

In the Council Chambers of the City of San Rafael, Monday, March 23, 2020 at 7:00 p.m.  
Teleconference: (669) 900-9128 Meeting ID: 121-912-389



**Regular Meeting  
San Rafael City Council**

**Minutes**

Present: Mayor Phillips  
Councilmember Colin  
Councilmember Bushey  
Councilmember Gamblin  
Councilmember McCullough

Absent: None

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

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Mayor Phillips called the meeting to order at 7:03 p.m.

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

1. None.

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

2. Closed Session: -None.

Mayor Phillips informed the community the meeting would be streamed live to YouTube and the City website, and members of the public would provide public comment either on the telephone or through the YouTube live chat. He invited the City Clerk to explain the process of providing public comment.

City Clerk Lindsay Lara explained the process for community engagement during public comment

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

Lita Acosta, Covia Program Director, addressed the City Council regarding consideration of funding for her organization

**CITY MANAGER'S REPORT:**

3. City Manager's Report:

City Manager Jim Schutz conveyed appreciation to all the sacrifices everyone was making to alter how City business is done during this time, as well as, sacrifices related to the Shelter In Place Order through the County Health Department and provided an update as to how the City was responding to the Coronavirus

**CONSENT CALENDAR:**

4. Consent Calendar Items:

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

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

- a. **Approval of Minutes**  
**Approve Minutes of City Council / Successor Agency Regular and Special Meetings of Monday, March 2, 2020 (CC)**  
[Regular Minutes 2020-03-02](#)  
[Special Minutes 2020-03-02](#)

Approved minutes as submitted

- b. **Downtown San Rafael Special Event Street Closures**  
**Resolution Authorizing Closure of Downtown City Streets for Special Events Scheduled During the Calendar Year 2020 (LR)**  
[Downtown San Rafael Special Event Street Closures](#)

Resolution 14769 - Resolution Authorizing Closure of Downtown City Streets for Special Events Scheduled During the Calendar Year 2020

- c. **Point San Pedro Road Special Event Street Closures**  
**Resolution Authorizing Closure of Point San Pedro Road from Riviera Drive to Biscayne Drive for the Marin County Half Marathon, April 26, 2020 and the Marin County Triathlon, October 24-25, 2020 (LR)**  
[Point San Pedro Road Special Event Street Closures](#)

Resolution 14770 - Resolution Authorizing Closure of Point San Pedro Road from Riviera Drive to Biscayne Drive for the Marin County Half Marathon, April 26, 2020 and the Marin County Triathlon, October 24-25, 2020

- d. **Marin Emergency Radio Authority**  
**Resolution Approving and Authorizing the City Manager to Execute a First Amendment to the Communications Site License Agreement with the Marin Emergency Radio Authority (MERA) Allowing MERA to Update Its Radio Communications System (PW)**  
[Marin Emergency Radio Authority](#)

Resolution 14771 - Resolution Approving and Authorizing the City Manager to Execute a First Amendment to the Communications Site License Agreement with the Marin Emergency Radio Authority (MERA) Allowing MERA to Update Its Radio Communications System

- e. **2017 Storm Damage Repairs - 70 Irwin**  
**Accept Completion of the 2017 Storm Damage Repairs - 70 Irwin Project (City Project No. 11308), and Authorize the City Clerk to File the Notice of Completion (PW)**  
[2017 Storm Damage Repairs - 70 Irwin](#)

Accepted completion and authorized the City Clerk to file the Notice of Completion

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

**OTHER AGENDA ITEMS:**

5. **Other Agenda Items:**

- a. **Community Development Block Grant Resolution Recommending Community Development Block Grant (CDBG) Project Funding for the Fiscal Year 2020-21 to the Marin County Board of Supervisors (ED)**  
[Community Development Block Grant Correspondence](#)

Director of Economic Development and Innovation Danielle O'Leary introduced Molly Kron and Jillian Zeiger, Planners for County of Marin, and presented the staff report

Staff responded to questions from the City Council

Mayor Phillips invited public comment

**Speakers:** Name withheld, Gregory Katzen, Empowerment Clubhouse Director, Marin City Community Development Corporation

Mayor Phillips closed the public comment period

Councilmember Bushey moved and Councilmember Colin seconded to continue item to April 6, 2020 City Council meeting to allow staff to conform the allocations using the expected county-wide funding to allocate the funds amongst the jurisdictions

Councilmembers provided comments

Item continued to next meeting, so that staff may conform the allocations to using the expected countywide funding to allocate the funds amongst the jurisdictions

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

- b. **Bargaining Unit Side Letter Extending Current Agreement with SEIU Local 1021 Resolution Approving a Memorandum of Understanding Side Letter Agreement Between the City of San Rafael and SEIU Local 1021 (HR)**  
[Bargaining Unit Side Letter Extending Current Agreement with SEIU Local 1021](#)

Director of Human Resources Shibani Nag presented the staff report

The Mayor invited public comment; however there were none

Councilmember Bushey moved and Councilmember Colin seconded to approve - Adopt Resolution

Resolution 14772 - Resolution Approving a Memorandum of Understanding Side Letter Agreement Between the City of San Rafael and SEIU Local 1021

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

**PUBLIC HEARINGS:**

**6. Public Hearings:**

**a. 999 3rd St - BioMarin R&D Buildings / Whistlestop Senior Center / Eden Senior Housing**

- i. Resolution Certifying the Final EIR**
- ii. Resolution Adopting CEQA Findings of Fact and Statement of Overriding Considerations, and Approving an Exception to Level of Service Standards and a Mitigation Monitoring and Reporting Program (MMRP)**
- iii. Resolution Approving General Plan Amendments to Establish Text and Map Amendments to: 1) Modify Exhibit 6 FAR Maps to Add 0.90 FAR for SRCC site and the BioMarin portion of the 999 3rd St Site, and 2) Amend Exhibit 10 ? Height Bonuses ? to Create a New 20 ft. Height Bonus for this Site**
- iv. Consideration of An Ordinance Adopting a Zoning Text Amendment to Establish New Height Bonus Provision for the BioMarin Portion of the Site for Projects Which Meet Specific Criteria**
- v. Consideration of An Ordinance adopting a Planned Development Rezoning to Incorporate the BioMarin Portion of the 999 3rd St property into Existing SRCC PD District and Update the PD with Land Use Regulations and Development Standards**
- vi. Consideration of An Ordinance approving a Development Agreement for the BioMarin Portion of the Site to Vest the Entitlements for a 10-year Period, Freeze Impact Fees at Current Rates and Modify Terms of the Prior Development Agreement**
- vii. Resolution Conditionally Approving a Master Use Permit (UP18-034), Environmental and Design Review Permit (ED18-087), Small Subdivision (S18-001) and Sign Program Amendment (SP18-006) for the 999 3rd St BioMarin/Whistlestop/Eden Housing Project**
- viii. Resolution Authorizing the Mayor and City Clerk to Sign the Development Agreement**

[999 3rd Street](#)

[Correspondence \(March 22\)](#)

[Correspondence \(March 23\)](#)

[Whistlestop PowerPoint](#)

Planning Manager Raffi Boloyan commented on the item and introduced Sean Kennings, Planning Consultant/Project Manager LAK Associates, who presented the staff report

Staff responded to questions from the City Council

Mayor Phillips invited public comment

**Speakers:** Diana Conti, Housing Crisis Action, Lori Schiffrin, Bill Carney, Sustainable San Rafael, Joanne Webster, President & CEO, San Rafael Chamber of Commerce, Lisa Hanson, B Team leader, Beau Blanchard, California Film Institute, Diane Henderson, Chair of San Rafael Chamber of Commerce Board of Directors, Omar Carrera, CEO Canal Alliance, Name withheld,

Strolia, North Bay Regional Director of Downtown Streets Team, Casey Mazzoni, San Rafael business owner, Cynthia Murray, North Bay Leadership Council, Barry Taranto

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

Staff responded to questions from the City Council and the public, and Councilmembers provided comments

Councilmember Bushey moved and Councilmember Colin seconded to adopt the Resolution

Resolution 14773 - Resolution Certifying the Final EIR

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

Councilmember Bushey moved and Councilmember Colin seconded to adopt the Resolution

Resolution 14774 - Resolution Adopting CEQA Findings of Fact and Statement of Overriding Considerations, and Approving an Exception to Level of Service Standards and a Mitigation Monitoring and Reporting Program (MMRP)

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

Councilmember Bushey moved and Councilmember Colin seconded to adopt the Resolution

Resolution 14775 - Resolution Approving General Plan Amendments to Establish Text and Map Amendments to: 1) Modify Exhibit 6 FAR Maps to Add 0.90 FAR for SRCC site and the BioMarin portion of the 999 3rd St Site, and 2) Amend Exhibit 10 – Height Bonuses – to Create a New 20 ft. Height Bonus for this Site

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

Councilmember Bushey moved and Councilmember Colin seconded to pass Charter Ordinance No. 1980 to print

Passed Ordinance No. 1980 to print: An Ordinance Adopting a Zoning Text Amendment to Establish New Height Bonus Provision for the BioMarin Portion of the Site for Projects Which Meet Specific Criteria

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

Councilmember Bushey moved and Councilmember Colin seconded to pass Charter Ordinance No. 1981 to print

Passed Ordinance No. 1981 to print: An Ordinance adopting a Planned Development Rezoning to Incorporate the BioMarin Portion of the 999 3rd St property into Existing SRCC PD District and Update the PD with Land Use Regulations and Development Standards

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

[Councilmember Bushey moved and Councilmember Colin seconded to pass Charter Ordinance No. 1982 to print](#)

Passed Ordinance No. 1982 to print: An Ordinance approving a Development Agreement for the BioMarin Portion of the Site to Vest the Entitlements for a 10-year Period, Freeze Impact Fees at Current Rates and Modify Terms of the Prior Development Agreement

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

[Councilmember Bushey moved and Councilmember Colin seconded to adopt the Resolution](#)

Resolution 14776 - Resolution Conditionally Approving a Master Use Permit (UP18-034), Environmental and Design Review Permit (ED18-087), Small Subdivision (S18-001) and Sign Program Amendment (SP18-006) for the 999 3rd St BioMarin/Whistlestop/Eden Housing Project

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

[Councilmember Bushey moved and Councilmember Colin seconded to adopt the Resolution](#)

Resolution 14777 - Resolution Authorizing the Mayor and City Clerk to Sign the Development Agreement

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

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

7. **Councilmember Reports: - None.**

**SAN RAFAEL SUCCESSOR AGENCY:**

1. **Consent Calendar: - None.**

**ADJOURNMENT:**

[Mayor Phillips adjourned the meeting at 8:30 p.m.](#)

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

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

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