provide public services in an efficient manner. Each vehicle within the fleet should be minimally specified to fulfill its intended function, providing operators with a comfortable and modestly-appointed vehicle with which to deliver services in a cost-effective manner.
2. Vehicles should be selected with a strong preference for fuel efficiency and hybrid and alternative fuel technology. The City will strive to reduce the negative impact of its fleet upon the environment by reducing greenhouse gas emissions.
3. Vehicles with the lowest long-term maintenance and repair costs and occupant safety are preferable.

Department Budgeting for Additional Vehicle Acquisition

Before a department determines the need to add a vehicle to its inventory, it shall first check with the Fleet Manager and the Finance Department to determine whether an existing vehicle is available elsewhere in the fleet that may meet the department's needs. If none is available, the requesting

department shall submit a vehicle addition request to the Fleet Manager with the following information:

- The purpose for which the vehicle is needed
- The type of vehicle requested and the total estimated purchase price
- The estimated total cost of any special auxiliary equipment or equipment packages above what might be considered standard equipment. The cost of adding a new vehicle to the fleet shall be paid by the requesting department. Internal service charges to that department's budget shall be established at the time of vehicle purchase to ensure adequate future funding for the vehicle's eventual replacement.

Vehicle Acquisition

All departments shall submit vehicle purchase requests to the Fleet Manager. The Fleet Manager will consider requests, consult with the Finance Department to ensure that there are sufficient funds for the new vehicle request, and review vehicle specifications for conformance with the provisions and intent of the Fleet Policies and Procedures. All vehicle purchases shall be administered by the Fleet Manager and shall comply with bidding procedures, when applicable, to ensure competitive pricing. Invoices for new vehicle purchases and equipment installation shall be administered by the Fleet Manager with pre-approved departmental account codes established to meet the invoice totals.

Vehicle Replacement Funding

Funding for vehicle acquisition and supplemental equipment shall be established through monthly internal service charges to the department operating the vehicle, over the projected useable life of that vehicle. An annual inflation factor is applied to the department's internal service charge to account for anticipated increases in future vehicle costs.

Vehicle Replacement Schedule

City vehicles are eligible for replacement on the basis of the following established useable life recommendations:

<u>Vehicle Description</u>	<u>Useable Life</u>
Sedans, SUV's, vans, light and medium duty trucks (up to 8,600 gross vehicle weight)	10 years
Heavy duty trucks (over 8,600 gross vehicle weight)	15 years
Police patrol/traffic vehicles	5 years
Police unmarked vehicles	8 years
Police motorcycles	4 years
Parking enforcement buggies	5 years
Fire command vehicles	7 years
Fire pumper engines	15 years
Fire ladder trucks	20 years
Ambulances	5 years

Off-road maintenance and construction equipment shall be replaced when economically or operationally justified. When a vehicle in this group approaches the end of its anticipated life cycle, a cost/benefit analysis shall be performed to justify vehicle replacement.

These useable life standards are for vehicle replacement financial estimating purposes only. When a vehicle reaches the end of its established useable life and the department operating the vehicle requests replacement, each vehicle shall be assessed by the Fleet Manager and Vehicle Maintenance Division to determine if replacement is justified, given general vehicle condition, mileage, maintenance and repair history, safety considerations, etc. Extension of the useable life of any vehicle shall be at the discretion of the Fleet Manager and the requesting department. Likewise, a department may request a vehicle replacement prior to the end of its established useable life. The Fleet Manager shall review all such requests in consultation with the Finance Department and Vehicle Maintenance Division. Requests for early replacement shall be accompanied by a thorough justification, including objective criteria supporting the request. The cost of early replacement, if any, shall be borne by the requesting department.

If a department determines that an assigned vehicle is no longer needed, the vehicle shall be returned to the Vehicle Maintenance Division for re-allocation within the fleet or disposition as surplus.

Disposition of Surplus Vehicles

All vehicles accepted by the Vehicle Maintenance Division for replacement or permanent elimination from the fleet shall be consigned to public auction with the City's designated auction service. Departments shall deliver vehicles being replaced to the Vehicle Maintenance Division prior to accepting the new replacement vehicle.

Maintenance and Repair of Vehicles

Preventive and Routine Maintenance and Repairs

The Vehicle Maintenance Division shall notify departments of upcoming scheduled maintenance for vehicles operated by that department and will schedule the date and anticipated duration of the scheduled maintenance. If possible, the department operating the vehicle shall deliver it to the Vehicle Maintenance Division. If necessary, Vehicle Maintenance will pick up the vehicle at its customary parking location and return it when scheduled maintenance is complete.

Unscheduled Repairs

In the event a vehicle requires immediate or unscheduled repair during normal work hours, operators should call the Vehicle Maintenance Division (458-5345), or take the vehicle to the Public Works facility at 111 Morphew Street for assessment. If the vehicle cannot be operated or is unsafe to operate, the driver should call the Vehicle Maintenance Division for road service, towing, or advice. After normal working hours, vehicle operators should call the non-emergency Police Department dispatch number (485-3000) for towing or road assistance. Vehicle operators must notify their supervisors, as well as the Fleet Maintenance Division, in the event of a vehicle failure.

Reimbursement for Personal Expense for City Vehicle Repair

Certain emergencies may occur during non-working hours that can be easily remedied at a service station (for example, a flat tire or radiator hose). Department Directors whose employees routinely work outside of normal working hours shall develop appropriate policies governing the authority of vehicle operators to affect emergency repairs during non-working hours with the intended goal of delivering uninterrupted public service. These departmental policies shall be forwarded to the Fleet Manager for reference.



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

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

City Manager Approval:

TOPIC: CITY HALL SWITCHGEAR REPLACEMENT PROJECT

SUBJECT: ACCEPT COMPLETION OF THE CITY HALL SWITCH GEAR REPLACEMENT PROJECT (CITY PROJECT NO. 11304), AND AUTHORIZE THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

RECOMMENDATION:

Accept completion of the City Hall Switch Gear Replacement Project and authorize the City Clerk to file the Notice of Completion.

BACKGROUND:

On [May 24, 2018](#) the City Council authorized the City Manager to execute a construction agreement with CES Corp. DBA Cal Elite Builders for the City Hall Switch Gear Replacement Project, in the amount of \$489,990 with a contingency of \$50,010. Construction commenced January 14, 2019 and all work was completed on July 5, 2019.

ANALYSIS:

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

FISCAL IMPACT:

There is no fiscal impact associated with this action. The construction total cost of \$533,176 was within the Council approved budget of \$540,000.

RECOMMENDED ACTION:

Accept completion of the City Hall Switch Gear Replacement Project and authorize the City Clerk to file the Notice of Completion.

ATTACHMENTS:

- 1. Notice of Completion

FOR CITY CLERK ONLY

File No.

Council Meeting:

Disposition:

Record Without Fee,
Per GC 27383 and
When Recorded mail

When recorded mail to:

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

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

TO ALL PERSONS WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN for and on behalf of the City of San Rafael, County of Marin, State of California, that there has been a cessation of labor upon the work or improvement and that said work or improvement was completed upon the 5th day of **July, 2019** and accepted the 3rd day of **September, 2019**; that the name, address and nature of the title of the party giving this notice is as follows: The City of San Rafael, 1400 Fifth Avenue, San Rafael, California, 94901, a municipal corporation, in the County of Marin, State of California, within the boundaries of which said work or improvement was made upon land owned by said City and/or over which said City has an easement; that said work or improvement is described as follows:

**CITY HALL SWITCH GEAR REPLACEMENT PROJECT
CITY PROJECT #11304**

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

CES Corporation DBA Cal Elite Builders, Inc.

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

Executed at San Rafael, California, on _____, 2019.

CITY OF SAN RAFAEL
A Municipal Corporation

By _____
BILL GUERIN
Director of Public Works

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

STATE OF CALIFORNIA
COUNTY OF MARIN

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

WITNESS my hand and official seal.

Signature _____
Lindsay Lara
San Rafael City Clerk

File: 06.01.229



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Fire Department

**Prepared by: Christopher Gray,
Fire Chief**

City Manager Approval: _____

TOPIC: REGIONAL WILDFIRE PREVENTION

SUBJECT: MARIN WILDFIRE PREVENTION AUTHORITY INFORMATIONAL REPORT

RECOMMENDATION: Accept report and provide direction to staff.

EXECUTIVE SUMMARY:

The deadliest and most destructive wildfires in our state’s recent history have occurred in the past two years. Marin County’s and San Rafael’s wildlands and lush vegetation leaves San Rafael particularly vulnerable to devastating and deadly wildland fires. San Rafael has a long history of leading efforts to proactively address wildfire risks. Despite our best local efforts, fire does not respect jurisdictional boundaries and immediate and sustained action is needed to better protect all communities in Marin. Given the changing climate and increased risk of wildfires, we have been partnering with FireSafe Marin and all our neighboring Marin towns and cities to develop a countywide approach to wildfire prevention.

The purpose of this report is to update the City Council on these countywide efforts and present the proposed plan that would create a new joint powers authority agreement (JPA). A countywide coalition that includes the cooperation of all Marin fire and cities/towns has proposed the creation of the Marin Wildfire Prevention Authority (MWPA). The MWPA would be a multi-agency authority to fund, coordinate and oversee wildland fire detection, fuel reduction, public education, defensible space evaluations, and local agency wildfire prevention efforts. A fact sheet that describes this new initiative and the MWPA can be found in Attachment 1.

BACKGROUND:

In 2007, the City Council adopted a model ordinance, entitled Wildland-Urban Interface—Vegetation Management Standards, for vegetation management to proactively reduce the risk of wildfires ([S.R.M.C. 4.12](#)). This ordinance specifically codifies required vegetation management standards for parcels located in designated Wildland-Urban Interface (“WUI”) areas, with the goal of creating defensible space around structures that will minimize the spread of fires from wildlands to structures, from structures to wildlands, and from structures to structures.

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

In September 2018, the Marin County Fire Department presented [a Lessons Learned Report to the Board of Supervisors with recommendations developed by a multi-disciplinary sub-committee](#), which includes a list of proposed areas across the County for improvement in managing local wildfire risk.

In August 2018, City staff presented an [informational report to the City Council relating to the City's wildfire prevention efforts](#). As part of the presentation, the City Council provided direction to staff to draft a bold and comprehensive plan to further address wildfire risk in San Rafael.

On March 18, 2019, the City Council approved the [San Rafael Wildfire Prevention and Protection Action Plan](#). The 38-point plan outlines various goals to proactively and aggressively address the growing risks associated with wildfire. The implementation of this framework is underway, with continual feedback from the Citizen Wildfire Advisory Committee, co-chaired by Mayor Phillips and Councilmember Bushey. However, the vast majority of the actions require additional funding and/or countywide collaboration to be fully and effectively implemented.

On April 25, 2019, the Marin County Civil Grand Jury released their [investigative report on the conditions of wildfire preparedness](#) and made recommendations for improvement in the areas of vegetation management, public education, evacuations, and creation of a joint powers authority to improve wildfire safety in Marin County. The City Council [responded](#) to this report on June 17, 2019.

At the July 15, 2019 meeting, the City Council adopted the [Marin County Multi-jurisdictional Local Hazard Mitigation Plan](#) (MCM LHMP). This plan fully incorporated the existing Local Hazard Mitigation Plan while demonstrating countywide collaboration and commitment to mitigating the multiple natural hazards impacting Marin County.

ANALYSIS:

Marin County has 19 local fire agencies and no single agency responsible for coordinating wildfire prevention and mitigation efforts. A working group of city managers (including San Rafael's City Manager), fire chiefs and staff have been working on a new approach to coordinate prevention and mitigation efforts countywide. This new approach proposes to create a new joint powers authority, the Marin Wildfire Prevention Authority (MWPA), as well as a revenue measure for sustained support of wildfire prevention activities. The proposed new revenue measure for consideration by voters in March of 2020 would accomplish key initiatives such as: improving emergency alert and warning systems, reducing combustible plans and vegetation, improving evacuation routes, and expanding and enhancing defensible space and home evaluations.

All proceeds of the measure would stay local and be protected from any taking by the State. Funds would be dedicated to wildfire prevention and cannot be diverted. In addition, independent oversight and annual audits would be required. Finally, the new revenue source would help all Marin agencies collectively qualify for state and federal grants that would otherwise go to other communities around the state. If the proposed tax measure is not passed, the MWPA would dissolve.

The proposed annual budget of the MWPA of approximately \$20 million would be allocated as follows:

- 60% or \$12 million for Wildfire Detection & Evacuation Program Improvements, Vegetation Management and Fuel Reduction, Grants and Public Education/Outreach.
- 20% or \$4 million for Defensible Space Evaluations.
- 20% or \$4 million *countywide* for Local-specific Wildfire Prevention Efforts.

The 20% allocated to local-specific efforts would mean approximately \$930,000 annually in direct funds to San Rafael. These funds would support unique needs in San Rafael (like our need for Open Space

Park Rangers) that would not be supported by the efforts of the MWPA, such as: addressing encampments, installation of parking boxes on narrow hillside streets, or other efforts. These funds would allow us to implement critical actions in San Rafael's Wildfire Prevention and Protection Action Plan that do not currently have a funding source.

An 11-member Board of Directors would provide governance, with two elected from each of five proposed zones. These five zones would include San Rafael, Ross Valley, West Marin, Novato and Southern Marin – as well as 1 area representing the small fire districts. An Operations/Budget committee of 11 would be comprised of agency staff, such as the City Manager or Fire Chief, from the member agencies from the five proposed zones. Finally, an Advisory Committee of technical staff would help provide advice and help inform the annual workplan and budget.

COMMUNITY OUTREACH:

Over the next six weeks, the Marin County Fire Chiefs Association in cooperation with local Fire departments, will provide informational presentations to fire district boards and city and town councils. Once all the feedback is received, the City Manager/Fire Chief working group will finalize the plan. Then outreach efforts can continue with the goal of each fire district board, and city/town council responsible for fire suppression to join the Joint Powers Authority by agreeing to the JPA agreement.

Locally, San Rafael continues community outreach and education related to wildfire. On June 10, 2019, San Rafael held its first Wildfire Advisory Committee meeting. The committee is made up of 15 residents of San Rafael. The committee has met four times and is providing excellent feedback on the specific items of the Wildfire Prevention and Protection Action Plan. Staff expects to have a presentation to the City Council with all the committee's feedback in late October/early November.

FISCAL IMPACT:

This informational report has no fiscal impact.

RECOMMENDED ACTION:

Accept the report and provide direction to staff.

ATTACHMENT:

1. Local Wildfire Prevention & Mitigation Initiative Fact Sheet

LOCAL WILDFIRE PREVENTION & MITIGATION INITIATIVE

MARIN WILDFIRE PREVENTION AUTHORITY



MARIN'S COMMUNITIES ARE THREATENED BY WILDFIRE

More than 260,000 people live in Marin County, served by cities, towns, the County of Marin, and well-coordinated fire agencies. Marin's wildlands and lush vegetation make our neighborhoods beautiful and desirable places to live, but also leave residents and visitors vulnerable to wildfire. Local fire agencies and communities must coordinate wildfire prevention and disaster preparedness, including maintaining defensible space, reducing combustible vegetation, making homes fire resistant, and planning for organized evacuation in an emergency. Individual homes and properties are more fire resilient when preparedness is approached at the community scale. A collective effort by all citizens and property owners is necessary to build a resilient community and reduce the threat of wildfire to life, property, and infrastructure.



A WILDFIRE PREVENTION EFFORT TO REDUCE MARIN'S FIRE RISK

Wildfires are bigger, burn longer, cause more damage, and kill more people than ever before. This new reality requires greatly expanding prevention, preparedness, and fuel-reduction efforts throughout Marin. The Marin Wildfire Prevention Authority (MWPA) is a coalition of local fire agencies, emergency service providers, and cities, towns, and county government being formed to support the development and implementation of a comprehensive wildfire prevention and emergency preparedness initiative.

MWPA INITIATIVE

Key elements of this initiative include:

- Improving emergency alert and warning systems to enhance early alert for organized evacuations
- Expanding coordinated efforts to reduce combustible plants and vegetation
- Improving evacuation routes and infrastructure to enhance traffic flow and promote safe evacuations
- Expanding and enhancing defensible space and home evaluations and educating homeowners about how to reduce the vulnerability of their home and neighborhood to wildfire
- Providing grants and support to seniors, persons with disabilities, and low-income homeowners who need assistance maintaining a defensible space, making homes fire resistant, reducing combustible vegetation, and preparing for emergencies
- Creating and sustaining a coordinated local wildfire public safety and disaster preparedness program
- Supporting residents to establish Firewise USA programs in neighborhoods through ongoing public education

BRINGING A LOCAL WILDFIRE PREVENTION INITIATIVE TO REALITY

- Marin's fire agencies, cities, towns, and county government are currently working to form the MWPA and develop a coordinated program for wildfire prevention.
- To be successful, a stable source of locally-controlled funding dedicated to wildfire prevention and public safety is required.
- A comprehensive wildfire prevention strategy is under development and will be announced later this year.

QUESTIONS?

If you have questions about this planning effort, please contact Christie Neill at cneill@marincounty.org or (415) 473-3759.



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Community Development

Paul A. Jensen

**Prepared by: Paul A. Jensen,
Community Development Director**

City Manager Approval:

[Signature]

TOPIC: CHALLENGES TO HOUSING DEVELOPMENT

SUBJECT: INFORMATIONAL REPORT ON THE CHALLENGES TO APPROVING AND DEVELOPING HOUSING; CASE # P18-010

EXECUTIVE SUMMARY:

On August 20, 2018, the City Council was presented a comprehensive, informational report on housing. In response to the housing report information, the City Council directed staff to follow-up on four, specific housing topics and issues. One of these four topics/issues is the challenges to the approval and development of housing in San Rafael. Essentially, the Council requested staff to identify what changes could be made to facilitate housing development. This task included: a) interviews with numerous stakeholders; b) reviewing practices and actions by other cities/towns that have been successful with approving and developing housing; c) gathering data and pertinent information; d) reviewing and critiquing the City's inclusionary housing requirements and entitlement process; and completing an air rights study of seven (7) City-owned lots. As a result, staff has identified 11 key challenges to the approval and construction of housing in San Rafael.

As an informational report, there is no recommendation for formal City Council action other than to accept the report. However, as outlined in the Analysis section below, staff has identified 13 recommended measures to facilitate the approval and development of housing. Some of these recommended measures are underway, some are being implemented, and some require further study and future action by the City Council. Staff is seeking feedback and direction on the list of challenges and the recommended measures.

RECOMMENDATION:

Accept report and provide direction on staff recommendations for follow-up actions.

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

BACKGROUND:

Introduction

The booming economy coupled with the Bay Area housing crisis have triggered many actions and activities surrounding housing and housing need. The housing crisis has directly affected San Rafael in a number of ways. San Rafael is currently experiencing: skyrocketing real estate prices (median price for a single-family residence in San Rafael is approximately \$1.1 million; source: [Zillow](#)); a homeless population in need of housing; an underrepresented community of lower-income residents paying record-high rents; and an aging population. The City is faced with a lot of issues and decisions around housing. Every year, the City conducts a community survey. Historically, the survey results placed traffic as the top concern and problem facing the City. The 2019 community survey conducted this spring included the question: “What is the single largest problem facing the City of San Rafael?” The results of the 2019 survey placed affordability of housing as the largest problem facing the City, followed by homelessness and traffic congestion.

Comprehensive Report on Housing

On August 20, 2018, Community Development Department staff presented [a comprehensive report on a broad range of housing topics and issues](#). The following is a summary of several key topics and issues covered in the August 20, 2018 report, which have been updated:

1. Housing Production

Housing production is tracked and reported through the Regional Housing Needs Allocation (RHNA) process. The RHNA process tracks housing approvals and construction in an eight-year cycle. During the 2007-2014 RHNA cycle (mostly during the Great Recession), 324 housing units were approved but only 171 units were built. The following tables present: a) the City’s RHNA obligation for the current 2015-2023 cycle; and b) the approved and built housing numbers for the current 2015-2023 RHNA cycle (through the end of 2018):

2015-2023 RHNA Obligation for San Rafael

Housing Need Total	Extremely & Very Low- Income Households	Low-Income Households	Moderate-Income Households	Above Moderate-Income Households	Average Yearly Need
1,007 ¹	240	148	181	438	125

2015-2023 RHNA Cycle – Approved and Built Housing

Approved 2015-2018					
	Very Low Income	Low Income	Moderate Income	Above Moderate	Total Units
Single-family Residential	-	-	-	28	28
Multiple-family residential	10	10	2	141	163
ADU	-	43	-	27	70
Total units approved:	10	53	2	196	261
Built 2015-Present					
	Very Low Income	Low Income	Moderate Income	Above Moderate	Total Units
Single-family Residential	-	-	1	28	29
Multiple-family residential	1	8	6	73	88
ADU	-	17	4	3	24
Total units built:	1	25	11	104	141

¹ The General Plan 2020 Housing Element demonstrates that suitable sites in San Rafael are zoned to accommodate the development of up to 2,500 additional residential units.

We are halfway through the current eight-year RHNA cycle and only 26% of the San Rafael housing need has been met. While housing production for market rate units (above moderate) has been fairly-steady, production in the very low-income range has been extremely low. The City has fared better with housing production in the low-income range, which is largely attributed to Accessory Dwelling Unit (ADU) activity. As reported in August 2018, ADU applications and approvals continue to be very active and represent a strong percentage of the housing start-ups.

2. Current Housing Activity and Interest

While housing production in the past 10 years has been low, in the past several years there has been an increased housing development activity in Downtown and on sites close to SMART and public transit. At present, there are numerous housing development projects (including assisted living facilities) that have been approved or are currently under review. A handful of housing projects totaling about 360 housing units are approved for construction. All are market rate projects that include a percentage of below-market rate units. In addition, the City has also approved two senior living projects that would provide about 177 assisted living units; one is under construction (Oakmont Assisted Living, 3773 Redwood Highway).

There is no shortage of interest in developing housing in San Rafael. At present, the City has a number of housing projects that are currently in the Planning review process that total over 300 units. They include, among others, the Whistlestop/EDEN Housing project in Downtown San Rafael, which proposes 67 units that would be 100% affordable to low-income seniors. There are also several sites where housing is being considered and are in the early planning stages. Please see the attached table and maps, which describes these projects and potential housing sites (Attachment 2). The table and maps have been updated since the August 20, 2018 report.

3. Statewide Housing Legislation.

Major efforts have been made at the State level to promote housing production through new legislation. In 2017, 16 State and Assembly Bills focusing on housing were signed by Governor Brown and are now State law. This momentum has carried forward into 2018. By the end of 2018, the Governor signed 17 State and Assembly Bills on housing, many of which are revisions and modifications to the 2017 legislation. A summary of the 2018 housing legislation is presented in a table, which is provided as an attachment to this report (Attachment 3). The table summarizes: the purpose of each bill; the current status (outcome); how the resulting legislation impacts the City; and required follow-up action by the City.

One of the key Assembly Bills signed in 2017 was Senate Bill 2 (SB 2). Referred to as the "Building Homes and Jobs Act," this law establishes a permanent, on-going source of funding dedicated to promoting and facilitating affordable housing development. The source of funding is secured through a fee that is imposed at the time of the recording of every real estate instrument, paper or notice for each single real estate transaction on a parcel of property. The recording fee ranges from \$75.00 to \$225.00 depending upon the nature and scope of the property transaction. Sales transactions for single-family homes are exempt from this fee. Effective January 1, 2018, the fee is collected by the County Recorder, who, in turn forwards (quarterly) the fee revenues to the State Controller. The fee is projected to generate \$200 million in annual revenue statewide. For this first year (2019), 50% of the revenue is allocated to a Planning Grant Program, while the other 50% of the revenue is administered to the counties for homeless programs. This spring, State of California Department of Housing and Community Development (HCD) launched the SB 2 Planning Grant Program process, which provides local jurisdictions with a source of funds for planning to promote housing development and production. For 2019-2020, the City of San Rafael is eligible for up to \$310,000 in grant funds for planning. On April 15, 2019, the City Council was presented with a [report on SB 2](#), which was

accompanied by a list of eligible projects for which the City will pursue funding. The SB 2 Planning Grant application has been completed and submitted to HCD.

It is important to note that about 90% of the new legislation directly impacts or places the burden and pressure of housing production on the local jurisdictions. One example is the “by right” housing legislation (SB 35), which mandates a local, ministerial review process for housing development projects meeting certain conditions. This legislation limits the local jurisdiction’s discretion to the review of such projects for compliance with a list of adopted “objective planning and design standards.” The Planning Division staff has prepared a draft ministerial review process and standards, which was presented to the Design Review Board (DRB) at its July 16, 2019 meeting (link to DRB report [here](#)). The DRB will be refining these “objective planning and design standards” before they are forwarded to the City Council for adoption. It is expected that the City Council will review this process and standards in the early fall.

The momentum on new housing legislation has continued through 2019. Senate Bill 50 (SB 50; Senator Weiner) was introduced in late 2018 and was recently revised to incorporate parts of Senate Bill 4 (Senators Bell and McGuire). The combined bills now address “by right” housing legislation in two categories: a) counties with a population of over 600,000; and b) counties with a population of under 600,000. Although the two categories have different housing allowances and mandates for housing projects around transit, the greater impact of the bill is the “by-right” development allowance of a four-plex (four units in a single building) in all zoning districts. The by-right four-plex allowance would be applicable to all cities/towns statewide, regardless of size. A summary of latest revision to SB 50 is included in Attachment 3. On May 16, 2019, SB 50 was made a two-year bill and will be considered in January 2020.

In response to the August 20, 2018 housing report, the City Council directed staff to follow-up on the following four, specific housing topics and issues:

- Renter protection;
- Short-term rentals;
- Housing for an aging population; and
- Challenges to the approval and development of housing.

To date, there has been follow-up on the topics of renter protection and short-term rentals. Regarding renter protection, in late 2018, the City Council adopted an ordinance prohibiting source of income discrimination. In spring 2019, the City Council adopted an ordinance requiring mandatory mediation when tenant rents are increased by more than 5% in a twelve-month period, as well as just cause eviction requirements. Further, a comprehensive report on short-term rental was presented to the City Council in early 2019; a draft ordinance setting forth regulations for permitting short-term rentals was presented to the City Council on August 5, 2019. The first reading of the short-term rental ordinance is scheduled for fall 2019.

Challenges to Housing Development

At the August 20, 2018 meeting, the City Council expressed concern that while the City has strong policies encouraging the housing for all population groups (see Attachment 1), there are obvious challenges that impede the development of housing. The August 20, 2018, City Council report (link provided above) includes detailed information and data that is pertinent to the issue of challenges to housing development. Information and data pertinent to this specific issue include, among others: State housing mandates (Regional Housing Need Allocation – RHNA); the City’s housing policies and affordable housing requirements; and statistics on affordable housing in San Rafael. The City Council

directed staff to identify and study these challenges and return to the Council with an informational report and suggested steps moving forward. In preparation for this informational report, staff completed the following tasks and research:

1. Interviewed six (6) local and regional developers. The results of these interviews were supplemented by the results of similar interviews conducted in Spring 2019 by a Mill's College graduate student.
2. Interviewed representatives from the San Rafael Chamber of Commerce and Marin Builders Association, as well as an attorney specialized in housing development and law.
3. Interviewed staff and consultants from other Bay Area cities where housing has been successfully developed.
4. Completed a report entitled, [Surface Parking Lot Air Rights Study - City of San Rafael](#), prepared by Allison Giffin (June 1, 2019), of seven (7), City-owned sites in the Downtown area for potential air rights development. General Plan 2020 Housing Element Program H-14d encourages the City to take an active role in evaluating the feasibility of air rights development, and possible incentives for such development. Further, Program H-14d encourages developers of affordable housing to utilize air rights above public parking lots. The feasibility study was sponsored and funded by Opening Doors, a public-private coalition.
5. Collected data and information. This task included information on inclusionary housing requirements gathered by and provided to the City by a Mill's College graduate student. Further, this task included a re-visiting and review of the 2017 Marin County Civil Grand Jury Report entitled, *Overcoming Barriers to Housing Affordability*.

Based on the interviews, the findings of the housing needs report and research/data collection, the following have been identified as the key challenges to the approval and construction of housing:

1. City Planning and Entitlement Review Process. The City's planning and entitlement review process has multiple layers and can be time consuming and costly. For larger projects, the sequence of and steps in the review process require a public forum with the Design Review Board (DRB), Planning Commission, and often the City Council. Given the limited City staff to administer the current, multi-step process and practices for all projects, applicants often experience delays. At a countywide level, the 2017 Marin County Civil Grand Jury Report entitled, *Overcoming Barriers to Housing Affordability* identified the planning process throughout Marin County as one of the barriers that stifles the development process.
2. Design Review Board (DRB) Process. The DRB provides an advisory role to staff, the Planning Commission and City Council. As design is subjective, at times, DRB review results in differing and conflicting opinions, which can be frustrating to the applicant and the project architect. Further, the public can get frustrated with the DRB review step in the planning process. As the DRB provides the first public forum for public comment on a project, it is common for the public to want to comment on higher-level policy topics that are outside the DRB's preveue and purpose (e.g., concerns over land use, density, environmental issues). This approach places the DRB in an awkward position to defer to the Planning Commission or comment on such issues, which is frustrating to the public and the applicant. Lastly, while hiring a good design professional aids in smoother review, it is not unusual for the DRB to require design revisions resulting in several follow-up meetings with the DRB, which adds cost to the applicant and time to the process.

Several of the developers that were interviewed suggested that the DRB be dissolved to streamline the Planning permit review process for all development. One developer indicated that the City of Mill Valley dissolved its Design Board over a decade ago. In this case, the design review process was delegated to the Planning Commission; design professionals were added to the Planning Commission membership.

3. CEQA/Environmental Review Process and Practices. In reviewing all housing development projects, the City is required to comply with the California Environmental Quality Act (CEQA). Applicants are required to commission and fund technical studies and reports (e.g., costly traffic studies), which often disclose no new findings or recommendations, or merely confirm findings that are already known. Similarly, the direction and process of environmental review can be influenced by the extent of public controversy and the concern or threat of litigation. If it is determined that the preparation of an Environmental Impact Report (EIR) is needed, a minimum of one-year is added to the planning and entitlement review process.
4. City Affordable/Inclusionary Housing Requirements: According to the for-profit developers that were interviewed, the City's current inclusionary housing requirements are too high. Further, while allowed as the lowest priority option, historically, the City has not supported or encouraged payment of the fee in-lieu of on-site construction of inclusionary units in market-rate housing projects. For-profit developers reported that paying into the affordable housing fee fund would: a) significantly reduce the construction cost of the market rate housing project; and b) boost the fund balance so that it can be more effectively used to subsidize the construction of affordable units at another location.

The City has required and administered inclusionary housing policies and regulations since 1986. Initially, the inclusionary housing provisions required that 10% of the units in a market-rate project be set aside for below market rate sale or rental. Over time, this requirement has increased to 20% for housing projects containing more than 21 units. In brief, the City's current affordable housing are as follows:

- Affordable housing units are required in new housing development projects. For projects containing 2-10 housing units, the inclusionary requirement is 10%.² For projects containing 11-20 housing units, the requirement is 15%, and for projects with 21 or more units, the requirement is 20%.
- The policies and regulations favor on-site construction so that the inclusionary units are integrated into the project and throughout the community. Construction of on-site inclusionary units is first priority. If such units cannot be constructed on-site, off-site construction of the required affordable units is second priority. Payment into the City's affordable housing in-lieu fee fund (Fund # 243) is the lowest priority.³
- The required affordability levels vary by type of housing, with rental (very low- and low-income mix) versus ownership (low- and moderate-income mix).
- The affordable housing units are required to remain affordable for the longest feasible time or at least 55 years.
- Non-residential development projects are also subject to the affordable housing requirements of SRMC Section 14.16.030. A nexus study was conducted in 2005 to support the linkage of housing

² An exemption from this requirement is allowed for smaller projects.

³ Affordable Housing Fund #243 has a current balance of \$1.3 million

need with employment and workforce. The code provisions include a formula to determine housing need based on non-residential use type and size. While the intent is to encourage the development of inclusionary housing in non-residential development projects, housing may not be an allowed use on some commercial or industrial sites. Therefore, most non-residential development projects pay into the affordable housing in-lieu fee fund. One good example is the Target store project in southeast San Rafael. This project was required to contribute \$774,000 to this fund.

5. Downtown Property Constraints and Zoning Limits. As an urban center with access to public transit, Downtown provides the greatest opportunity for new housing development in San Rafael. However, there are several constraints that have stifled larger residential development in Downtown. First, Downtown San Rafael presents a grid street pattern with small lots/parcels that are individually owned. To create a feasible footprint for development, lots/parcels must be assembled, which is costly and challenging (some long-time property owners are not willing to sell). Further, the City no longer has a Redevelopment Agency (RDA) to facilitate property assemblage.

Another Downtown constraint identified by developers is the residential density limits that are set under the current zoning structure. The developers that were interviewed suggested that density limits in Downtown be either increased or eliminated. It was acknowledged that while building height limits (including the height bonus allowed for housing) and floor area ratio (FAR) allowances are generous, the residential density limit coupled with off-street parking requirements heighten the challenges to achieving feasible residential development. Most recently, the zoning density limit has been the greatest challenge with the housing development proposed for 703 3rd Street at Lincoln Avenue (Seagate Properties). This 120-unit housing project is proposed on a site where the zoning limits residential development to a maximum of 41 units. A very substantial density bonus (166%) has been requested by the developers (Seagate Properties), but the project proposes a modest number of inclusionary/BMR units (20%) for the substantial bonus that is being requested. The substantial density bonus that is proposed for this project has raised policy issues about the City's density bonus regulations.

Lastly, Downtown San Rafael includes an abundance of older buildings with some identified as historic resources. Per the CEQA Guidelines, potential historic resources must be addressed with new development, resulting in individual site and building assessments requiring the preparation of an EIR. EIRs were prepared for housing projects at 809-815 B Street (41 units), 1600 Mission (Aegis Assisted Living) and 1200 Irwin Street (Carriage House Townhomes). The preparation of an EIR for these projects resulted in additional costs and a longer planning review process.

6. Parking Requirements. Parking requirements drive-up the cost of construction. Several developers suggested that the City's parking requirements should be reduced and that cost-effective measures should be allowed.
7. Loss of Other Governmental Sources for Housing Subsidies. In 2012, the State of California dissolved all local RDAs. Historically, RDAs provided a source and/or conduit to money and funds from the state and federal level, which assisted in providing subsidies that were available to local developers, property investors and owners. RDAs also played a critical role in facilitating property assembly, which is critical in ensuring the feasibility of development. With the dissolving of the RDAs, subsidies are not as readily available.
8. Layers of Regulatory Requirements. Regulatory requirements at the federal, state and local level continue to increase. Most of the regulatory requirements are intended to address an environmental protection or climate change. Examples include, among others: a) green (CalGreen) building

standards; b) water quality requirements (storm water pollution prevention program); and c) water conservation requirements. Compliance with requirements add to the cost of construction. As regulatory requirements are typically mandated and administered by numerous State, County and local agencies, it is difficult to tackle this challenge. Further, some regulatory requirements conflict with others, which adds a layer of challenge for the both the developer and the local jurisdiction.

9. Development and Impact Fees. The City charges [development and impact fees](#), which are applicable to new construction. Typically, the Citywide Traffic Mitigation Fee gets the most attention by applicants/developers. This fee is current charged at \$4,246.00 per AM + PM per net new peak hour trip. Second, the Construction Vehicle Impact Fee is often questioned by applicants as it is often misinterpreted as a fee for traffic mitigation. This fee (\$0.01 X the valuation of the construction project) is collected to cover the cost of maintenance and repair of public streets due to construction vehicle impacts. Both fees are required to be paid at the time a building permit is issued, which adds to soft-costs before construction commences. Developers have periodically requested that these fees be reduced or deferred.

As an example, the City recently received a Building Permit application for the approved, 41-unit housing development at 809-815 B Street at 2nd Street. The following is a general estimate on several of the development and impact fees that will be charged to this project:

- Traffic Mitigation Fee- \$132,000
- Construction Vehicle Impact Fee- \$100,000
- Parkland Dedication Fee⁴ - \$81,000
- Development Impact Fee⁵- \$8,400

In this past month, HCD released a long-awaited study detailing how much cities/counties in California charge developers to build housing. This [fee study](#), entitled *Residential Impact Fees in California – Current Practices and Policy Considerations to Improve Implementation of Fees Governed by the Mitigation Fee Act* (August 5, 2019), finds that local fees charged for housing construction can amount to 6%-18% of the median home price.

10. Land and Construction Costs. At present, the Bay Area is the most expensive place to build in the world. The Bay Area region is 13% more costly to develop than second-place New York. The high cost is associated with high demand, labor shortage, steel tariffs and rapid economic growth. The average construction cost in the Bay Area is now \$417.00 per square foot.⁶ Other secondary factors include:
- a. Availability of labor. Given the strong economy fueling increased traffic throughout the region, construction workers are less willing to travel long distances for work.
 - b. Options for land purchase. Historically, developers would option land for extended periods of time to complete the planning and land use entitlement process. If the project is controversial, the entitlement review process is often delayed, sometimes for years. As a result, property owners/sellers are less likely to hold an option on their land for extended periods or will opt for an outright sale of the land with no contingencies. With these sale conditions, the developer is less likely to take a risk.

⁴ Parkland dedication fees are charged to for-sale residential projects only. This fee is not applicable or charged to rental residential projects.

⁵ Development impact fee covers the cost of the project's impact on public facilities and services in the City.

⁶ Bay Area News Group article; New Bay Area Crown- Most Expensive Place in the World to build; April 25, 2019

11. Public Controversy and Opposition. In interviewing the developers and other business stakeholders, public controversy and opposition to development surfaced as the greatest concern. At a countywide level, the 2017 Marin County Civil Grand Jury Report entitled, *Overcoming Barriers to Housing Affordability* identified community resistance as the top barrier to achieving housing affordability. When a housing development project is controversial, the entitlement review process inevitably becomes lengthy and costly, particularly if there is threat of or concern over potential litigation. The frustration of the applicant increases when the project has been designed to meet all basic zoning requirements, is consistent with the General Plan, and would result in minimal (if any) environmental impacts. Further, on occasion, appeals of actions on housing projects are filed with little supporting rationale/justification. Lastly, given the multiple parties involved in an appeal (applicant, appellant, design team, City staff), coordinating a City Council meeting date for an appeal hearing is challenging and such hearings are often delayed by months. All parties interviewed stated that there needs to be the political will of and a commitment by the decision-makers to support housing and change, even when there is heightened controversy and opposition.

ANALYSIS:

As this report is informational, there is no staff recommendation for a formal action. However, staff has identified a list of recommended measures and actions (below) for the City Council to review, consider and provide direction. As discussed below, some of the recommended measures and actions have already been implemented and have proven to be successful. However, some of the recommendations will require further study, and/or legislative or policy changes that will require formal City Council action.

1. Streamline the Planning/Entitlement Review & Design Review Board (DRB) Process.

The following measures are recommended, and staff has commenced with implementing them:

- a. Adjust the Pre-Application review process. Pre-Application review is recommended for most in-fill and large housing projects. This process provides the applicant with early feedback from City departments and services. The Pre-Application process requires a filing fee of \$1,191.00 and the submittal of schematic drawings and concept plans. The Pre-Application is discussed by City staff at the bi-weekly Development Coordinating Committee (DCC) meeting. Applicants do not attend the DCC meeting, unless it is requested. A summary of Pre-Application comments from all City staff are formally provided in writing by the Planning Division. The turnaround time for this process averages 30-60 days.

The City of Santa Rosa offers a streamlined [Pre-Application](#) review process, which is less formal. Santa Rosa requires that an application be filed and accompanied by schematic drawings/concepts; however, no fee is charged. Pre-Application meetings (similar to our DCC) are held weekly and applicants are given *verbal* comments/feedback by City staff. Unlike San Rafael, City staff comments are not formalized and provided in writing. The turnaround time for this process is 7-14 days (as the meetings are held weekly). For our Pre-Application process, it is recommended that the fee be waived for all housing projects and that the more informal review employed by Santa Rosa be offered to all applicants. The Community Development Department has tested this less formal approach on several, recent housing projects. This approach was successful at providing quicker City staff feedback to the applicant.

- b. Shift the order of the public forum review process. As discussed above, the DRB typically provides the first public forum for public comment on a project. Therefore, it is common for the public to want to comment on higher-level policy topics that are outside the DRB's purview and purpose (e.g., concerns over land use, density, bulk/mass, environmental issues). In two recent

housing projects (Northgate Walk and 703 3rd Street), the order of the public forum review was reversed. In shifting the order, the Planning Commission conducted the first public forum on these projects as a “study session.” The study session forum provided an opportunity for the Planning Commission to address the major issues raised by the public (referenced above). Although the Planning Commission comments in this forum are non-binding, this review approach provided the applicants of the two projects referenced above with high level support and feedback on density, project bulk and size, and environmental review. The Planning Commission’s support and direction allowed the DRB to focus on the details of the project design.

- c. *Refine the Design Review Board’s focus of review and other approaches.* By shifting the order of the public forum review as suggested in 1.b above, less pressure is placed on the DRB to address major policy issues that are more appropriately addressed by the Planning Commission. As demonstrated in the DRB’s recent review of the Northgate Walk and 703 3rd Street projects, the focus on the project design details has facilitated a more efficient and swift review.

The following are three more dramatic approaches:

- 1) *Eliminate the DRB.* Some local jurisdictions have eliminated their Design Review Boards/Committees (e.g., Mill Valley), redirecting design review authority to the Planning Commission and City staff. If this approach were considered, it would be prudent to structure the Planning Commission membership to include one or two design professionals to guide and advise the Commission at large on design matters. Staff does not recommend eliminating the DRB as it provides a valuable role and resource to the City. The DRB, mostly comprised of design professionals, does all the “heavy lifting” on technical design matters for the City, which cannot be duplicated.
- 2) *Shift the role of the DRB.* Some local jurisdictions (e.g., Novato and Palo Alto) have structured their Design Review Board/Committee as a decision-making authority rather than an advisory body. The DRB would have review and approval authority over Environmental and Design Review Permits, while the Planning Commission would continue to serve in decision-making authority on all land use, subdivision and legislative matters. This approach has its advantages and disadvantages, which depend upon the type, scale and complexity of the project.
- 3) *Appoint a DRB liaison to review smaller housing projects.* SRMC Chapter 14.25.070 (Environmental and Design Review Permit) sets forth the hierarchy of project types and applications that are referred to the DRB for review and a recommendation. Typically, nearly all Design Review Permit applications for housing development are referred to the DRB, unless they are small additions to existing improvements. One approach that would streamline the process would be to assign a DRB member (design professional) to provide review and input on smaller housing projects, which would be in-lieu of a review by the full DRB. For smaller housing projects (e.g., all projects under 10 units) the DRB liaison would work with staff and incorporate design recommendations on the permit action. In the event there are challenging design issues, the DRB liaison would have the discretion to refer the application to the full DRB for review at a noticed public meeting.

Staff finds that of the three measures under 1.c., 1.c.3, which is appointing a DRB liaison to review smaller housing projects would be the least impacting to the current process and would effectively facilitate application streamlining.

Required Action: No formal action would be required by the City Council to initiate measure 1.b. as it is currently being implemented by staff. The City municipal code provisions for an Environmental and Design Review Permit do not prescribe an order of permit review other than the advisory role of the Design Review Board. The waiver of the Pre-Application review fee for housing projects (measure 1.a.) would require the City Council to adopt a policy resolution. Eliminating, changing the authority, or changing the review of the DRB as outlined in measure 1.c. would require the adoption of an ordinance to amend SRMC Chapter 14.25 (Environmental and Design Review Permits).

2. Support a Form-based Code for the Downtown Precise Plan to Streamline the Planning and CEQA/Environmental Review Process.

A Downtown Precise Plan is currently under way and it is the goal to adopt this plan concurrent with the adoption of San Rafael General Plan 2040 (late Spring 2020). Downtown provides the greatest opportunity in San Rafael (and the County) for development, particularly housing development, for numerous reasons. As previously reported to the City Council, the Downtown Precise Plan and supportive Environmental Impact Report are being prepared to include and/or cover the following, which will facilitate housing development review and construction:

- a. Establish a “form-based code” for Downtown development. Unlike conventional zoning which provides a list of development standards and requirements, a form-based code sets general site parameters for allowable building height and building floor area (FAR). A form-based code does not include a prescribed residential density cap/limit. The general parameters are accompanied by supportive graphics and a menu of architectural styles that are appropriate for the Downtown setting and character. This approach allows a property owner/developer the flexibility to “work within an allowable box” without being constrained by density. This code approach can also streamline the design review process if it structured to provide a menu of acceptable architectural styles that can be selected by the developer. Ultimately, housing projects like the 703 3rd Street development would not need to request a density bonus, and the City would not be placed in the position to negotiate over project concessions (waivers to regulations) or the BMR/inclusionary unit requirements.
- b. As part of the Downtown Precise Plan form-based code, consideration should be given to a modest increase in the Downtown building height limits. The current building height limits were established as part of the 1993 Downtown Vision process; these height limits are appropriate for Downtown development. Allowing building heights of up to 6-7 stories would still allow for wood-frame construction, which is far more economical for the developer than steel-frame or concrete construction.
- c. Incorporate State housing legislation that mandates a streamlined development review process for transient-oriented development.
- d. Incorporate the recommendations of the Downtown Parking & Wayfinding Study (2018). While some recent zoning code amendments were adopted to incorporate elements of this study, these amendments did not capture all of the study recommendations. Missing from this study are parking recommendations for residential use.⁷ The Downtown Precise Plan will include recommendations for changes in residential parking requirements and expansion of the Downtown Parking District.

⁷ Note: the 703 3rd Street housing development project is designed with an automated parking lift and stacking system, which was recommended in the Downtown Parking & Wayfinding Study and has been incorporated into SRMC Chapter 14.18 (Parking)

- e. Address historic resources and streamline CEQA/environmental review. The Environmental Impact Report (EIR) that is being prepared for the General Plan 2040 will incorporate an updated historic resource inventory and provide a higher level of technical analysis and detail for the Downtown Precise Plan area. This higher level of EIR technical analysis for Downtown will permit development projects to “tier” from this EIR for CEQA/environmental review clearance. In most cases, new development will be exempt from or minimize the level of CEQA/environmental review.

Required Action: It is requested that the City Council confirm support to proceed with a form-based code for the Downtown Precise Plan. Ultimately, when the Downtown Precise Plan is presented to the City Council for consideration, the Plan and form-based code will be codified through the adoption of an Ordinance and Resolution. The General Plan 2040 EIR is underway, which is scoped to provide an additional level of detail for the Downtown Precise Plan area. Therefore, no formal action is required at this time.

3. Streamline CEQA/Environmental Review Process and Practices.

San Rafael contains very few remaining undeveloped sites that have potential development. Nearly all new development opportunities in San Rafael are urban in-fill (e.g., Downtown, Northgate, some areas of Southeast San Rafael). Environmental review for most new infill development projects can be streamlined and minimized by relying on the use of exemptions (e.g., “categorical exemptions”) that are permitted under the CEQA Guidelines. While a CEQA categorical exemption is common on small infill projects, the Planning Division staff has more recently recommended a categorical exemption for larger housing projects. Two, large housing projects that have benefited from this approach are: Northgate Walk (136 units at 1005-1010 Northgate Drive); and 703 3rd Street (120 residential units). Both projects qualified for CEQA Guidelines Categorical Exemption 15332 in that they are: a) on sites that are developed and located near transit; b) consistent with the General Plan 2020 and zoning; and c) supported by technical studies. The use of the CEQA categorical exemption for both projects significantly reduced the processing cost for the developer/applicant and eliminated several CEQA-prescribed steps that involve many months of processing time.

Required Action: Encourage and direct staff to continue the practice of using the CEQA exemptions, where appropriate, to streamline the CEQA/environmental review process for housing projects. For the Downtown Precise Plan area. As noted in #3 above, the General Plan 2040 EIR is underway, which is scoped to provide an additional level of detail for the Downtown Precise Plan area. Therefore, no formal action is required at this time.

4. Reduce the Requirements for Certain Technical Studies.

It is common practice and policy for the City to require the submittal of supportive technical studies with a new development application. The extent and type of technical studies vary by project type, size, location, and design. Issues such as geology/soil conditions, biological resources, traffic, historic resources, and drainage are critical and integral to the design and review of the development project. Therefore, it is not expected that this practice and policy will significantly change. However, there are certain topic areas that trigger technical studies that are costly and often result in delays in the process; traffic and historic resources fall in this category. One example is the approved, 41-unit residential development at 809-815 B Street project which was subject to a lengthy environmental review process because of potential impacts to historic resources. The following measures and actions are being pursued to ultimately reduce (or eliminate) the need for site-specific technical reports, which would reduce applicant cost and processing time:

- a. As discussed in recommended measure #2 above, the inventory of potential historic resources is being updated for the Downtown area, which will be incorporated into the EIR that will support the Downtown Precise Plan. The inventory will include measures for mitigating potential historic resource impacts, which will allow development projects to “tier” from this EIR for project CEQA/environmental review clearance.
- b. On June 3, 2019, the City Council was presented a [report on traffic methodologies](#) for General Plan 2040. Per State law (SB 743), the City will be phasing-out the use of the level of service (LOS) methodology for assessing traffic for CEQA/environmental review. To comply with the State law, the City will be phasing-in a new traffic methodology, which is Vehicle Miles Traveled (VMT). However, the City has the option to retain and monitor LOS for local intersection management; it just cannot be used as a tool for CEQA/environmental review. One the options included in the June 3 report is to revisit the threshold for when a detailed traffic study is necessary to assess a new development project’s impact on the local street network. Staff recommends that individual traffic studies should be reserved for larger development projects that generate a specific number of new AM and PM peak hour trips, or projects necessitating a rezoning or General Plan Amendment. The intent is to exclude infill projects from such studies when they have been modeled within the General Plan forecast. This recommendation will be presented again to the City Council as part of the Council’s review of a white paper on VMT.

Required Action: No formal action is required by the City Council at this time. The recommended measures related to historic resources and traffic are in the planning stages as part of the General Plan 2040 process. These measures would be incorporated into the General Plan 2040, Downtown Precise Plan and accompanying EIR, which will ultimately be considered by the City Council for action.

5. Consider Changes to the City’s Inclusionary Housing Requirements.

The structure of the City’s inclusionary housing requirements is now over 30 years old. While the requirements have done well at yielding inclusionary/BMR units in market rate projects throughout the City, some changes to these requirements are warranted and timely. In responding to the current housing crisis, numerous cities in California have revisited their inclusionary housing requirements. The most significant action has been by the City of Sacramento, which recently placed its inclusionary housing requirements for market rate projects “on-hold.” In addition, to spur construction in the central city, the City of Sacramento went further by waiving fees for high-density, infill housing. More locally, the City of Novato offers the applicant/developer the option to either build inclusionary/BMR units on site or pay into its affordable housing fund; the latter option is often chosen by the applicant/developer. Consequently, the greater fund balance has been adequate to subsidize the construction of affordable housing projects throughout Novato (mostly at Hamilton Village).

Facing a similar housing crisis in the State of Hawaii, in 2018, the City of Honolulu updated its [affordable housing requirements](#). Honolulu offers a menu of options for the applicant/developer to select in meeting the affordable housing requirements. The menu offers, among others: off-site construction of inclusionary/BMR units; varying percentage requirements; varying depths/levels of affordability (e.g., moderate-income instead of low-income); varying time periods for which the units must be affordable (e.g., 30 years, 55 years); and providing other, defined public benefits. The following is a list of additional approaches that are worthy of consideration:

- Lowering/reducing the BMR requirement from 20% to 15%.
- Allowing a developer to meet the requirement by paying the affordable housing in-lieu fee.
- Allowing a developer to meet the requirement with a combination of a lower on-site percent of inclusionary/BMR units and payment of the in-lieu fee.

- Changing the current affordability range requirements (e.g., allow moderate income for rental projects, which right now requires that the BMR rental units be in the very low- and low-income category).
- Temporarily lowering/reducing the BMR requirement to 10% to facilitate new housing construction. When new housing construction reaches a specified housing unit goal (e.g., 500 units), then reinstate the current requirements.
- Placing a “pause” on the inclusionary/BMR requirements until new housing construction reaches a specified housing unit goal.

There are advantages and disadvantages to each of the approaches. The “menu of options” approach taken by Honolulu offers the best opportunity for promoting housing construction, while still yielding new affordable housing units and other desired public benefits.

There is one caution to reducing or changing the affordable housing requirements. As we are governed by the State’s Regional Housing Needs Allocation (RHNA) process, the type and amount of housing that is produced and reported to the State dictates our obligations and compliance with certain housing legislation. As noted above, while San Rafael housing production for market rate units (above moderate) has been fairly-steady, production in the very low-income range has been extremely low. Reducing or placing a temporary pause on the inclusionary/BMR requirements could further impact housing production in the lower income category.

Required Action: Direct staff to return to the City Council with a “menu of options” approach to meeting the City’s inclusionary housing requirements. Major changes to the inclusionary/BMR requirements may require an amendment to the General Plan Housing Element and adoption of an ordinance to amend SRMC Section 14.16.030.⁸ However, interim changes or the approval of a “menu of options” can likely be approved through the City Council adoption of a policy resolution.

6. Consider Changes to the Use & Administration of the Affordable Housing In-lieu Fee Fund.

The affordable housing in-lieu fee is addressed in SRMC Section 14.16.030. Adjusted earlier this year,⁹ this fee is \$343,969.00 per unit. The fee is applicable to both residential and non-residential (commercial linkage) development projects and has been administered as follows:

- As top priority, the City has always required the development of inclusionary/BMR units within a market-rate housing development project. Therefore, the in-lieu fee charge for residential developments is required to cover a fractional unit requirement in a new housing development. For example, if the inclusionary/BMR requirement for the housing project is 4.25 units, the developer is required to build four BMR units on-site and pay the in-lieu fee to meet the balanced requirement of 0.25 units. Based on the current fee per unit, the fee charged for 0.25 units would be \$86,000.
- The revenue for this fund is largely generated by new non-residential development (commercial linkage). For example, the Target Store project fee was \$774,000. Two recently-approved assisted living projects (Oakmont and Aegis) will add approximately \$1 million to this fund.

The current fund balance is \$1.3 million, which is not enough to fund construction of affordable housing unless is leveraged or largely subsidized by other sources. SRMC Section 14.16.030

⁸ Note: Changes in the inclusionary/BMR requirements will not require the approval or re-certification of the General Plan Housing Element by the State of California Department of Housing and Community Development.

⁹ The fee per unit is adjusted annually to account for inflation utilizing updated data on the median home sales price and building cost index.

specifies that the fund can be used to: a) purchase property; b) fund construction of affordable units; c) buy-down BMR units when their affordability is due to sunset; d) buy existing market rate projects for conversion to 100% affordable units; and e) manage the City's BMR rental program. Regarding the latter, this fund is currently used to pay the Marin Housing Authority to administer the City's BMR rental program.¹⁰ Use of the fund for any of these purposes must be approved by the City Council. Recently, there have been inquiries by housing interests to request use of the fund for specific affordable housing projects. There is no formal process in-place to assess competing requests for this revenue.

This fee is based on a Residential Nexus Study and Commercial Linkage Fee Study (David Paul Rosen and Associates) that was prepared in 2002. The fee needs to be updated as housing issues, data, and costs have dramatically changed since 2002. The City is partnering with the County of Marin to prepare an updated fee study, which is planned to be fully funded by the Senate Bill 2 (SB 2) Planning Grant Program (discussed above). It is expected that this updated fee study will be completed within the next year. The updated fee study will also be beneficial in addressing two housing issues:

- a. Senate Bill 743 (SB 743) requires that by mid-2020, all municipalities phase out the use of the Level of Service (LOS) traffic review methodology for CEQA/environmental review and phase-in a Vehicle Miles Traveled (VMT) traffic review methodology. The purpose of this change is to address the length of vehicle travel between home and work with the goal of reducing greenhouse gas (GHG) emissions. Mitigation for reducing VMT is to place housing close to employment. One of the mitigation tools is employing transportation demand management (TDM). Non-residential development projects will be largely dependent on the use of TDM. One of the more significant TDM mitigation measures is to require the developer of a non-residential project to either incorporate workforce housing within their development or pay a commercial linkage fee. The fee study will provide the City the opportunity to update the commercial linkage fee; and
- b. Currently, assisted living and similar residential care special uses are not addressed in the City's inclusionary housing policies and the commercial linkage fee. There has been a longstanding issue as to whether such uses are residential or commercial (e.g., resident hotel with services).

Staff recommends considering the following measures for use and administration of the affordable housing fund, which go together with recommended measure #6, above:

- a. To stimulate housing, eliminate the "fractional" fee that is often required for residential projects that provide on-site BMR/inclusionary units.
- b. When the affordable housing fund balance reaches a certain amount (e.g. \$2 million), release a "Call for Applications" for City fund allocation to eligible housing projects. This approach will require projects to compete for funds with priority given to 100% affordable projects.
- c. Allow a developer (for a residential or non-residential project) to apply their required fee to subsidize a specific, off-site affordable housing project if acceptable to the City. This approach can foster a partnership between the developer and a non-profit housing developer.

¹⁰ The BMR Rental Program management agreement with Marin Housing Authority is for three years and will terminate in July 2020, with extensions to 2023. The annual cost to the City which is paid through Fund 243 is \$16,000. The City no longer has a housing specialist on staff to manage this program.

The City would be best served by having a housing specialist on staff that can: a) provide in-house administration of the BMR Rental Program and BMR Agreements; b) serve as the City's 'point person' skilled in housing to negotiate with developers on inclusionary housing and/or payment of fees; and c) track and implement all housing legislation. Presently, there is no budget to create a housing specialist position. However, over the next year, the Community Development Department will be assessing staff needs and identifying potential opportunities for staffing adjustments.

Required Action: Direct staff to return to the City Council with recommendations for changes in the use and administration of the City's affordable housing fee fund. Major changes to the administration of the fund may require an amendment to the General Plan Housing Element and adoption of an ordinance to amend SRMC Section 14.16.030.

7. Consider Reducing or Temporarily Waiving Development & Impact Fees for Housing Projects.

As noted discussed above, the development and impact fees charged for new development has been identified as a factor in the financial feasibility of housing development. The [fee study](#) recently released by the HCD (discussed above) reports that local jurisdictions levy fees and exactions to help fund the expansion of infrastructure needed to support housing. State-imposed policies that restrict local taxes (e.g., Proposition 13) leave local jurisdictions with limited means of raising revenue for infrastructure, so there has been a local reliance on imposing development fees. The fee study is based on a survey of 40 local jurisdictions in California, coupled with more in-depth case studies for 10 local jurisdictions. The fee study findings focus on recommended measures to incentivize different housing development types, which include the following:

- Determine and disclose fees earlier in the development review process.
- Require alternative multipliers for fees. For example, instead of setting the fee schedule on a "per unit" basis, use other multipliers such as basing the fee on unit size or grouping of units (multiple-family residential fee is lower than for a single-family residence).
- Defer the timing of fee payment to later in the process (e.g., at time of project completion) or require incremental payments. Collecting the fee earlier in the process (e.g., at the time a building permit is issued) extends the length of time a developer must carry the cost of the fee.
- Waive fees for Accessory Dwelling Units (ADUs) as they are located on property that is already developed and tapped into existing infrastructure.

The following is a summary of the major fees and suggested measures to consider, which will reduce the burden on housing development:

- a. Citywide Traffic Mitigation Fee. As noted above, the Citywide traffic mitigation fee has been identified as a financial challenge to housing development. One of the work program tasks for the General Plan 2040 is to update the current list of needed transportation improvements and the Citywide traffic mitigation fee (Fehr & Peers, the City's transportation engineering consultant will be completing this work). However, it is not likely that the traffic mitigation fee will be reduced as its purpose will be expanded to include funding needed for multi-modal improvements. This fee is paid prior to the issuance of a Building Permit.

City Council Resolution 13364 (updated in 2012) sets forth the parameters for levying and exempting traffic mitigation fees. This resolution expressly exempts traffic mitigation fees for affordable housing projects (100% affordable) and Accessory Dwelling Units (ADUs). Recognizing the importance and purpose of the traffic mitigation fees, similar exemptions of subsidies for all housing projects should be carefully studied with the fee update.

- b. Construction Vehicle Impact Fee. The Construction Vehicle Impact Fee covers the cost of construction vehicle impacts on the roadway system. The fee, which was adopted in 2004, is a surcharge on the Building Permit fee and is paid prior to issuance of a Building Permit. The fee amount is based on the “valuation” of the project (permitting, construction and labor costs). The valuation approach to the fee amount has its challenges. For example, two development projects of similar size and type could be valued differently (resulting in different fees), even though the construction vehicle impacts on the roadways from the two projects are the same. For housing projects, the fee should be re-structured to charge on a per-unit basis, which would provide the developer with a specific fee amount at the front end of project planning and financing. The Construction Vehicle Impact Fee should be studied with the update of the Citywide Master Fee Schedule, which is scheduled for 2019/2020.
- c. Parkland Dedication Fee. The parkland dedication requirements and in-lieu fee are regulated through SRMC Title 15 (Subdivisions) and rooted in the Quimby Act. These requirements are old and were crafted during a time when large, tract subdivision development activity was at its peak and when parkland was dedicated as part of the subdivision mapping. On smaller, for-sale residential development, the in-lieu fee is charged and paid prior to the recording of the subdivision map (Final Map).

The parkland dedication requirements and in-lieu fee are solely applicable to “for-sale” residential projects that include a subdivision map; the fee is not applicable to residential rental projects or non-residential development/subdivisions. The purpose of the fee is to purchase land for public park development to meet park needs for an increasing population. However, actual public park needs are not exclusive to new residents of for-sale residential units; the need equally applies to renters. Further, the City no longer purchases land for public parks; the current need is maintenance and safety upgrades. A detailed review of the dedication requirements and in-lieu fee is overdue and should be included in the update of the Citywide Master Fee Schedule.

- d. Development Impact Fee. The development impact fee is charged and collected prior to the issuance of a Building Permit. The fee covers the cost of new development impacts on public facilities and services. For new residential projects, the fee is \$127.50 per bedroom, which is not significant.

The following measures should be considered for fees charged to new housing development:

- Allowing a housing developer to defer payment to prior to building occupancy;
- Allowing a payment plan; and/or
- Providing a fee reduction for market rate housing projects with inclusionary/BMR units.

In 2018, City of Santa Rosa City Council adopted a Development Fee Incentive Program. This program authorizes sharply-reduced park and infrastructure impact fees for Downtown housing projects. The program is in-place for a five year-period as part of Santa Rosa’s Downtown housing strategy. As the City of Santa Rosa has not met its housing goals for their Downtown (Civic Center) area, the strategy is to substantially reduce developer fees as an incentive for construction. For housing projects capped at five stories in height, the fee reductions are as much as 40%. To boost housing projects that include affordable units, the City offers additional discounts of \$2.00/square-foot each on park and infrastructure fees. According to the City of Santa Rosa staff, the reduction in the development fees has been an incentive to and has generated a lot of interest for new housing development. One recently-approved Santa Rosa housing project saved \$600,000 in fees. A

temporary reduction (or waiver) in development impact fees for housing development projects is an option that can be considered by the City. However, the downside to reducing or waiving development impact fees for residential projects is that it reduces the funds available for infrastructure improvements and maintenance, which are needed to support new housing. As the need for infrastructure improvements and maintenance would continue, shortfalls in the special funds for these services may need to be subsidized by the General Fund. This off-set would have to be carefully analyzed before fee reductions or waivers are approved.

Required Action: For changes in the amount, methodology and applicability of the four fees listed above, updated studies of these fees must be completed and adopted. For changes in the timing of fee payment method, expanding the list of exemptions from these fees, and/or authorizing a temporary reduction or waiver, the City Council can adopt a policy resolution.

8. Amend the Density Bonus Ordinance.

SRMC Section 14.16.030 sets forth the City's affordable housing requirements. This section also includes very lengthy and complicated provisions for administering and approving a "density bonus." While this code section generally follows State law governing residential density bonuses, State law continues to change, so some of our local code provisions are obsolete. Further, the City's density bonus provisions allow for a bonus amount that is above the State bonus cap of 35%. However, this additional bonus is fully discretionary and there is no specific guidance for City negotiation nor is there clear guidance of what is expected of the developer. This issue has been a challenge with the review and processing of the 703 3rd Street housing project, which proposes a 166% density bonus. The bonus request, coupled with the review of the developer "pro forma" required months of staff and applicant time, which significantly extended the length of the planning review process.

A comprehensive update of the density bonus provisions in SRMC Section 14.16.030 is recommended. The provisions and requirements need to be simplified and brought into compliance with the State law. The update should: a) establish clear parameters and requirements for density bonus requests that exceed 35%; and b) incorporate a floor area ratio (FAR) bonus provision for Downtown, should the Downtown Precise Plan eliminate the current density limits.¹¹

Required Action: Direct staff to return to the City Council with recommendations for City's residential density bonus provisions. For programming the workload, this action should be done concurrent with implementing measures #6 and #7 above.

9. Adopt a New Accessory Dwelling Unit (ADU) Ordinance.

As noted above, ADU activity has played a strong role in housing start-ups in the last two-three years. The City has been operating under the State regulations, which has been successful. Nonetheless, staff is proceeding with the completing of a new, local ADU ordinance in accordance with the State legislation. Moving forward with a local ADU ordinance has been purposely delayed because: a) State legislation for ADUs is constantly changing; and b) there have been on-going discussions with the Fire Department about ADU allowances and regulations in hillside and fire-prone areas with challenged access. A draft ADU ordinance has been prepared and is expected to be presented to the Planning Commission in early Fall. In addition to addressing the State regulations, the draft ADU ordinance discussion will present the following measures, which could further boost ADU approvals and start-ups:

¹¹ Signed by Governor Brown in 2018, SB 2372 establishes new legislation establishing a "floor area ratio" bonus for housing projects in areas/zones that are not regulated by a density limit.

- a. To simplify administration and the permitting process for the customer, combine the current Junior Accessory Dwelling Unit (JADU) ordinance with the new ADU ordinance.
- b. Eliminate off-street parking for ADUs citywide (not just within ½ mile of public transit). The exception to this parking waiver would be for hillside areas served by narrow roads and limited on-street parking. Such areas are challenging for the Fire Department to serve so it is critical that travel lanes along the roads are kept clear for emergency services.
- c. Allowing “tiny homes” to be permitted on single-family residential lots.
- d. At present, ADUs are allowed in all residential zoning districts but this allowance is exclusive to properties developed with a single-family dwelling. One consideration is to expand this allowance to sites developed with duplex or multiple family residential use as a “bonus unit,” which is an approach that has been taken by the City and County of San Francisco. The bonus unit can be size-restricted and exempt from both off-street parking and owner occupancy requirements.

Required Action: City Council adoption of a new ADU ordinance.

10. Support a City/Developer Partnership to Facilitate Housing.

The City should promote and foster partnership opportunities to facilitate housing development. One partnership opportunity would be through air rights development. General Plan 2020 Housing Element Housing Element Program H-14d addresses air rights development, which reads as follows:

H-14d. Air Rights Development. *Take an active role in evaluating the feasibility of air rights development and consider possible zoning incentives for such development. Encourage developers of affordable housing to utilize air rights, such as above public parking lots or commercial uses Downtown.*

In addition, the General Plan 2020 Economic Vitality Element Policy EV-16 and Program EV-16a state:

EV-16. Partnership for Infill Development. *Encourage public/private partnerships as one means of redeveloping and revitalizing deteriorated or undeveloped areas.*

EV-16a. Public/Private Partnerships. *Identify and pursue promising public/private opportunities for partnerships in infill development.*

As discussed above, City staff has completed [Surface Parking Lot Air Rights Study - City of San Rafael](#) assessing seven (7) Downtown San Rafael, City-owned site in entitled, *Surface Parking Lot Air Rights Study- City of San Rafael* (June 1, 2019). Sponsored and funded by Opening Doors, a public-private coalition, the feasibility study was prepared to determine the preliminary feasibility of deeding air rights of a City-owned lot to a housing developer as a strategy to increase the stock of housing in Downtown San Rafael. Seven lots were chosen for their location within or near the Downtown area. Except for the 519 4th Street lot (contains a one-story building; former temporary Fire Station #52), none of the lots contain permanent structures. The lots selected for study are selected City-owned sites are:

- Site #1- 5th Avenue north of Lootens Place
- Site #2- 3rd and Cijos Streets
- Site #3- 2nd Street between D & E Streets

- Sites #4 and #5- 5th Avenue and Garden Lane
- Site #6- Menzies Lot at 5th Avenue and E Street
- Site #7- 519 4th Street

The study conservatively assumes: a) the air rights would be deeded at no cost to the developer;¹² b) public parking at grade would be retained and that no additional parking would be built for the residential units (essentially shared parking); c) the site would be developed with 100% affordable units; d) development would be within the zoning development limits (e.g., building height limit); and e) no density bonus.

In addition to providing relevant descriptive data on the seven properties under study, the air rights study employs a “preliminary pro forma” analysis to assess how many units of what types of housing could be developed as raised structures above the study sites. The pro forma analysis tests a range of housing mixes (studio, one-bedroom up to three-bedroom) at varying affordability levels (very low-income and low-income) and estimated rent return for each of the seven lots. While the results from the analysis are not meant to represent a comprehensive financial assessment of net present value of all estimated costs and revenues, it offers a preliminary assessment of what types of developments are possible on the study sites given existing regulations, allowances, constraints, and other conditions.

The results of the study are meant to:

- Identify approximately how many residential units can be developed on each site; and
- Approximate how much income per month for each site given standard, Marin County affordable rent levels.

The study finds that there are housing opportunities on all sites. Site #3 (2nd Street between D & E Streets) would yield the least number of units (seven units), while Site #2 (3rd and Cijos Streets) would yield the highest number of units (33 units).

Staff finds that the air rights opportunity for the public parking lot site is worthy of further study. Should the City Council concur with staff, the next steps would involve a more in-depth assessment of the sites and a formal pro forma analysis. The in-depth assessment would be presented to the City Council for consideration.

Required Action: Direct staff to proceed with a further, in-depth assessment of air rights use of the seven City parking lots.

11. Pursue State Funding Opportunities

As discussed above, with the State’s 2012 action to dissolve all local RDAs, major sources and/or conduits to funds for housing have dwindled. However, in response to the current, statewide housing crisis, new sources for funding have surfaced in the last several years through, among others, the passage of housing legislation. Staff is actively monitoring and pursuing (when available) the following funding opportunities:

- a. SB 2 Revenues. As discussed above, staff has prepared and submitted an SB 2 Planning Grant Program application to secure \$310,000 in this program that has been allocated to the City of San

¹² The cost of land represents 10-15% of the total project costs from land purchase through construction; the specific percentage amount is dependent upon the local market for land and property constraints (Libby Seifel, Seifel Consulting, Inc., July 2019)

Rafael. The grant application will include “by right” zoning for 100% affordable housing projects (discussed under recommended measure #13, below), which will streamline the process. In 2020, 70% of the SB 2 revenue will be distributed to local jurisdiction for subsidizing affordable housing construction. It is planned that this 70% revenue will be administered using the federal Community Development Block Grant (CDBG) formula that was used when CDBG revenues formerly distributed to local RDAs. At this time, the amount of revenue that will be made available to San Rafael is unknown.

- b. SB 3 – Veteran and Affordable Housing Bond Act. SB 3 was signed by the Governor in 2017 and successfully passed as a bond measure in the November 2018 Statewide ballot. Proceeds from bond sales would set aside \$3 billion for affordable housing programs, as well as infill infrastructure financing and affordable housing matching grant programs.
- c. SB 5 – Sustainable Investment Program. SB 5 was introduced in 2019 by Senators Beall, McGuire, and Portantino, and has been reviewed by both the Assembly and Senate committees. If approved and signed by the Governor, this program will provide local jurisdictions with access to tax increment revenues to fund affordable housing, infrastructure and economic development projects. This program has been crafted similar to the tax increment financing that was once offered through the former RDAs.
- d. SB 102/AB 101 – Housing Development Financing. As part of the State of California 2019/2020 budget process, the California legislature approved an additional \$2.5 billion in funding to address California’s housing and homeless crisis. This approved funding is summarized as follows:
 - *Housing* – The State budget includes \$1.75 billion for various housing-related programs such as funding to assist renters, and repurposing housing production incentive grants to provide infill infrastructure funding for housing projects. To assist renters, the budget includes \$20 million to provide legal aid for renters and assist with landlord-tenant disputes. Like SB 2, SB 102/AB 101 allocates an additional \$300,000 to San Rafael for potential planning grants. In addition, other financial incentives and funding preferences will be awarded to local jurisdictions that HCD designates as “pro-housing.” To be designated as pro-housing, the local jurisdiction must adopt policies that: establish a local housing trust fund; reduce parking requirements; adopt a “by-right approval process; reduce permit processing time; reduce development impact fees; and establish a “Workforce Housing Opportunity Zone” or “housing Sustainability District.” San Rafael has already adopted (or is pursuing) several of these policies and practices, which makes us potentially eligible for the “pro-housing” designation.
 - *Homelessness* – the State budget includes \$1 billion to combat homelessness. This total includes \$650 million to local jurisdictions for homeless emergency aid.
- e. AB 73 & SB 540 – Housing Sustainability Districts & Workforce Housing Opportunity Zones. For local jurisdictions that have an adopted “specific plan” (e.g., Downtown Precise Plan), the AB 73 and SB 540 legislation would permit the establishment of a Housing Sustainability District or Workforce Housing Opportunity Zone. Within the specific plan boundaries, housing projects would be afforded full, CEQA/environmental review clearance and a “ministerial” review and action based on project compliance with a list of criteria. Funding to support the up-front planning would come from a revolving state loan fund available to local jurisdictions; loans would be repaid when development occurs. As discussed above, the Downtown Precise Plan will include a deeper level of CEQA/environmental review, so this legislation is worthy of further review and consideration.

Required Action: Direct staff to continue to pursue state funding opportunities when they become available. San Rafael is already pursuing the SB 2 Planning Grant Program. When launched by HCD, direct staff to pursue the “pro-housing” designation program.

12. Adopt “By-Right” Zoning for Affordable Housing Projects.

As discussed above, staff is preparing an SB 2 Planning Grant application to secure \$310,000 in this program that has been allocated to the City of San Rafael. One of the projects in the grant application process is to fund the development of a “by-right” zoning process for 100% affordable housing projects. “By-right” zoning limits the City’s discretion to reviewing a housing development project for compliance with a list of “objective planning and design standards.” This process is envisioned to amend and be applicable to the City’s High-Density Residential (HR1) zoning district. While the process would be applicable citywide in the HR1 District, the requested SB 2 funding will include a “pilot” project to implement this process. The pilot project is Homeward Bound’s new emergency shelter and 32-unit housing development proposed for 190 Mill Street.

Required Action: No action needed by the City Council. The SB 2 Planning Grant application has been authorized by the City Council and staff is pursuing the application.

13. Consider Raising the Appeal Fee and Changes in the Appeal Scheduling Process.

Developers have commented that the current appeal fee on a Planning Commission action is too low, which, they believe encourage appeals to the City Council that can be unsubstantiated or intended to delay action on the project. The current fee for a San Rafael resident to file an appeal to the City Council is \$350.00 (\$300.00 for an appeal to the Planning Commission).¹³ This fee amount has been in-place for more than a decade. Appeal fees for residents are typically modest or kept low to afford the public with maximum access to the public review process.

Staff has surveyed the other municipalities in Marin County and similar-sized cities in the Bay Area. In Marin County, resident appeal fees vary from a low as \$100 (Novato) to \$2,587 (Sausalito). For similar-sized cities in the Bay Area, resident appeal fees vary from \$205 (Walnut Creek) to \$2,668 (Redwood City). The Town of San Anselmo recently raised its appeal fees to \$2,500 for an applicant appeal and \$800 for an appeal by a non-applicant/resident.

The appeal fee should be assessed and updated through completion of a nexus study. This task will be included in the Citywide Master Fee Schedule Update, which is budgeted for completion during this fiscal year (FY 19/20). There is some caution to raising the appeal fee too high so that it does not undermine the public review process. Therefore, the nexus study will be critical in demonstrating that a fee increase aligns with the service that is being provided by the City.

Regarding the scheduling challenges, some municipalities set an appeal date for a City Council public hearing and action concurrent with or soon after the filing date of the appeal. To facilitate a quicker public hearing date for an appeal, it is recommended that the City Clerk, in consultation with the Community Development Director set an appeal date within five (5) working days of appeal filing.

Required Action: Direct staff to assess and update the appeal fee as part of the next Citywide Master Fee Schedule Update. Should the City Council find that the changes in the appeal scheduling process is worthy to pursue, direct staff to prepare an amendment to SRMC Title 14 (Zoning).

¹³ The fee for an applicant or a non-resident is \$4,834 and \$4,475 for an appeal to the Planning Commission and City Council, respectively. This fee is a deposit, meaning once the fee amount has been drawn-down, the additional staff time to complete the appeal process is charged to the applicant (cost recovery process).

COMMUNITY OUTREACH:

A public notice of this meeting was mailed to stakeholders, agencies and special interest groups 15-days prior to this meeting. Those noticed included, among others, all neighborhood associations, the Federation of San Rafael Neighborhoods, housing advocacy groups, and the San Rafael Chamber of Commerce.

Upcoming public meetings and study sessions on selected housing topics and issued will involve ample notification to the public and stakeholders.

FISCAL IMPACT:

This item is an informational report, which has no direct fiscal impact on the City. The fiscal impact of subsequent projects, tasks or studies resulting from this housing discussion will be assessed and determined on a case-by-case basis.

OPTIONS:

The City Council has the following options to consider:

1. Accept and provide direction as recommended by staff;
2. Do not accept the report; or
3. Direct staff to return with more information.

RECOMMENDED ACTION:

Accept the report and provide direction on staff recommendations for follow-up actions.

ATTACHMENTS:

1. Key Housing Element Goals & Policies
2. Residential development projects approved, currently under review and potentially-planned, table and maps; updated August 2019
3. 2018 Housing Legislation table; March 25, 2019/updated July 22, 2019
4. Public Meeting Notice

ATTACHMENT 1

SAN RAFAEL GENERAL PLAN 2020 HOUSING ELEMENT Key Goals & Policies Supporting and Facilitating All Types of Housing

- **GOAL 3: HOUSING NEEDS.** *It is the goal of San Rafael to have a strong sense of community and responsibility in meeting housing needs. Historically, San Rafael has provided housing of all types to meet the varied needs of its population in settings that enhance the feeling of community.*
- **Policy H-1. Housing Distribution.** *Promote the distribution of new and affordable housing of quality construction throughout the city to meet local housing needs.*
- **Policy H-2. Design That Fits into the Neighborhood Context.** *Recognize that construction of new housing and improvements on existing properties can add to the appearance and value of the neighborhood if they fit into the established character of the area. Design new housing, remodels, and additions to be compatible to the surrounding neighborhood. Incorporate transitions in height and setbacks from adjacent properties to respect adjacent development character and privacy. Respect existing landforms and minimize effects on adjacent properties.*
- **Policy H-4. Governmental and Community Collaboration.** *Collaborate when possible with other jurisdictions in Marin County in addressing regional housing needs. Support community partnerships to assist in the development of needed housing and continue to provide technical assistance to owners, developers, and non-profits. Participate in local and regional housing assistance programs and establish relationships and coordinate with other public agencies, non-profit housing sponsors, and for-profit housing sponsors in the use of available programs and funding resources to provide lower-cost housing in San Rafael. Take leadership in attaining the goals of the Housing Element by coordinating with interested parties and carrying out prescribed actions in a timely manner.*
- **Policy H-5. Fair Housing** *Take action when necessary to prevent discrimination on the basis of race, religion, sex, marital status, ancestry, national origin, color, familial status or disability in San Rafael's housing market. (NOTE: the City administers a "neutral inspection" practice, which allows rental tenants to request a City inspection of housing conditions and potential violations.)*
- **GOAL 4: A DIVERSE HOUSING SUPPLY.** *It is the goal of San Rafael to have an adequate housing supply and mix that matches the needs of people of all ages, income levels, and special requirements.*
- **Policy H-7. Protection of the Existing Housing Stock.** *Continue to protect existing housing from conversion to nonresidential uses. Ensure that affordable housing provided through government subsidy programs, incentives, and deed restrictions remains affordable over the required time period and intervene when possible to help preserve such housing. (NOTE: this policy is supported by current programs such as the rent stabilization ordinance for mobile homes and BMR resale restrictions).*
- **Policy H-8. Housing Conditions and Maintenance.** *Protect and conserve the existing housing stock and existing residential areas. Protect residents and maintain the housing stock by enforcing the housing code for all types of residential units. Support good management practices and the long-term maintenance and improvement of existing housing. (NOTE: this policy is supported by programs the City currently implements such as the Hotel/Apartment Inspection Program [HIP], Residential Building Resale [RBR] Program, and relocation assistance).*
- **Policy H-9. Special Needs.** *Encourage a mix of housing unit types throughout San Rafael, including very low- and low-income housing for families with children, single parents, students, young families, lower income seniors, homeless and the disabled. Accessible units shall be provided in multi-family developments, consistent with State and Federal law.*
- **Policy H-11. House Sharing.** *Support organizations that facilitate house sharing, linking seniors and small households with potential boarders to more efficiently use existing housing stock. (NOTE: this policy promotes "aging-n-place.")*

ATTACHMENT 1

SAN RAFAEL GENERAL PLAN 2020 HOUSING ELEMENT Key Goals & Policies Supporting and Facilitating All Types of Housing

- **Policy H-12: Residential Care Facilities and Emergency Shelters.** Encourage a dispersion of residential care facilities and emergency shelters and avoid an over concentration of residential care facilities and shelters for the homeless in any given area consistent with state and federal laws.
- **Policy H-13. Senior Housing.** Encourage housing that meets the needs of San Rafael's older population, particularly affordable units and affordable care facilities that foster aging within the community. Support development that provides housing options so that seniors can find suitable housing to rent or purchase. (NOTE: this policy is supported by programs that encourage assisted living and age-in-place assistance.)
- **Policy H-15. Infill Near Transit.** Encourage higher densities on sites adjacent to a transit hub, focusing on the Priority Development Area surrounding the San Rafael Transportation Center and future Downtown SMART station.
- **Policy H-18. Inclusionary Housing Requirements.** The City requires residential projects to provide a percentage of affordable units on site and/or pay in-lieu of fees for the development of affordable units in another location. The City's program requires the units remain affordable for the longest feasible time, or at least 55 years. The City's primary intent is the construction of units on-site. The units should be of a similar mix and type to that of the development as a whole and dispersed throughout the development. If this is not practical or not permitted by law, the City will consider other alternatives of equal value, such as in-lieu fees, construction of units off-site, donation of a portion of the property for future nonprofit housing development, etc. Allow for flexibility in providing affordable units as long as the intent of this policy is met. Specific requirements are:

Project Size	% Affordable Units Required
2-10 Housing Units +	10%
11-20 Housing Units	15%
21+ Housing Units	20%
+ Exemptions for smaller project units may be provided in the Zoning Ordinance.	

Rental Units. Provide, consistent with State law, a minimum of 50% of the BMR units affordable to very low-income households at below 50% of median income, with the remainder affordable to low income households at 50-80% of median income.

Sale/Ownership Units. Provide a minimum of 50% of the BMR units affordable to low income households at 50-80% of median income, with the remainder affordable to moderate income households at 80-120% of median income.

ATTACHMENT 2
HOUSING DEVELOPMENT PROJECTS
Approved, Currently Under Review, or in the Pipeline
August 5, 2019

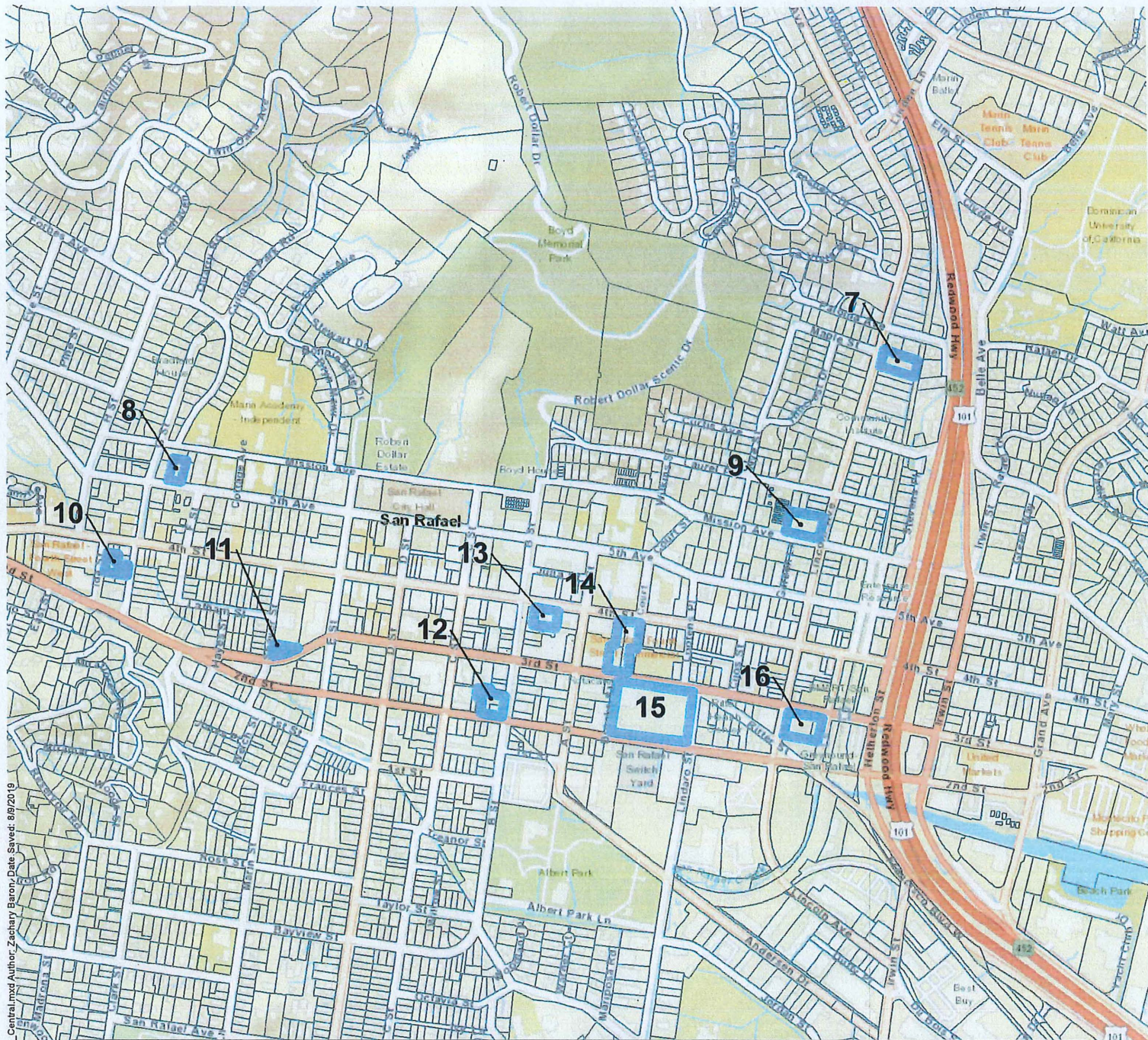
	Address	Project Specifics	Affordability	Status
1	Los Gamos Road (upslope of YMCA)	125 residential apartment units, 60 residential condominium units	No specifics to date	Under review (Pre-application)
2	1010-1050 Northgate Drive (Four Points Sheraton)	136 residential (condominium) units; includes senior units	20% inclusionary	Approved
3	Northgate Mall	Potential housing; no specifics to date	No specifics to date	No specifics to date; no applications filed
4	3833 Redwood Hwy/ 350 Merrydale Road (Marin Ventures)	44 residential (townhouse) units + 18 ADUs	20% inclusionary	Under review
5	3773 Redwood Hwy (formerly Hudson Street Design)	Assisted living for seniors (Oakmont); 89 residences + memory care	No inclusionary units. Commercial linkage fee payment required.	Approved & under construction
6	Fair Drive & Coleman Drive	25 single-family residential units (recorded vacant lots)	Market-rate; no inclusionary units; affordable housing in-lieu fee required.	Approved & under review
7	1368 Lincoln Ave	25 housing units for homeless	100% affordable Extremely low income	Early planning stages
8	1628 5 th Avenue	8 residential (apartment) units	10% inclusionary	Approved
9	800 Mission Avenue	Assisted living for seniors (Aegis); 88 residences + memory care	No inclusionary units. Commercial linkage fee payment required.	Approved
10	21 G Street	8 residential (townhome) units	10% inclusionary	Approved
11	809-815 B Street @ 2 nd Street	41 residential (apartment) units	10% inclusionary	Approved & under construction
12	1001 4 th Street	Potential housing; no specifics to date	No specifics to date	No specifics to date; no applications filed
13	999 3 rd Street (PG&E)	68 senior apartments	100% affordable Low income	Under review
14	703-723 3 rd Street	120 residential (apartment) units	20% inclusionary	Under review
15	104 Shaver Street	7 residential townhome units	All market-rate	Under review
16	1135 4 th Street	10 residential apartment units	All market-rate	Approved & under construction
17	190 Mill Street	Potential housing; no specifics to date	100% affordable	Early planning stages
18	Village @ Loch Lomond Marina	81 residential (mix) units (44 units built and occupied)	20% inclusionary	Approved & under construction



Housing Development Projects: North San Rafael

August 2019

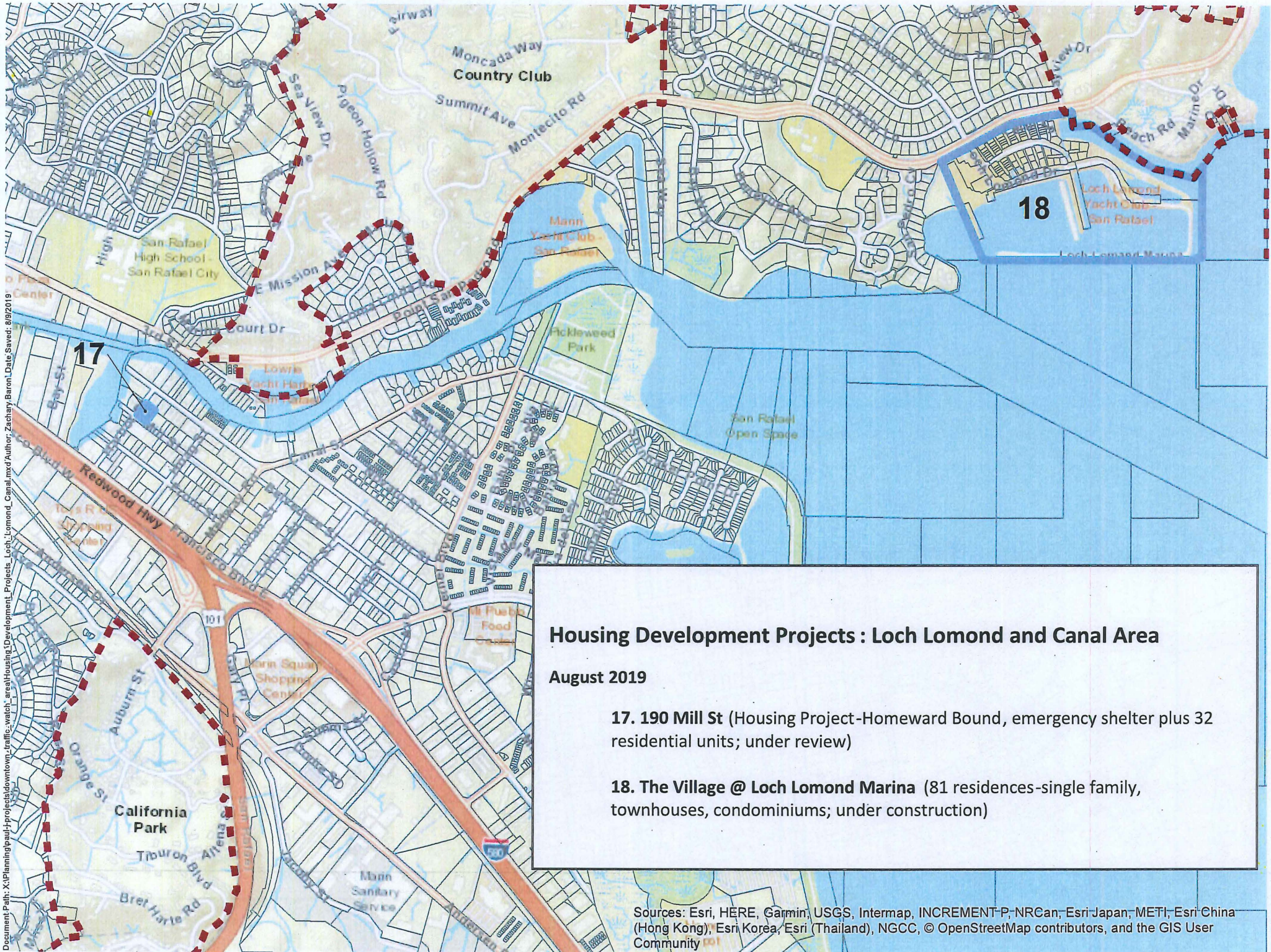
1. **Los Gamos Rd.** (60 residential condominiums, 125 apartments; under review)
2. **Northgate Walk @ Four Points Sheraton** (hotel site, 136 unit condominiums; approved)
3. **Northgate Mall** (potential housing project; no application)
4. **3833 Redwood Hwy/350 Merrydale Rd.** (44 townhouses; market rate + 20% BMR/18 ADU's; under review)
5. **3773 Redwood Hwy** (assisted living for seniors (Oakmont); 89 residences + memory care; under construction)
6. **Fair Dr./Coleman Dr.** (25 single family residences-recorded lots; under review/approved)



Housing Development Projects: Central San Rafael

August 2019

- 7. 1368 Lincoln Ave (potential housing project)
- 8. 1628 5th Ave (8 residential apartments; approved)
- 9. 800 Mission Ave (assisted living-seniors (Aegis), 88 residences + memory care; approved)
- 10. 21 G St. (8 residential townhomes; under construction)
- 11. 104 Shaver St. (7 residential townhomes; under review)
- 12. 809 B St. (41 residential apartments; approved)
- 13. 1135 4th St. (10 residential units, former Wilkens Hotel; under review)
- 14. 1001 4th St. (potential housing project)
- 15. 999 3rd St. (67 senior apartments-low income; under review)
- 16. 703-723 3rd St. (120 residential apartment units; under review)



Housing Development Projects : Loch Lomond and Canal Area

August 2019

- 17. 190 Mill St (Housing Project-Homeward Bound, emergency shelter plus 32 residential units; under review)
- 18. The Village @ Loch Lomond Marina (81 residences-single family, townhouses, condominiums; under construction)

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT-P, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

ATTACHMENT #3
SUMMARY OF HOUSING LEGISLATION – 2018-2019
 March 25, 2019 – Updated July 22, 2019

HOUSING BILL	SUMMARY + COMMENTS SPECIFIC TO SAN RAFAEL	ACTION PLAN FOR CITY
BILLS PASSED AND SIGNED AS NEW LAW		
<p>AB 678, SB 167, AB 1515 – <u>Housing Accountability Act</u> Requires local jurisdictions to make special findings to deny or reduce the density on a housing project unless there is a preponderance of evidence supporting this action. Also requires courts to impose a fine of \$10K or more per housing unit on local jurisdictions that fail to comply with a court order to comply with the housing act. Housing organizations, developers and tenants are eligible to recuperate attorney fees if there is litigation.</p>	<p>Effective January 1, 2019. City did not take a position on this bill, but it was opposed by the League of CA Cities. Law has an indirect impact on the City. City will need to be mindful of the special findings requirement when reviewing and acting on housing development projects. City will also need to be mindful to comply with the Housing Accountability Act to avoid fines and a lawsuit, which could have substantial fiscal impacts.</p>	<p>No action is needed by the City. As a policy, special findings will be made on a case-by-case basis in reviewing and acting on housing development projects.</p>
<p>AB 3194 – <u>Housing Accountability Act</u> New additions to the Housing Accountability Act: a) strictly limits the local jurisdictions ability to reject or restrict housing development if it complies with the General Plan, zoning and subdivision standards; and b) prohibits the local jurisdiction from requiring a property rezoning for a housing project where the zoning is inconsistent with the General Plan, but the project otherwise meets the objective General Plan standards.</p>	<p>Effective January 1, 2019. City did not take a position on this bill. Law has an indirect impact on the City. City will need to be mindful of these new additions when reviewing and acting on housing development projects.</p>	<p>No action is needed by the City. As a policy, housing development projects will continue to be reviewed on a case-by-case basis to ensure compliance with the Housing Accountability Act.</p>

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SUMMARY OF HOUSING LEGISLATION – 2018-2019
 March 25, 2019 – Updated July 22, 2019

HOUSING BILL	SUMMARY + COMMENTS SPECIFIC TO SAN RAFAEL	ACTION PLAN FOR CITY
The legislature declared its intent that a specific adverse impact on public health and safety will arise infrequently.		
<p>SB 35 – Streamlined Project Review Carried over from 2017 legislation. Law links housing production to Housing Accountability Act. Requires local jurisdictions to offer a streamlined, ministerial (“by-right”) review and approval process for housing developments containing two or more units. The “by right” process requires developer to pay prevailing wages for construction labor. Limits local jurisdiction’s ability to require project compliance with adopted “objective planning standards.” Availability of process varied from year-to-year as it is tied to local jurisdiction housing production.</p>	<p>Effective January 1, 2018. City opposed this bill. Law has a direct impact on the City. Law requires that the City establish and adopt a streamlined, “by right” process for housing development projects. Based on the 2018 annual housing report, for San Rafael, this process is eligible for housing projects that propose a minimum of 10% inclusionary/BMR units for low-income households. This status could change based on the 2018 annual housing report for San Rafael.</p>	<p>City staff is preparing a streamlined, “by-right” ministerial review process and “objective planning standards” to comply with this law. Process and standards to be completed this spring and brought forward for public review and action by the City Council. City to continue to monitor annual housing production to determine if the process must be initiated and available to housing development projects.</p>
<p>SB 765 – Amendments to SB 35 Law was amended to explicitly state that CEQA does not apply to a housing development application for SB35 processing.</p>	<p>Effective January 1, 2019. City did not take a position on this bill. Impact of CEQA inapplicability already considered by the City.</p>	<p>As discussed under SB 35 above, City staff is preparing a streamlined, “by-right” ministerial review process and “objective planning standards” to comply with this law. The exemption from CEQA will be included in this process.</p>

ATTACHMENT #3
SUMMARY OF HOUSING LEGISLATION – 2018-2019
 March 25, 2019 – Updated July 22, 2019

HOUSING BILL	SUMMARY + COMMENTS SPECIFIC TO SAN RAFAEL	ACTION PLAN FOR CITY
<p>AB 1397 – <u>Housing Element Sites Inventory</u> Strengthens the analysis requirements for suitable, non-vacant/underdeveloped housing sites. Applies to local jurisdictions where 50% or more of the identified housing opportunity sites in the Housing Element are non-vacant/underdeveloped. Requires that non-vacant sites identified in the prior RHNA planning period cannot be identified again in the subsequent RHNA planning period unless the site is rezoned within three years to allow “by right” housing with 20% inclusionary for low-income households.</p>	<p>Effective January 1, 2019. City did not take a position on this bill. Law has no immediate impact on the City as this law will have to be considered in planning for the next RHNA cycle. The direct impact will depend upon how many of the non-vacant/underdeveloped sites are developed with housing during the current RHNA cycle.</p>	<p>For now, no action is needed by the City. However, as the City plans for the new RHNA cycle, the non-vacant/underdeveloped housing site inventory will have to be carefully reviewed to ensure compliance with this law.</p>
<p>AB 1771 – <u>Regional Housing Need Assessment</u> Revises the objectives required in developing the RHNA Plan. New objectives include: a) a need to increase access to areas of opportunity for lower-income residents while avoiding displacement; and b) furthering the goals of fair housing.</p>	<p>Effective January 1, 2019. City did not take a position on this bill. Law has no direct impact on the City. Law is to be implemented by HCD.</p>	<p>No action needed by the City.</p>
<p>SB 1333 – <u>“No-Net-Loss Zoning” for Charter Cities</u></p>	<p>Effective January 1, 2019. City did not take a position on this bill, but it was opposed by the League of CA Cities.</p>	<p>For now, no immediate action is needed by the City. However, a more in-depth review of General Plan 2020 Housing Element housing site inventory should</p>

ATTACHMENT #3
SUMMARY OF HOUSING LEGISLATION – 2018-2019
 March 25, 2019 – Updated July 22, 2019

HOUSING BILL	SUMMARY + COMMENTS SPECIFIC TO SAN RAFAEL	ACTION PLAN FOR CITY
<p>Modifies current “No Net Loss Zoning” law so that it is applicable to charter cities. Local jurisdiction cannot downzone sites or approve new housing at significantly lower densities than that projected for the site in the local Housing Element without identifying other sites that could accommodate the local need for housing sites at specified income levels.</p>	<p>As San Rafael is a charter city, law has a direct impact on the City. General Plan 2020 Housing Element includes a list of housing sites with estimated unit count for development. While the housing opportunity sites identified in the Housing Element (2,500 units) far exceed the RHNA for this cycle (1,007), the inventory of sites does not break down projected housing units by specific income levels.</p>	<p>be completed to: a) determine if the surplus sites provide a comfortable cushion; and b) include a breakdown on specified income levels for projected housing on each of the housing sites.</p>
<p>SB 166 – “No Net Loss” Findings Coupled with SB 1333, amends the “no net loss” law to require that, at no time, a local jurisdiction shall allow its Housing Element housing opportunity sites to fall below the required RHNA. Law also requires that if the local jurisdiction’s approval of a specific housing development results in fewer units than what is specified for the site in the Housing Element, specific findings must be made demonstrating that there are other additional sites that can accommodate the net loss from the approval. This finding must be made within 180 days of action on the specific housing development project.</p>	<p>Effective January 1, 2019. The City did not take a position on this bill. Law has a direct impact on the City. The City will need to be mindful of the “no net loss” requirements and potential impacts to the Housing Element site inventory as housing projects are processed and reviewed.</p>	<p>For now, no action is needed by the City. However, the City will need to monitor the Housing Element housing sites inventory as housing projects are developed. Further, the City will need to be mindful of and comply with the “no net loss” requirement as housing projects are reviewed on a case-by-case basis.</p>

ATTACHMENT #3
SUMMARY OF HOUSING LEGISLATION – 2018-2019
 March 25, 2019 – Updated July 22, 2019

HOUSING BILL	SUMMARY + COMMENTS SPECIFIC TO SAN RAFAEL	ACTION PLAN FOR CITY
<p>AB 72 – <u>HCD Enforcement Authority</u> Authorizes HCD to review any local jurisdiction action it determines to be inconsistent with a jurisdiction’s adopted Housing Element including failure to implement program actions. HCD has the authority to revoke the local Housing Element certification and refer violations to the Attorney General.</p>	<p>Effective January 1, 2019. City did not take a position on this bill. Law has an indirect impact on the City. City will need to be mindful of the importance for the Housing Element to stay in compliance with the laws and to diligently implement the element programs.</p>	<p>No action is needed by the City. However, the Housing Element programs will have to be carefully reviewed and monitored to ensure they are implemented in the timelines specified in the element.</p>
<p>AB 1505 – <u>Rental Inclusionary Requirements</u> Authorizes local jurisdictions to require rental housing projects to include a certain percentage of low- and moderate-income units, and alternatives such as the payment of in-lieu fees, off-site construction or land dedication.</p>	<p>Effective January 1, 2019. City did not take a position on this bill. Law has no impact on City. City already has an adopted, BMR inclusionary housing requirement ordinance that is applicable to rental housing project and includes alternatives such as off-site construction and payment of an in-lieu fee.</p>	<p>No action needed by the City.</p>
<p>AB 686 – <u>Housing Discrimination/Fair Housing</u> Requires local governments to administer programs that furthers the goal of fair housing. Requires that all revisions to local Housing Elements that occur on or after January 1, 2021 include an assessment of fair housing implementation.</p>	<p>Effective January 1, 2019. City did not take a position on this bill. Law has an indirect impact on the City. At present, the San Rafael Housing Element includes fair housing policies and programs, which will need to be assessed. Recently, the City has taken steps to furthering fair housing by adopting a source of income discrimination ordinance. Other fair housing policies and practices such as mandatory mediation and just cause for eviction are being considered by the City.</p>	<p>For now, no action needed by the City. The City’s fair housing policies and programs will need to be assessed when preparing the next Housing Element update (2022-2023).</p>

ATTACHMENT #3
SUMMARY OF HOUSING LEGISLATION – 2018-2019
 March 25, 2019 – Updated July 22, 2019

HOUSING BILL	SUMMARY + COMMENTS SPECIFIC TO SAN RAFAEL	ACTION PLAN FOR CITY
<p>AB 73 – <u>Housing Sustainability Districts</u> Authorizes local jurisdictions to create housing sustainability districts to streamline housing development.</p>	<p>Effective January 1, 2019. City did not take a position on this bill. Law has no impacts on the City. The creation of a housing sustainability district is solely at the discretion of the local jurisdiction.</p>	<p>No action needed by the City.</p>
<p>AB 879 – <u>Annual Housing Progress Reports and Fee Study</u> Makes various updates to the Housing Element and annual housing reporting requirements. Provides state financial incentives to local jurisdictions that create sustainability districts (AB 73, above).</p>	<p>Effective January 1, 2019. City did not take a position on this bill. Law has an indirect impact on the City. An updated annual housing report template has been developed by HCD and is being used for the 2018 reporting. Should the City decide to create a sustainability district, state financial incentives will be pursued.</p>	<p>No action needed by the City. For 2018, the City used the updated annual housing report template provided by HCD.</p>
<p>AB 1521 – <u>Affordable Housing Preservation</u> Carried over from 2017 legislation. Law strengthens housing preservation law by supporting preservation of deed-restricted affordable housing that is at-risk to termination. Not applicable to properties under rent controlled/rent stabilization). Requires the owner to provide notice to tenants (3 years) when the affordability restriction is to sunset (3 years prior to termination). For units that would be sold, requires that property owner accept an offer to purchase of the unit by tenant</p>	<p>Effective January 1, 2019. City did not take a position on this bill. Law has an impact on the City. Affordable housing projects with term limits on affordability will need to be monitored.</p>	<p>For now, no action is needed by the City. However, the City staff, in coordination with County staff and Marin Housing Authority will monitor the inventory of deed-restricted affordable housing projects with affordability term limits. Law will be applied on a case-by-case basis.</p>

ATTACHMENT #3
SUMMARY OF HOUSING LEGISLATION – 2018-2019
 March 25, 2019 – Updated July 22, 2019

HOUSING BILL	SUMMARY + COMMENTS SPECIFIC TO SAN RAFAEL	ACTION PLAN FOR CITY
(first right of refusal). Law also sets limits on rent increases at time restriction sunsets.		
<p>AB 2753 – <u>State Density Bonus Process Reforms.</u></p> <p>Law requires that the local jurisdiction provide the housing developer with a formal determination on the requested density bonus at the time the planning applications are deemed complete. The determination must confirm the amount of density bonus being request and any/all parking reductions, concessions and waivers. Determination must be based on the development project considered at the time the planning applications are deemed complete for processing.</p>	<p>Effective January 1, 2019. City did not take a position on this bill. Law has an impact on the City. The required, formal determination on the density bonus must be made at the time the planning application is deemed complete. Typically, this formal determination is made when a policy and code analysis is completed on a project, which is further on in the process. The upfront determination places more burden on staff time in the earlier stages in the review process.</p>	<p>Amend SRMC Section 14.16.030 (affordable housing requirements) to prescribe a formal determination on the requested density bonus at the time an application is deemed complete.</p>
<p>AB 2372 – <u>State Density Bonus Law Floor Area Ratio Bonus.</u></p> <p>Authorizes cities/counties to grant a floor area ratio bonus in-lieu of a density bonus for an eligible housing development. Bonus example = the allowable residential base density X the site area / 43,560 X 2,250. An eligible housing development is multi-family housing that: a) provides a minimum of 20% BMR inclusionary unit</p>	<p>Effective January 1, 2019. City did not take a position on this bill. Law could have a direct impact on the City. Law is intended to create density bonus provisions where the local jurisdiction does not have a residential density zoning cap/limit. For the Downtown San Rafael area, a form-based code is being considered for the Downtown Precise Plan, which may replace the current residential density limits with a floor area ratio (FAR) limit.</p>	<p>Potentially applicable to Downtown Precise Plan area (Plan underway). If the Downtown Precise Plan replaces the current residential density limits with a FAR limit, this new law will need to be included in the Precise Plan. Alternately, amend SRMC Section 14.16.030 (affordable housing requirements and density bonus.) to include the FAR bonus.</p>

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SUMMARY OF HOUSING LEGISLATION – 2018-2019
 March 25, 2019 – Updated July 22, 2019

HOUSING BILL	SUMMARY + COMMENTS SPECIFIC TO SAN RAFAEL	ACTION PLAN FOR CITY
<p>component; b) is within transit priority area or within ½-mile of major transit stop; c) meets requirements for replacement of existing units; and d) is within zoning height limits. Prohibits cities/counties from imposing parking requirements more than the specified ratios.</p>		
<p>SB 1227 – <u>Density Bonus for Student Housing.</u> Extends the density bonus law to include student housing. Allows student housing projects providing a minimum 20% BMR inclusionary unit component for low-income to be granted a 35% density bonus. Priority is given to students that are experiencing homelessness and the bonus is calculated based on number of beds instead of units.</p>	<p>Effective January 1, 2019. City did not take a position on this bill. Minor impacts on City. The City has very little dedicated student housing and no known student housing projects are in the pipeline. Nonetheless, it would be prudent to add the density bonus provisions in the municipal code provisions.</p>	<p>Amend SRMC Section 14.16.030 (affordable housing requirements) to include student housing being eligible for a density bonus.</p>
<p>AB 2263 – <u>Parking reductions for Historic Reuse Projects.</u> For projects proposing to convert a historic structure/resource that is within ½-mile of a major transit stop to residential use, no parking is required over that amount existing on the project site at the time the application is submitted. For</p>	<p>Effective January 1, 2019. City did not take a position on this bill. Minor impacts on City.</p>	<p>Review and assess on a case-by-case basis. No need to amend the SRMC.</p>

ATTACHMENT #3
SUMMARY OF HOUSING LEGISLATION – 2018-2019
 March 25, 2019 – Updated July 22, 2019

HOUSING BILL	SUMMARY + COMMENTS SPECIFIC TO SAN RAFAEL	ACTION PLAN FOR CITY
non-residential use conversions, a 25% reduction to the required parking shall be allowed.		
<p>AB 2162 – Supportive Housing Use “By Right” Requires that “supportive housing” (housing linked to an on-site or off-site service) to be considered a use “by right” in zoning districts where multi-family residential and mixed use are permitted. Law prohibits local jurisdiction from imposing a parking requirement for units occupied by supportive housing residents, if the project site is within ½-mile of a public transit stop.</p>	<p>Effective January 1, 2019. City did not take a position on this bill. Minor impacts on City.</p>	<p>No action needed regarding the “by right” status for supportive housing. The SRMC already allows supportive housing “by right” (no conditional Use Permit required) where residential and mixed-use are permitted “by right.” The relief from the parking requirement for supportive housing within ½-mile from a transit stop can be addressed with an amendment to SRMC Chapter 14.18 (parking standards).</p>
<p>SB 828 & AB 1771– RHNA Process Amendments. Requires that State HCD address historic underproduction of housing by completing a comprehensive assessment of unmet housing need for each region of the State. Plan calls for the regional Council of Governments (e.g., ABAG/MTC) to report regional data to HCD on overcrowding rates, vacancy rates and cost-burdened housing. Law also requires local jurisdictions with high rates of income</p>	<p>Effective January 1, 2019. City opposed SB 828 but took no position on AB 1771. The first part of this law has no direct impact on the City as it involves tasks and actions required by HCD and the regional Council of Governments (ABAG/MTC). However, the second part of this law has a direct and dramatic impact on the San Rafael in several ways. First, the current RHNA for San Rafael is 1007 units. If units are not built to meet RHNA for the annual reporting period, the number rolls over to the next period. So, if no construction occurs, the RHNA number does not go down. This bill unfairly places local jurisdictions in a</p>	<p>For now, no immediate action is needed by the City. For the Bay Area region, ABAG/MTC will be responsible for responding and reporting regional data to HCD. Planning for the next RHNA cycle (2022-2023), a more in-depth review of General Plan 2020 Housing Element housing site inventory should be completed to confirm that the “cushion” is suitable to meet the next RHNA cycle expectations.</p>

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<p>growth be held to approving and permitting a high rate of housing production commensurate with the income levels. Further, law requires that HCD develop a methodology to require that unmet RHNA be “rolled over” to the next reporting period. Requires that local jurisdictions plan and accommodate for 200% of the local housing allocation for every income level in its Housing Element.</p>	<p>vulnerable position as construction activity is dictated by the market not by government. Local jurisdictions have no control over this market. Second, essentially, the bill requires the local jurisdiction to plan for doubling the current RHNA and spreading it across all income levels. The San Rafael Housing Element identifies housing opportunities for approximately 2,500 units, which provides a comfortable “cushion” above the current 1,007-unit RHNA. Much of this cushion would ultimately become San Rafael’s housing obligation for the next 2023-2028 RHNA cycle.</p>	
INTRODUCED BILLS		
<p><u>AB 2890, SB 13, AB 68, AB 69. ADU and Junior ADU Regulations.</u> Numerous bills proposed to further relax regulations, review and action by a local jurisdiction for an ADU. AB 2890 would permit the creation of an ADU and Junior ADU on a single residential lot. Draft law changes process time limits for ADUs from 120 days to 60 days.</p>	<p>Bills introduced in 2018 and amended three times. City has not taken a position on this bill. Draft law could have some impact on the City. Since early 2017, the City has been operating under the State “model” ordinance with success. A new, draft ADU ordinance has been prepared, which is in full compliance with the State mandate. However, there has been no urgency by City staff to proceed with hearings and adoption as the State law continues to change.</p>	<p>Monitor progress of bill.</p>
<p><u>SB 50 (merged with SB 4)– More Homes Act, Streamlined Ministerial Review</u> Resurgence of and revisions to SB 827 (Weiner), which failed in 2018. SB 4 (McGuire) merged with SB 50 in April 2019. Would authorize a housing project</p>	<p>Bills introduced; however, merged and made a two-year bill in Spring 2019. City has not taken a position on this bill. Draft law would have a direct impact on the City. Jobs-rich project place type would be applicable to ½-mile area around the two SMART stations: Downtown San</p>	<p>Monitor progress of bill. Staff has prepared a map of the City to determine where this draft law would apply. There some opportunities within the job-rich project place type areas (SMART station). For the neighborhood multi-family places type areas (everything outside the</p>

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<p>of two or more units to qualify for a streamlined, ministerial view and approval process (“by-right” housing), essentially amending the SB 35 legislation.</p> <p>Draft legislation divides ministerial review and approval regulations into two categories: a) counties with a population of <u>over</u> 600,000; and b) counties with a population of <u>under</u> 600,000. The following summary is focused on the latter, as Marin County has a population of <u>under</u> 600,000. Ministerial approval for Marin County is applicable to the following two “place types:”</p> <p>1. <u>Job-Rich Project (TOD)</u> Applicable to cities with a population of 50,000 or greater and housing projects proposed: a) within a ½-mile radius of a rail transit station or ferry terminal; b) within ¼ mile of a “high quality bus corridor” (average service interval of 10 minutes during three weekday peak hours); or c) within a “job rich” neighborhood. Job rich housing project means a housing project in a job-rich area defined by HUD. Two-thirds (2/3rd) of the project must be for residential use.</p>	<p>Rafael; and Civic Center (Northgate). Draft law would allow multi-family residential development in single-family residential neighborhoods citywide. The Canal neighborhood may qualify as a “potentially-sensitive community,” which will need to be confirmed.</p>	<p>SMART station ½-mile circle), there are few vacant properties. Most of the vacant land in this latter place type area is <u>exempt</u> from the draft law as they are either in the FEMA 100-year flood zone or the WUI (Wildland Urban Interface zone).</p>

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<p>Specific inclusionary housing component is required if the local jurisdiction has not adopted an inclusionary ordinance.</p> <p>Requirements and conditions:</p> <ul style="list-style-type: none"> a. Draft law would prohibit demolition of current apartment housing that currently house renters. The site cannot contain housing where tenants have occupied the housing units for the past seven years. b. Property is not within a high fire hazard zone. c. Development complies with all local jurisdiction standards, requirements and prohibitions regarding architectural design. d. Provides a waiver from minimum parking requirements greater than 0.5 spaces per unit. e. Allowed up to three incentives or concessions, including one that is specific to historic buildings/districts. In this case the develop would be able to demolish a building that is a local historic resource and not on CA Registry of Historic Resources. f. Additional incentives for projects between ¼ and ½ mile of major transit shop include: a minimum 		

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<p>density of 30 du/acre and is provided a waiver from the maximum controls on density; height allowance of one additional story or 15 above the local height limit; a waiver from the maximum FAR limits less than 0.6 times the number of stories in the project.</p> <p>g. Subject to a 20% BMR inclusionary requirement for low-income.</p> <p>h. Exempt from CEQA unless findings can be made, based on a preponderance of evidence that the project will result in a specific, adverse impacts that are quantifiable and unavoidable.</p> <p>i. Project conformance findings with the local General Plan, all ordinances, standards and requirements must be made within 30 days of application filing for projects of 150 units or less and 60 days of application filing for projects proposing more than 150 units.</p> <p>j. Project action must be made within 90 days of application filing for projects of 150 units or less and 180 days of application filing for projects proposing more than 150 units.</p>		

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<p>2. <u>Neighborhood Multi-family Project.</u> For all jurisdictions statewide (regardless of size), by-right development of up to four residential units on a property in <u>any</u> neighborhood zone that permits residential use. Such projects: a) apply to all areas/zones that permit residential use; and b) must be on a vacant site or a developed site that contains a structure that has been unoccupied for at least five years and is substandard. Similar to the job-rich project ministerial review for neighborhood multi-family means the project review is: a) not subject to CEQA review or where special findings are made; b) focused on compliance with objective design criteria; and c) subject to strict processing and action timelines (90-180 days for acting depending upon size).</p> <p>The following are the proposed exemptions to this draft law:</p> <ul style="list-style-type: none"> a. Property within a historic district; b. Property within a flood hazard zone (100-year); c. Property within a high fire hazard severity zone; 		

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<p>d. Where the project would demolish and displace affordable housing;</p> <p>e. Property is subject to rent control or a BMR agreement; and</p> <p>f. Property was developed with housing that was occupied by tenants in the past 10 years.</p> <p><u>Potentially-sensitive Communities.</u> In the short-term, the legislation would directly impact more affluent, owner-occupied single-family neighborhoods. Draft law allows “economically-vulnerable” or “sensitive” communities to obtain a delay to 2025 in implementing zoning changes to comply with this law.</p>		
<p><u>SB 5 – Sustainable Investment Incentive Program</u> Would provide local jurisdiction access to tax increment revenues to fund affordable housing, infrastructure, and economic development projects. Very similar to tax increment financing offered through the former Redevelopment Agencies, which were dissolved by the Governor in 2011.</p>	<p>Bill introduced. City submitted a letter of support for this bill. Draft law would have a beneficial impact on the City. If passed, tax increment revenues would be available to the City to fund affordable housing.</p>	<p>Monitor progress of bill.</p>
<p><u>AB 2238 – LAFCO processing regulations</u></p>	<p>Bill introduced. City has not taken a position on this bill.</p>	<p>Monitor the progress of bill.</p>

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<p>Draft law changes several processing regulations applicable to the local agency formation agencies (LAFCO). Changes are specific to RHNA, fire hazards, local health emergencies and hazardous waste. Draft laws would require that:</p> <ul style="list-style-type: none"> a. LAFCO consider the assessed valuation rather than per capita assessed valuation of property and areas when considering boundary changes. b. LAFCO consider information contained in a local hazard mitigation plan and General Plan Safety Element, and any maps that identify land as a very high fire hazard zone or land determined to be in a state responsibility area. c. The RHNA information provided by the COGs (ABAG/MTC) include the loss of units during a state of emergency, as defined, that was declared by the Governor pursuant to the California Emergency Services Act, during the planning period immediately preceding the relevant revision of the housing element that have not been rebuilt or replaced at the time of the data request. 	<p>Draft law would have a minimal impact on the City as there are very few areas that have the potential for annexation.</p>	

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<p>SB 330 – <u>Amendment to Housing Accountability Act.</u> Draft law would require that a local agency proposing actions to: a) deny a housing project that is consistent with the local zoning standards and General Plan in effect at the time of application completeness; or b) approve the project conditioned upon the project be developed at a lower density, be supported by findings based on substantial evidence. The burden of proof is placed on the local agency to defend the action. The draft law would require that the court impose a fine on the local agency under certain circumstances, which can be at least \$10K per housing unit in the development (proposed at the time of application completeness. Further, draft law includes the following:</p> <ul style="list-style-type: none"> a. Freezes local planning requirements for a five-year period b. Prohibits parking requirements when the project is within ¼-mile of a rail stop. c. Freezes all fees once a preliminary application is submitted. d. Allows a developer to delay construction for up to three year 	<p>Bill introduced. City has yet to take a position on this bill. Bill has been opposed by the Lease of CA Cities. Draft law could have an impact on the City if the project is not properly monitored during the review process. Larger projects subject to change during the environmental review and Design Review process are most vulnerable to this draft law.</p>	<p>Monitor progress of bill.</p>

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without being subject to increased fees.		
<p>AB 1763 – <u>Density Bonus – Affordable Housing</u> Would greatly expand existing density bonus law to allow developers to receive a density bonus of 80% and four additional “concessions” if the project is 100% affordable to low-income households. For projects that are 100% affordable to low-income household and are within ½ mile radius of a transit stop, local jurisdiction required to allow unlimited density and an additional three stories or 33 feet. If project is within ½ mile of a high-quality transit corridor, local jurisdiction required to allow unlimited density and an additional two stories or 22 feet.</p>	<p>Bill introduced. City has yet to take a position on this bill. Bill has been opposed by the Lease of CA Cities. Draft law could have an impact on the City.</p>	<p>Monitor progress of bill.</p>
<p>AB 1481 – <u>Tenancy Termination- “Just Cause”</u> Draft law would, with certain exceptions, prohibit a lessor/property owner from terminating a lease without “just cause,” which must be stated in the written notice to terminate. Draft law would require that for “curable violations,” (meaning causes</p>	<p>Bill introduced. City has yet to take a position on this bill. Draft law could have an impact on the City. The City is currently considering the adoption of a “just cause” tenancy termination ordinance. City currently has an ordinance requiring relocation assistance for low-income tenants if displaced from demolition, renovation or new development. If bill passes and is signed, the relocation</p>	<p>Monitor progress of bill.</p>

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<p>that the tenant has the power and ability to remedy), the tenant must be given an opportunity to remedy an issue that is cause for eviction. Draft law would require that, unless the owner is required to occupy the unit being vacated, the lessor must assist the lessee, regardless of income to provide relocation assistance.</p>	<p>assistance ordinance would have to be revisited and potentially amended.</p>	
<p>AB 1482 – Tenancy Rent Caps. Draft law would prohibit a property owner or residential property from increasing the rent rate for the property in an amount that is greater than an unspecified percentage more than the rent rate in effect for the immediately preceding year. The draft law would exempt below-market rate rental units that are deed restricted and dormitories. Draft law would prohibit a property owner from terminating a tenant lease for avoiding the terms of this law.</p>	<p>Bill introduced. City has yet to take a position on this bill. Draft law would have a significant impact on the City as it indirectly imposes rent control. However, the current draft of this bill is incomplete as it does not specify the permitted annual rent increase. Further, it is unclear from this draft law who is to administer and enforce the rent cap increase.</p>	<p>Monitor progress of bill.</p>

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ATTACHMENT 4

PUBLIC MEETING NOTICE



NOTICE OF PUBLIC MEETING – CITY COUNCIL

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

PROJECT: INFORMATIONAL REPORT ON THE CHALLENGES TO HOUSING DEVELOPMENT – Per the direction of the San Rafael City Council, the Community Development Department has prepared an informational report on the challenges to approving and developing housing in San Rafael. The report will be presented at this public meeting and will cover: 1) the list of housing development challenges that have been identified through interviews with stakeholders (developers, construction/business organizations, housing consultants and staff from other Bay Area cities), the preparation of several studies, and data/information collection; and 2) recommended measures and actions that can be taken to address the challenges. File No(s): P18-010.

State law (California Environmental Quality Act) requires that this project be reviewed to determine if a study of potential environmental effects is required. It has been determined that this project, which is an informational report, will have no physical impact on the environment. The Housing Forum is classified as a planning study, which qualifies for a Statutory Exemption from the provisions of the California Environmental Quality Act Guidelines under 14 CRR Section 15262.

MEETING DATE/TIME/LOCATION: Tuesday, September 3, 2019, 7:00 p.m. City Council Chambers, 1400 Fifth Ave at D St, San Rafael, CA

FOR MORE INFORMATION: Contact Paul Jensen, Project Planner, Community Development Department at (415) 485-5064 or paul.jensen@cityofsanrafael.org. The Community Development Department office is open from 8:30 a.m. to 4:30 p.m. on Monday, Tuesday and Thursday and 8:30 a.m. to 1:30 p.m. on Wednesday and Friday. You can also view the staff report after 5:00 p.m. on the Friday before the meeting at <http://www.cityofsanrafael.org/meetings>.

WHAT WILL HAPPEN: You can comment on the informational report. The City Council will consider all public testimony. However, as this item is an informational report, no formal action will be taken by the City Council. The City Council will be requested to provide direction on the recommended measures and actions presented in the report.

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

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

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

Public transportation to City Hall is available through Golden Gate Transit, Line 22 or 23. Para-transit is available by calling Whistlestop Wheels at (415) 454-0964.

To allow individuals with environmental illness or multiple chemical sensitivity to attend the meeting/hearing, individuals are requested to refrain from wearing scented products.



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Manager's Office

Prepared by: Daniel Soto
Associate Management Analyst

City Manager Approval:

TOPIC: GRAND JURY REPORT ON MARIN'S TELECOMMUNICATIONS DISCONNECT

SUBJECT: RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE CITY OF SAN RAFAEL'S RESPONSE TO THE 2018-2019 MARIN COUNTY CIVIL GRAND JURY REPORT ENTITLED, "MARIN'S TELECOMMUNICATIONS DISCONNECT"

RECOMMENDATION: Adopt a resolution approving the City of San Rafael's response to the Marin County Civil Grand Jury's report entitled, "Marin's Telecommunications Disconnect."

BACKGROUND:

On June 13, 2019, the [2018-19 Marin County Civil Grand Jury](#) issued a report entitled *Marin's Telecommunications Disconnect* relating to telecommunications-related activity in Marin County. The report focuses on the role and responsibility of the Marin Telecommunications Agency (MTA), a countywide joint powers authority, of which the City of San Rafael is a part, to support telecommunications infrastructure and services in Marin County.

The City of San Rafael is required to respond to all Grand Jury reports. Penal Code section 933 states, in part, the following:

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 contained in the report.

To comply with this statute, 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 and the Foreperson of the Grand Jury by September 11, 2019. Staff recommends that the City Council adopt the attached resolution approving the City of San Rafael's response to the Grand Jury's report (Attachment 1).

FOR CITY CLERK ONLY

File No.: _____

Council Meeting: _____

Disposition: _____

ANALYSIS:

In their report, the Grand Jury evaluated the telecommunications environment in Marin County, along with the role and responsibility of the MTA. Below are the Grand Jury's findings:

- F1: Neither the County nor any of its agencies is providing strategic leadership or advice for telecommunications services such as broadband internet access or 5G, leaving Marin poorly served.
- F2: Each municipality has been obliged to negotiate separately with 5G and fiber to the home telecom providers, so the potential benefits of aggregation have been lost and some communities remain unserved or underserved.
- F3: The MTA has chosen to abandon its policy making and coordinating mission, so the MTA serves no strategic or advisory function to the county.
- F4: Currently, the main function of the MTA which is to collect and distribute cable franchise and PEG fees to its members, could be efficiently performed by the MGSA.
- F5: CMCM is a nonprofit tax-exempt corporation which is governed by its own board so it could operate without MTA oversight.
- F6: The MTA has applied for few of the available Federal or CPUC grants, and it has missed opportunities to access existing fiber networks, all of which has caused Marin County to fall behind the levels of telecom service provided to other areas in California.
- F7: The MTA's income is declining and may be eliminated altogether; as a result, the MTA will have no function and is likely to disband or it will need to be funded by its constituent municipalities or from some other source.
- F8: The county could benefit from strategic guidance and leadership in technical, business and regulatory matters regarding telecommunications for its businesses and residents.

Based upon their findings, below are the Grand Jury's recommendations:

- R1: By December 31, 2019, the Board of Supervisors should appoint a citizen's advisory committee that will provide advice and information on telecommunications services and policy. The Grand Jury recommends that citizens with telecommunications expertise be appointed to the committee.
- R2: The MTA's franchise fee collection and disbursement responsibilities should be moved to the MGSA.
- R3: MTA's responsibilities for CMCM should be terminated.
- R4: The MTA should be dissolved.

The City of San Rafael is required to respond to Recommendations R2, R3, and R4. As outlined in the City's detailed response (Attachment 2), staff recommends that Recommendations R2, R3, and R4 require further analysis.

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

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 approving the City of San Rafael's response to the Marin County Civil Grand Jury's report entitled, "Marin's Telecommunications Disconnect."

ATTACHMENTS:

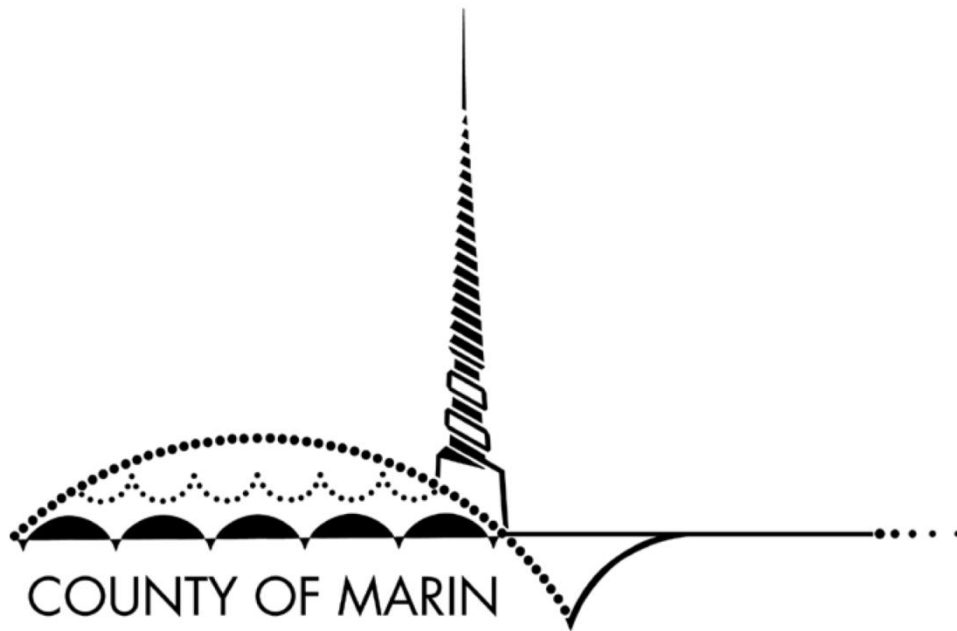
1. Grand Jury Report
2. Response to Grand Jury Report
3. Resolution

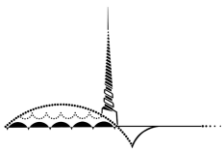
2018–2019 MARIN COUNTY CIVIL GRAND JURY

Marin's Telecommunications Disconnect

Report Date: June 6, 2019

Public Release Date: June 13, 2019





Marin's Telecommunications Disconnect

SUMMARY

Marin has been short-changed by a lack of telecommunications leadership by county and municipal officials. Because of this, the public does not have countywide fiber to the home and has only limited ability to aggregate demand. Aggregation strengthens the ability to negotiate cost, coverage, and other contractual terms with telecom providers. Our officials have turned over network development policy to commercial network providers, resulting in a patchwork of network services that benefit the companies' profit-making priorities. Our officials have not ensured that all county residents receive the best value in telecom services. Effective leadership that has technical expertise in telecom business, regulation, and technology is needed so that individuals, businesses, and government entities will better understand what is happening and what is possible, and choose what is best for all.

Major telecom opportunities were missed by existing agencies. Few applications were made for available federal and state funds to provide high quality broadband internet access to unserved and poorly served areas such as West Marin and the Canal Area of San Rafael. The opportunities to use existing fiber optic networks to provide broadband for businesses and residents were ignored. The opportunity to negotiate favorable terms for countywide 5G (the next generation cellular technology) installations was ineffectively addressed. A detailed review of 5G deployment issues is not included in this report in part because federal law precludes health effects from being used to prevent installation of cell phone transmitting stations.

The lack of countywide telecom leadership and coordination means that the various government entities did not and do not formally seek or use opportunities to plan and cooperate with each other.

The Marin Telecommunications Agency (MTA) was intended to provide leadership, coordination, and policy guidance in the county; however, it has abandoned these functions. With the MTA's originally stated mission, interested parties could have expected that countywide leadership was being provided. However, the MTA's Board decided over a decade ago to focus essentially on the collection and distribution of franchise fees and oversight of the Community Media Center of Marin and to ignore its policymaking leadership mission.

Marin County needs competent and effective guidance on telecom. The Board of Supervisors should set up a commission or a public advisory group to monitor telecom activities and propose appropriate actions to best serve the telecommunications interests of Marin's residents.

BACKGROUND

Through requests for investigation submitted by concerned members of the public and articles and opinion pieces in the Marin Independent Journal, the Marin Civil Grand Jury became aware that questions exist regarding the telecommunications services provided and the management of telecommunications by county and municipal agencies.

APPROACH

The Grand Jury used the following methods in developing this report:

- Interviewing representatives from public and governmental agencies, consultants and citizens.
- Attending public meetings of agencies and city councils.
- Researching websites.
- Examining documents.
- Reviewing documentation provided with citizens' complaints.

DISCUSSION

Telecommunications is ever more important to the functions of daily life. It is an essential medium affecting all sectors of the Marin community. Telecom technologies enable broadband transmission (capacity for sending high speed data over any medium), which can be in the form of coaxial cable, wireless radio, optical fiber, or satellite links.

The deployment of telecommunications technology in the county has been handled by several government entities:

- **Marin General Services Authority (MGSA)** is a Joint Powers Authority which was created in 2005 by the cities, towns, and the County of Marin to administer various public services effectively and efficiently throughout the county in a uniform manner with minimal overhead expense. The MGSA owns most of the street light poles in the county and licenses what is mounted on them, for example, 5G cellular equipment.
- **Information Services and Technology Department (IST)** of Marin County government focuses on government computing and communication needs. IST creates and maintains the infrastructure that supports official county services delivered through the Marin Information Data Access Services (MIDAS), which links county government, cities, and other institutions together in a shared high-speed network.
- **Community Development Agency (CDA)** protects public health and safety, preserves environmental quality, and plans sustainable, diverse communities. Among its responsibilities, the CDA controls the siting of cellphone towers within the county through land use regulation.

- **The Marin Telecommunications Agency (MTA)** was established in 1998 to negotiate, collect and disburse cable tv franchise fees and Public, Education and Government (PEG) fees, and to coordinate telecommunications issues for its members. It is a joint powers authority (JPA) that consists of Marin County and all the cities and towns in Marin, except Novato and Larkspur, which have separate cable franchise agreements. Its purpose, as published on the MTA website, is described as follows:

The mission of the MTA is to be the key policy-making and coordinating body related to telecommunications matters in Marin. This is in line with the core values that have defined the MTA throughout its history of promoting availability, accessibility, affordability and public inclusion in the advancement and enhancement of telecommunications infrastructure and services in Marin.¹

The MTA also established the Community Media Center of Marin (CMCM), which operates Marin TV. Created with PEG fees, CMCM is a non-profit corporation with its own board of directors, and is responsible for Marin County's non-commercial public access, educational and governmental cable channels. For example, residents can watch broadcasts of their town council and board of supervisors meetings on the CMCM government channel. It also provides residents with access to communication technologies, media training, and the latest digital tools to create original content for cable TV and online media.

None of these government agencies, individually or together, functions to ensure that Marin's residents, businesses, schools and county government enjoy the greatest benefit from telecom service providers and their technologies.

MTA's Changing Role

The MTA's role as the "key policy-making and coordinating body related to telecommunications matters in Marin," has changed. In September 2006, California enacted the Digital Infrastructure and Video Competition Act of 2006 (DIVCA). This legislation removed local bargaining power and mandated that the cable industry pay local governments a 5% franchise fee for allowing cable franchisees access to the public right of way and a 1% PEG fee to fund public access broadcasting. DIVCA was intended to even the telecom playing field and close the digital divide.²

Cable subscribers pay these fees as a percentage of the monthly bill they pay to the cable providers. They are based on only that portion of the provider's bill attributable to basic tier cable TV services, not the wi-fi, internet, and other services portions of the service bundle. The precise portion of the bill allocated for basic cable TV service among all the services provided is

¹ "[Marin Telecommunications Agency](#)." *Marin Telecommunications Agency*. Accessed 17 May 2019.

² "[Video Franchising](#)." *California Public Utilities Commission*. Accessed 17 May 2019.

proprietary information, so the exact total of fees paid by all subscribers in each jurisdiction is only verifiable by independent auditors.

As a consequence of DIVCA, the MTA changed its direction and focused primarily on the collection, distribution and auditing of the fees collected from Comcast, AT&T, and Horizon Cable TV. Essentially, the MTA's broader strategic role was reduced to monitoring and collecting streams of income from the telecom industry and receiving cable and internet complaints. Its mission of providing telecom policy leadership has not been carried out. The individual members of the JPA (the towns, cities and county) have expressed no interest in paying any portion of their income for telecom policy purposes, preferring instead to maximize distributions to the JPA members' general funds.

As for handling complaints, the MTA's consumer support consists of offering a link on its website to connect consumers directly to the complaint pages of the websites of AT&T, Comcast, and Horizon and providing an MTA general complaint form on a separate page on its website. As a test, the Grand Jury sent in a consumer complaint to the MTA on its general complaint form, and, to date, no response has been received.

After deductions for overhead and professional costs, the MTA distributes the net proceeds of the franchise fees to the general funds of its constituent government members, and it uses the PEG fees to fund the capital costs of public access broadcasting by CMCM. The MTA budget covers hiring an outside accounting firm to audit the fees due from the cable franchise companies and the costs of running an office with a part time executive director and some clerical support. The overall cost of running the MTA amounts to over \$200,000 per year, a significant expense for MTA's largely ministerial role.

Even these limited functions of the MTA are unlikely to survive into the future because the continued payment of these fees by the cable companies is unlikely to last. With the availability of broadband streaming services, consumers are now "cutting the cord," so the payment of franchise fees is declining and is likely to eventually cease altogether. Additionally, the cable companies are challenging their obligation to pay the franchise fees at all, claiming that it is anticompetitive compared to other non-cable providers, such as DirecTV and DISH. Added to all of this, cable providers may be able to offset some of the amount paid to the MTA because the FCC has ruled that providers may charge entities like Marin TV for use of the providers' facilities to distribute the entities' content. The future of this income stream to local governments is in jeopardy which brings even the diminished function of the MTA into question.

Detrimental Results and Missed Opportunities

As a result of the lack of coordinated and properly supported oversight, the county has not taken advantage of important opportunities:

- Each municipality has negotiated separately with telecom providers and the potential benefits of a proactive strategy and aggregation have been lost. For example, cities are separately engaging legal counsel in determining local rules for deploying 5G technology. Additionally, there is no coordinated strategy for investigation of the use, benefits, detriments or installation of this technology.
- Exclusive use of six strands of optical fiber alongside the SMART tracks was offered to Marin County to service its telecom needs free for 20 years by SONIC, but these fibers have sat idle for several years.
- Only a few attempts were made belatedly by the MTA to connect the existing Skywalker Ranch broadband fiber network to underserved communities in West Marin. Nicasio and Bolinas did succeed in getting fiber to the home projects going with support and partial funding by the California Public Utilities Commission and the County of Marin and with support from Marin County's Information Systems and Technology Departments.^{3,4}
- The MTA made no application for Obama-era funds specifically dedicated to the delivery of broadband to underserved and unserved areas, such as the Canal area of San Rafael and West Marin.⁵ California Public Utilities Commission (CPUC) funds were also available, though again, the MTA for the most part, did not apply for them.⁶

The MTA took no advantage of these opportunities, offered no strategy to the cities and towns of Marin, and provided no oversight of telecommunications services for Marin County as a whole. Unlike the City of San Jose that, as an example of proactive telecom planning, negotiated agreements for 5G cellular deployment with Verizon, Mobilitie and AT&T to ensure service to all areas of the city so that redlining (not providing service to less profitable areas) was prevented. Additionally, the vendors will be contributing to a \$24M Digital Divide Fund for San Jose over the next decade that will support programs and initiatives for residents who lack access to broadband internet services.⁷

³ Avants, Maggie. "[Skywalker Ranch Broadband Carrier Tapped for New Nicasio Network](#)." *Patch*. 15 July 2016.

⁴ Evans, Beau. "[West Marin's Internet woes and hopes](#)." *Point Reyes Light*. 25 Jun. 2015.

⁵ "[Secretary Locke Announces Recovery Act Investments To Expand Broadband Internet Access And Spur Economic Growth](#)." *National Telecommunications and Information Administration*. 27 Sep. 2010.

⁶ "[California Advanced Services Fund \(CASF\) Grant Program and Revolving Loan \(California\)](#)." *Grants Office*. Accessed 17 May 2019.

⁷ "[City of San Jose Announces Major Agreements with Verizon, AT&T & Mobilitie to Significantly Enhance Broadband Infrastructure in San Jose](#)." *City of San Jose*. 15 Jun. 2018.

JPA Structural Limitations

JPA's exist in special obscurity because their directors are elected to other councils or boards from which they are assigned to serve on JPA boards. The MTA is an example of this. Its members — the County of Marin, and the cities and towns of Belvedere, Corte Madera, Fairfax, Mill Valley, Ross, San Anselmo, San Rafael, Sausalito and Tiburon — each appoint one of their council members to the MTA board. No council candidate campaigns on issues related to a JPA because their election to a city or town council does not guarantee appointment to any specific JPA board. As a consequence, it is unlikely that JPA board members would have telecommunications expertise, and in fact, they do not.

Possible Solutions

What can the county do to ensure that future telecom opportunities and benefits are not missed? What organization would be suited to oversee the provision of the best telecom services (such as broadband internet, television programming, 5G, or future telecom technologies) in the best possible way?

Whatever form it takes, the county needs competent guidance and leadership in technical, business and regulatory matters regarding telecom. Simply allowing market forces to determine telecom deployment without government intervention will produce service area gaps that leave less populated communities without connection — as has occurred in the more remote areas of Marin County. Dense population areas are more profitable for telecom providers because they can get the highest returns on the costs of extending their infrastructure and siting their equipment.

To address these issues, the Grand Jury proposes that a citizen advisory commission be created to monitor and address telecom matters for the whole county. The commission should be made up of members of the public who have the interest and expertise to provide advice on telecom issues.

FINDINGS

- F1. Neither the County nor any of its agencies is providing strategic leadership or advice for telecommunications services such as broadband internet access or 5G, leaving Marin poorly served.
- F2. Each municipality has been obliged to negotiate separately with 5G and fiber to the home telecom providers, so the potential benefits of aggregation have been lost and some communities remain unserved or underserved.
- F3. The MTA has chosen to abandon its policy making and coordinating mission, so the MTA serves no strategic or advisory function to the county.
- F4. Currently, the main function of the MTA which is to collect and distribute cable franchise and PEG fees to its members, could be efficiently performed by the MGSA.
- F5. CMCN is a nonprofit tax-exempt corporation which is governed by its own board so it could operate without MTA oversight.
- F6. The MTA has applied for few of the available Federal or CPUC grants, and it has missed opportunities to access existing fiber networks, all of which has caused Marin County to fall behind the levels of telecom service provided to other areas in California.
- F7. The MTA's income is declining and may be eliminated altogether; as a result, the MTA will have no function and is likely to disband or it will need to be funded by its constituent municipalities or from some other source.
- F8. The county could benefit from strategic guidance and leadership in technical, business and regulatory matters regarding telecommunications for its businesses and residents.

RECOMMENDATIONS

- R1. By December 31, 2019, the Board of Supervisors should appoint a citizen's advisory committee that will provide advice and information on telecommunications services and policy. The Grand Jury recommends that citizens with telecommunications expertise be appointed to the committee.
- R2. The MTA's franchise fee collection and disbursement responsibilities should be moved to the MGSA.
- R3. MTA's responsibilities for CMCM should be terminated.
- R4. The MTA should be dissolved.

REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

From the following governing bodies:

- Marin County Board of Supervisors (R1, R2, R3, R4)
- Marin Telecommunications Agency Board of Directors (R2, R3, R4)
- Belvedere City Council (R2, R3, R4)
- Corte Madera Town Council (R2, R3, R4)
- Fairfax Town Council (R2, R3, R4)
- Mill Valley City Council (R2, R3, R4)
- Ross Town Council (R2, R3, R4)
- San Anselmo Town Council (R2, R3, R4)
- San Rafael City Council (R2, R3, R4)
- Sausalito City Council (R2, R3, R4)
- Tiburon Town Council (R2, R3, R4)

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.

The following individuals are invited to respond:

- CIO, County of Marin
- General Manager, Sonoma Marin Area Rail Transit (SMART)

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.

RESPONSE TO GRAND JURY REPORT FORM

Report Title: Marin's Telecommunications Disconnect
Report Date: June 13, 2019

Response By: San Rafael City Council
Title: Mayor and City Council

FINDINGS:

- We agree with the findings numbered N/A
- We disagree wholly or partially with the findings numbered N/A

RECOMMENDATIONS:

- Recommendations numbered N/A have been implemented.
- Recommendations numbered N/A have not yet been implemented, but will be implemented in the future.
- Recommendations numbered **R2, R3, and R4** requires further analysis.
(See Attachment A)
- Recommendations numbered N/A will not be implemented because they are not warranted or are not reasonable.

DATED: _____

Signed: _____
GARY O. PHILLIPS, Mayor

ATTEST: _____
Lindsay Lara, City Clerk

Number of pages attached: 2

**ATTACHMENT A: RESPONSE OF THE CITY OF SAN RAFAEL TO GRAND JURY
REPORT “MARIN’S TELECOMMUNICATIONS DISCONNECT”**

RECOMMENDATIONS AND RESPONSES

R2: *The MTA’s franchise fee collection and disbursement responsibilities should be moved to the MGSA.*

Response: This recommendation requires further analysis.

The City of San Rafael is a member of both the Marin Telecommunications Agency (MTA) and the Marin General Services Authority (MGSA). According to the MTA, these two joint powers authorities have engaged in discussions regarding the assumption by MGSA of MTA’s functions related to the collection and disbursement of franchise fees. More recently, in 2018, the MTA’s Executive Officer and MGSA’s Executive Director met to discuss possible arrangements and determined that incorporating the responsibilities of MTA into MGSA’s existing staffing and programmatic structure was not feasible. These conversations resulted in MTA retaining that function. Should the current franchise fee revenue stream decline, it may be advisable at some point to reevaluate the most cost-effective approach. However, at this time, the City recommends that the MTA retain its franchise fee collection and disbursement responsibilities.

R3. *MTA’s responsibilities for CMCM should be terminated.*

Response: This recommendation requires further analysis.

The relationship between MTA and Community Media Center of Marin (CMCM) is built upon two foundations, which are as follows: the Designated Access Provider (DAP) contractual agreement between the MTA and CMCM; and Section 5780(b) of the Digital Infrastructure and Video Competition Act of 2006 (DIVCA), which states the following: “The PEG channels shall be for the exclusive use of the local entity or its designee to provide public, educational, and governmental channels.” The MTA has entered into a contractual agreement with CMCM, a non-profit organization, to serve as the Designated Access Provider to control and manage the use of PEG access facilities and equipment. The provisions of this agreement include MTA’s ownership of the capital equipment that CMCM purchases using PEG funds to establish the broadcast and transmission capabilities at each city, town and the County. This agreement provides that CMCM shall manage the exclusive provision of public, education, and government channels. MTA oversight of the CMCM activities and expenditures are duties required to ensure compliance with state law and the Designated Access Provider (DAP) agreement. At this time, the City of San Rafael recommends that the MTA continue its responsibilities for CMCM.

R4: *The MTA should be dissolved.*

Response: This recommendation requires further analysis.

The MTA is a joint powers authority that was formed in 1998 to provide participating agencies increased coordination with respect to franchising and regulating telecommunications services and to set policies that provide more effective and efficient telecommunications benefits to the community. On September 29, 2006, the Digital Infrastructure and Video Competition Act of 2006 (DIVCA) was passed into law, which required that video franchises be issued by the California Public Utilities Commission, rather than local entities. The effect of DIVCA, and its later amendments, was to divest the MTA and its member jurisdictions (i.e., Marin County and its municipalities) of control over local telecommunications (including internet access), leaving it with specific authority only over cable TV franchise and PEG fees. Given this reduction in its responsibility, the MTA narrowed its mission statement in 2016 but still identified telecommunications as an area of continuing local concern, as follows:

Support availability, accessibility, affordability and public inclusion in the advancement and enhancement of telecommunications infrastructure and services in Marin on behalf of MTA's members and the community.

In alignment with their mission, the MTA has four Strategic Directions:

1. Continue to Perform Cable Franchise Administration, including, but not limited to, Provider Revenue Audits and Customer Service Assistance, and Other Administrative Functions.
2. Support and Oversee Public, Educational and Governmental (PEG) Access.
3. Provide Coordination, Policy Guidance and Advocacy Related to Telecommunications on Behalf of MTA's Members and the Community.
4. Support Broadband Infrastructure Expansion, Services, Affordability and Accessibility

The MTA Board of Directors is aware of the changing environment of the administration of telecommunications services at the local level, and has involved each of its member agencies, including the City of San Rafael, in discussions surrounding appropriate and responsible actions to accommodate those changes. If the MTA Board of Directors decides to reconsider its activities, it will conduct a detailed evaluation of its options, and make decisions based on its findings. As a member agency of the Marin Telecommunications Agency, the City of San Rafael will continue to be part of that evaluation, and will take action accordingly.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE CITY'S RESPONSE TO THE JUNE 13, 2019 MARIN COUNTY CIVIL GRAND JURY REPORT ENTITLED "MARIN'S TELECOMMUNICATIONS DISCONNECT"

WHEREAS, pursuant to Penal Code section 933, a public agency which receives a 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; and

WHEREAS, Penal Code section 933 specifically 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, the City Council of the City of San Rafael has received and reviewed the Marin County Grand Jury Report, dated June 13, 2019, entitled "Marin's Telecommunications Disconnect", and has added the discussion of this report to the September 3, 2019 City Council meeting agenda to consider the City's response.

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 June 13, 2019 report, entitled "Marin's Telecommunications Disconnect", a copy of which is attached hereto 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 and 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 3rd day of September 2019, by the following vote to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk