



AGENDA

SAN RAFAEL CITY COUNCIL – MONDAY, FEBRUARY 1, 2021

CORONAVIRUS (COVID-19) ADVISORY NOTICE

In response to Executive Order N-29-20, the City of San Rafael will no longer offer an in-person meeting location for the public to attend. This meeting will be streamed through YouTube Live at www.youtube.com/cityofsanrafael. Comments submitted via YouTube Live must be submitted according to the directions located on the YouTube video description. The City is not responsible for any interrupted service. To ensure the City Council receives your comments, submit written comments to the City Clerk prior to the meeting. For more information regarding real-time public comments, please visit our Live Commenting Pilot page at <https://www.cityofsanrafael.org/live-commenting-pilot/>.

Want to listen to the meeting and comment in real-time over the phone? Call the telephone number listed on this agenda and dial the Meeting ID when prompted. Feel free to contact the City Clerk's office at 415-485-3066 or by email to lindsay.lara@cityofsanrafael.org if you have any questions.

Any member of the public who needs accommodations should contact the City Clerk (email lindsay.lara@cityofsanrafael.org or phone at 415-485-3066) who will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

SPECIAL STUDY SESSION AT 5:30 P.M.

Watch on Webinar: <https://tinyurl.com/SPCC-2021-02-01>

Watch on YouTube: www.youtube.com/cityofsanrafael

Listen by phone: (669) 900-9128,

ID: 914-3103-6664#

1. Presentation of Financial Statement Information (Fin)

REGULAR MEETING AT 7:00 P.M.

Watch on Webinar: <https://tinyurl.com/cc-2021-02-01>

Watch on YouTube: www.youtube.com/cityofsanrafael

Listen by phone: (669) 900-9128,

ID: 817-3692-0337#

OPEN SESSION

1. None.

CLOSED SESSION

2. Closed Session: - None.

OPEN TIME FOR PUBLIC EXPRESSION

The public is welcome to address the City Council at this time on matters not on the agenda that are within its jurisdiction. Please be advised that pursuant to Government Code Section 54954.2, the City

Council is not permitted to discuss or take action on any matter not on the agenda unless it determines that an emergency exists, or that there is a need to take immediate action which arose following posting of the agenda. Comments may be no longer than two minutes and should be respectful to the community.

CITY MANAGER’S REPORT:

3. City Manager’s Report:

COUNCILMEMBER REPORTS:

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

4. Councilmember Reports:

CONSENT CALENDAR:

The opportunity for public comment on consent calendar items will occur prior to the City Council’s vote on the Consent Calendar. The City Council may approve the entire consent calendar with one action. In the alternative, items on the Consent Calendar may be removed by any City Council or staff member, for separate discussion and vote.

5. Consent Calendar Items:

a. **Approval of Minutes**

Approve Minutes of City Council / Successor Agency Regular Meeting of Tuesday, January 19, 2021 (CC)

Recommended Action – Approve minutes as submitted

b. **Annual Measure G Oversight Committee Report**

Measure G Cannabis Business Tax Oversight Committee Report for Fiscal Year 2019-2020 (ED)

Recommended Action – Accept report

SPECIAL PRESENTATIONS:

6. Special Presentations:

a. Presentation of Proclamation Supporting Black History Month (CM)

b. Presentation of Proclamations to Tom Obletz and Jeff Jones for Their Service on the Park and Recreation Commission (LR)

PUBLIC HEARINGS:

7. Public Hearings:

a. **Amendment of the Current Vegetation Management Ordinance**

Introduction of an Ordinance Amending Sections 4.12.010 and 4.12.030 of the San Rafael Municipal Code to Establish Citywide Vegetation Management and Wildfire Mitigation Standards to Help Reduce the Risk of a Catastrophic Wildfire (FD)

Recommended Action – Pass Ordinance to print

b. Regulation of On-Street Parking on Narrow Streets

Consideration of An Ordinance Amending San Rafael Municipal Code Section 5.40.080
Regulating Parking on Narrow, Hilly City Streets (FD)

Recommended Action – Pass Ordinance to print

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 online. Sign Language interpreters 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.



MINUTES

SAN RAFAEL CITY COUNCIL – TUESDAY, JANUARY 19, 2021

CORONAVIRUS (COVID-19) ADVISORY NOTICE

In response to Executive Order N-29-20, the City of San Rafael will no longer offer an in-person meeting location for the public to attend. This meeting will be streamed through YouTube Live at www.youtube.com/cityofsanrafael. Comments submitted via YouTube Live must be submitted according to the directions located on the YouTube video description. The City is not responsible for any interrupted service. To ensure the City Council receives your comments, submit written comments to the City Clerk prior to the meeting. For more information regarding real-time public comments, please visit our Live Commenting Pilot page at <https://www.cityofsanrafael.org/live-commenting-pilot/>.

Want to listen to the meeting and comment in real-time over the phone? Call the telephone number listed on this agenda and dial the Meeting ID when prompted. Feel free to contact the City Clerk's office at 415-485-3066 or by email to lindsay.lara@cityofsanrafael.org if you have any questions.

Any member of the public who needs accommodations should contact the City Clerk (email lindsay.lara@cityofsanrafael.org or phone at 415-485-3066) who will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

Present: Mayor Kate
Councilmember Bushey
Councilmember Kertz
Councilmember Llorens Gulati

Absent: None

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

REGULAR MEETING AT 7:00 P.M.

Watch on Webinar: <https://tinyurl.com/CC-2021-01-19>

Watch on YouTube: www.youtube.com/cityofsanrafael

**Listen by phone: (669) 900-9128,
ID: 899-2635-9885**

Spanish Interpretation Available on Webinar: <https://tinyurl.com/CC-2021-01-19>

OPEN SESSION

1. None.

CLOSED SESSION

2. Closed Session: - None.

Mayor Kate called the meeting to order at 7:02 p.m. and invited City Clerk Lindsay Lara to call the roll. All members of the City Council were present.

Mayor Kate provided opening remarks, which included Martin Luther King Day and the 2021 Presidential Inauguration, a land acknowledgement and gratitude to the public and City staff participating tonight.

City Clerk Lindsay Lara informed the community that the meeting would include Spanish language simultaneous interpretation on the Spanish Zoom channel and would be streamed live to YouTube and members of the public would provide public comment either on the telephone or through YouTube live chat. She explained the process for community participation through the telephone and on YouTube.

OPEN TIME FOR PUBLIC EXPRESSION

Mayor Kate invited public comment.

Correspondence in real-time through YouTube, Zoom or telephone

- Marina Palma addressed the City Council regarding the COVID-19 vaccine
- Jeanne and David Ross addressed the City Council regarding the proposed driveway closure at 3rd and Lindaro
- Satbir Hundal addressed the City Council regarding the permanent driveway closure at 3rd and Lindaro Street

CITY MANAGER'S REPORT:

3. City Manager's Report:

City Manager Jim Schutz announced:

- Special City Council Meeting to select vacant City Council seat to be held on Tuesday, January 26 at 5:00 p.m.
- COVID-19 and the City's response updates
- Planning Commission Meeting on the Draft Downtown Precise Plan covering the Draft Form Based Code to be held on Tuesday, January 26 at 7:00 p.m.

COUNCILMEMBER REPORTS:

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

4. Councilmember Reports:

- Councilmember Bushey reported on meetings with the San Rafael Sanitation Agency and Central Marin Sanitation Agency.
- Councilmember Llorens Gulati reported on meetings with Canal Alliance and Voces Del Canal, Marin Organizing Committee and the Federation of San Rafael Neighborhoods.
- Mayor Kate reported on a Marin Transit meeting.

CONSENT CALENDAR:

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

Councilmember Kertz moved and Councilmember Llorens Gulati seconded to approve the Consent Calendar

5. Consent Calendar Items:

- a. **Approval of Minutes**
Approve Minutes of City Council / Successor Agency Regular Meeting of Monday, December 21, 2020 (CC)
Approved minutes as submitted
- b. **Quarterly Investment Report**
Acceptance of City of San Rafael Quarterly Investment Report for the Quarter Ending December 31, 2020 (Fin)
Accepted report
- c. **Library and Community Center Conceptual Design Professional Services Agreement Resolution Approving and Authorizing the City Manager to Execute a Professional Services Agreement with Noll & Tam Architects in an Amount Not to Exceed \$81,924, for a Conceptual Design for a Combined Public Library and Community Center in Albert Park, as an Option for a Future New Library Downtown (LR)**
Resolution 14886 - Resolution Approving and Authorizing the City Manager to Execute a Professional Services Agreement with Noll & Tam Architects in an Amount Not to Exceed \$81,924, for a Conceptual Design for a Combined Public Library and Community Center in Albert Park, as an Option for a Future New Library Downtown

AYES: Councilmembers: Bushey, Kertz, Llorens Gulati & Mayor Kate

NOES: Councilmembers: None

ABSENT: Councilmembers: None

PUBLIC HEARINGS:

6. Public Hearings:

- a. **[Temporary Moratorium on Certain Rent Increases Urgency Ordinance Enacting a Temporary Moratorium on Rent Increases for Tenants Residing in Certain Residential Units and in U.S Census Tracts Most Disproportionately Impacted by COVID-19 and Setting Forth the Facts Constituting Such Urgency \(CM\)](#)**

Cristine Alilovich presented the staff report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Rhea Brown, Marin Organizing Committee, Patti Breitman, Marin Organizing Committee, George Pegelow, Ursula Lindsay, Fair Housing Advocates of Northern California, Len Rifkind, Marina Palma, Voces Del Canal, Jennifer Coleman, Sara Trimble, Children for

Change, Josh Sullivan, Legal Aid of Marin, Marta Villela Morales, Marin Organizing Committee, Lisa Leavitt, Marin Community Clinics, Bob Pendoley, Marin Organizing Committee, John Reynolds, Romeo Arrieta, Marin Association of Realtors, Linda Jackson, Sustainable San Rafael, Alex Khalfin, California Apartment Association, Evelyn, Omar Carrera, Canal Alliance, Bettye Kray, Marin Organizing Committee, Aurelia Vargas, Voces Del Canal, Stephanie Haffner, Legal Aid of Marin, Kate, Raphael, Tori Gomez, Children for Change, Judith Bloomberg, Marin Organizing Committee, Laura Giacomini, Marin Organizing Committee, Gail Dorph, Marin Organizing Committee, Hannah Bichkoff, Cristina Garcia, Marin Organizing Committee, Peter Mendoza, Marin Center for Independent Living, Doris Mazariegos, Name withheld, Angela Giacomini, Marin Organizing Committee, Aidan O'Sullivan

Staff responded to public comment.

Staff responded to questions from Councilmembers.

Councilmembers provided comments.

Councilmember Bushey moved and Councilmember Llorens Gulati seconded to adopt Urgency Ordinance 1987, with the addition of the revision in Section 4 indicating, "except where such decrease is due to State or local orders mandating discontinuation of certain Housing Services"

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

Adopted Urgency Ordinance 1987 – An Ordinance of the City Council of the City of San Rafael Enacting a Temporary Moratorium on Rent Increases for Tenants Residing in Certain Residential Units and in U.S Census Tracts Most Disproportionately Impacted by COVID-19 and Setting Forth the Facts Constituting Such Urgency

Meeting called to Recess

Meeting called back into Session

Lindsay Lara, City Clerk read aloud additional public comments, which are noted in the Open Time for Public Expression section

- b. **Marin Sanitary Service Rates and Fees for 2021**
Resolutions of the City Council of the City of San Rafael (CM):
 - i. **Amending the Master Fee Schedule Increasing the Refuse Impact Fee, to be Effective Retroactively to January 1, 2021**

ii. **Establishing Maximum Rates Collected by Marin Sanitary Service for Refuse and Recyclable Material Collection and Disposal Services, to be Effective Retroactively to January 1, 2021**

Cory Bytof, Sustainability Program Manager and Garth Schultz, R3 Consulting Group presented the staff report.

Staff responded to questions from Councilmembers.

Marin Sanitary Service staff including, Patty Garbarino, Justin Wilcock and Jason Raleigh gave a presentation.

Mayor Kate invited public comment.

Speakers: Bill Carney, Sustainable San Rafael, Randy Dodd

Staff responded to public comment.

Councilmembers provided comment.

Councilmember Bushey moved and Councilmember Kertz seconded to adopt the resolution

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

Resolution 14887 - Amending the Master Fee Schedule Increasing the Refuse Impact Fee, to be Effective Retroactively to January 1, 2021

Councilmember Bushey moved and Councilmember Kertz seconded to adopt the resolution

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

Resolution 14888 – Resolution Establishing Maximum Rates Collected by Marin Sanitary Service for Refuse and Recyclable Material Collection and Disposal Services, to be Effective Retroactively to January 1, 2021

SAN RAFAEL SUCCESSOR AGENCY:

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

Member Bushey moved and Member Kertz seconded to approve the Consent Calendar

1. Consent Calendar:

- a. **Quarterly Investment Report**
Acceptance of Successor Agency Quarterly Investment Report for the Quarter Ending December 31, 2020 (Fin)

Accepted report

- b. **Recognized Obligation Payment Schedule (ROPS) for Fiscal Year 2021-22**
Acceptance of ROPS Report and Authorization to Submit to the Marin County Successor Agency Oversight Board and the State Department of Finance (Fin)

Accepted report

AYES: Members: Bushey, Kertz, Llorens Gulati & Chair Kate

NOES: Members: None

ABSENT: Members: None

ADJOURNMENT:

Mayor Kate adjourned the meeting at 10:52 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2020

KATE COLIN, Mayor



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Economic Development

Prepared by: Danielle O’Leary,
Economic Development Director

City Manager Approval: _____

TOPIC: ANNUAL MEASURE G OVERSIGHT COMMITTEE REPORT

SUBJECT: MEASURE G CANNABIS BUSINESS TAX OVERSIGHT COMMITTEE REPORT FOR FISCAL YEAR 2019-2020

RECOMMENDATION: ACCEPT REPORT

BACKGROUND: On March 6, 2018, the San Rafael City Council voted by [Resolution 14542](#) to place Measure G, the Commercial Cannabis Business Tax on the June 5, 2018 ballot. [Ordinance 1961](#) was approved by San Rafael voters establishing an ongoing tax on cannabis businesses of up to 8% on gross receipts for cannabis businesses operating in the City of San Rafael. Different sectors of the cannabis industry are taxed at different tax rate structures. Currently, testing labs are taxed at 1%, cannabis infusion manufacturers at 3%, cannabis wholesale distribution at 1%, and cannabis retail non-storefront delivery at 4%.

Similar to previous voter measures, Measure S and Measure E, the enabling Cannabis Business Tax Ordinance for Measure G called for the creation of an independent oversight committee to review the collection and expenditure of this tax revenue. The committee was established on October 21, 2019 by City Council [Resolution No. 14731](#), which set forth the roles, responsibilities and duties of the committee. On [February 18, 2020](#), the City Council appointed five members of the public to the committee. The current members are:

- Drew Bulfer – February 18, 2020 to February 28, 2022
- Abi Rivas - February 18, 2020 to February 28, 2024
- Stephen Roth – February 18, 2020 to February 28, 2024
- Erik Revai – February 18, 2020 to February 28, 2024
- Jennifer Dye - February 18, 2020 to February 28, 2022

The purpose of this report is to present and recommend acceptance of the Measure G Oversight Committee report of December 17, 2020 (Exhibit A).

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

ANALYSIS:

The Measure G Oversight Committee met virtually on December 17, 2020, to review the actual Measure G revenues and expenditures for fiscal year 2019-2020. Staff reported that during the fiscal year 2019-2020, \$410,133 of Measure G Cannabis Business Tax proceeds were expended. Authorized Measure G expenditures to maintain/enhance City of San Rafael services include:

- Administer a cannabis oversight program
- Enhance police and fire services
- Repair potholes, maintaining city streets and sidewalks
- Enhance community centers and facilities

The Measure G Cannabis Business Tax Oversight Committee’s report provides the Committee’s conclusions that Measure G revenues received during fiscal year 2019-2020, were “properly allocated in accordance with Measure G and approved guidelines.”

FISCAL IMPACT: There is no fiscal impact associated with the acceptance of the Measure G Cannabis Business Tax Oversight Committee report.

RECOMMENDED ACTION: Accept the Measure G Cannabis Business Tax Oversight Committee Report for Fiscal Year 2019-2020.

ATTACHMENT:

Exhibit A: Measure G Oversight Committee Report

City of San Rafael
Measure G Oversight Committee Report December 17, 2020

The City of San Rafael Measure G Oversight Committee met on December 17, 2020 and received a report from the City of San Rafael Finance Director, Nadine Atieh Hade on the receipt and expenditure of funds during the fiscal year July 1, 2019 to June 30, 2020 pursuant to voter approved Measure G (San Rafael Ordinance 1961).

The Measure G Oversight Committee is required to review the collections and expenditures of Measure G funds, and report to the City Council and the community annually on the expenditures under Guidelines and Policy adopted by the San Rafael City Council.

After review, the Measure G Oversight Committee finds that these funds were properly allocated in accordance with the Measure and approved guidelines.

The Committee would like to commend the City Council and the Finance and Economic Development Departments for their fiscal and project management during the COVID emergency.

Respectfully Submitted:

Approved via email 01/25/2021 _____ Drew Bulfer, Measure G Oversight



Approved via email 01/25/2021 _____ Abi Rivas, Measure G Oversight

Approved via email 01/25/2021 _____ Stephen Roth, Measure G Oversight

Approved via email 01/25/2021 _____ Jennifer Dye, Measure G Oversight



**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
PROCLAIMING THE MONTH-LONG CELEBRATION OF
BLACK HISTORY MONTH IN FEBRUARY**

- WHEREAS,** In 1976, as part of the nation’s bicentennial, Black History Week was expanded and became established as Black History Month, and Americans of all walks of life have come together since then during the month of February to honor the too-often neglected accomplishments of Black Americans in every area of endeavor throughout our history; and
- WHEREAS,** These accomplishments are the more remarkable for having been won at the cost of great struggle and sacrifice by women and men who came to these shores in chains, and by their descendants; and
- WHEREAS,** African Americans were enslaved in this country, however they did not board slave ships as slaves; they were Kings, Queens, Heads of State, healers, doctors, scientists, librarians, educators, and entrepreneurs throughout the African Diaspora; and
- WHEREAS,** Black History Month seeks to emphasize Black history and its cultural contributions to American life, and is designed to recognize and pay tribute to the many contributions of African Americans to the history, society, and culture of the United States of America; and
- WHEREAS,** Black History Month celebrates the achievements of African Americans in the arts, civil rights, education, entertainment, government, history, law, literature, medicine, military, music, politics, science, sports, and other endeavors; and
- WHEREAS,** Black History Month is a time for all Americans to remember the stories, teachings, suffering, and struggles of African Americans who gave a voice to the daily struggles for freedom, equality, diversity, equity, and inclusion; and
- WHEREAS,** The City of San Rafael Library & Recreation Department provides resources and programming specifically to educate the community on important topics such as anti-racism and equity, for example:
<https://srpubliclibrary.org/research/resources-on-anti-racism-and-equity/>;
and
- WHEREAS,** While we cannot ignore nor erase the consequences of our country’s long and unfortunate history of violence, of discrimination, of systemic racism and inequities, and of deprivation of African Americans – we can commit to acknowledging our responsibility for those historic and systematic inequities, while working together to create a future that is inclusive and equitable for all; and
- WHEREAS,** The City Council of the City of San Rafael, takes great pleasure in recognizing Black History Month, and urges all residents of San Rafael to join in
- 
- 

celebrating the accomplishments of African Americans and encourages the people of San Rafael to recognize and appreciate the many talents, achievements, and contributions that African Americans make to their communities.

NOW, THEREFORE, The City Council of the City of San Rafael, Hereby Proclaims the month of February 2021 as Black History Month, and furthermore acknowledges the historic harm that African Americans have experienced and continue to experience in this country. Additionally, the City Council recognizes the many accomplishments African Americans have historically achieved and the many ongoing contributions they make to our society and our local community across Marin County and San Rafael.



A handwritten signature in blue ink that reads "Kate Colin".

Kate Colin
Mayor

City of San Rafael
Proclamation
Presented to
Tom Oblatz

WHEREAS, Tom Oblatz has served on the Park and Recreation Commission for the City of San Rafael for 8 years from 2012 – 2020; and

WHEREAS, Tom served in an advisory capacity to the City as a Park and Recreation Commissioner and became the face of the Park and Recreation Commission, attending numerous park tours and neighborhood events and taking great pride in representing the City of San Rafael; and

WHEREAS, Tom served under Mayor Phillips, several City Councilmembers and two City Manager's (Mackle & Schutz), and provided advice to two Directors of the Community Services Department (McCart & Andrade-Wax) during his tenure; and

WHEREAS, Tom provided advice and insight in relation to a variety of projects and initiatives that included major improvements to the Terra Linda Community Center Pool, the renovation of Victor Jones Park, Pickleweed Park and Albert Park Playground(s), the revitalization of the City's Beach Park through a lease agreement with Terrapin Crossroads, implementation of the City's first "Porchfest" community event, upgrades to many neighborhood parks, as well as other Measure A park related projects; and

WHEREAS, Tom served the City of San Rafael with the grace of a diplomat and the honesty that comes from great integrity; making certain along the way that each solution advanced and improved the quality of life in San Rafael.

NOW, THEREFORE, I, KATE COLIN, Mayor of San Rafael, do hereby proclaim my sincere appreciation to

Tom Oblatz

for his important contributions and community service to the City of San Rafael.



Kate Colin
Mayor

City of San Rafael
Proclamation
Presented to
Jeff Jones

- WHEREAS,** Jeff Jones has served on the Park and Recreation Commission for the City of San Rafael for 13 years from 2007 – 2020; and
- WHEREAS,** Jeff served in an advisory capacity to the City as a Park and Recreation Commissioner and had become the face of the Park and Recreation Commission, attending numerous park tours and neighborhood events and took great pride in representing the City of San Rafael; and
- WHEREAS,** Jeff served under two Mayors (Boro and Phillips), several City Councilmembers and three City Manager’s (Nordhoff, Mackle & Schutz), and provided advice to two Directors of the Community Services Department (McCart & Andrade-Wax) during his tenure; and
- WHEREAS,** Jeff provided advice and insight in relation to a variety of projects and initiatives that included major improvements to the Terra Linda Community Center Pool, the renovation of the Victor Jones Park, Pickleweed Park and Albert Park Playground(s), the revitalization of the City’s Beach Park through a lease agreement with Terrapin Crossroads, bringing the Pacifics Baseball Club to Albert Park Baseball Stadium through a Use Agreement, served on the 2040 General Plan Steering Committee, upgrades to many neighborhood parks, as well as other Measure A park related projects; and
- WHEREAS,** Jeff served the City of San Rafael with the grace of a diplomat and the honesty that comes from great integrity; making certain along the way each solution advanced and improved the quality of life in San Rafael.

NOW, THEREFORE, I, KATE COLIN, Mayor of San Rafael, do hereby proclaim my sincere appreciation to

Jeff Jones

for his important contributions and community service to the City of San Rafael.



Kate Colin
Mayor



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: San Rafael Fire Department

Prepared by: Darin White, Fire Chief
Quinn Gardner, Emergency Manager

City Manager Approval: 

TOPIC: AMENDMENT OF THE CURRENT VEGETATION MANAGEMENT ORDINANCE

SUBJECT: INTRODUCTION OF AN ORDINANCE AMENDING SECTIONS 4.12.010 AND 4.12.030 OF THE SAN RAFAEL MUNICIPAL CODE TO ESTABLISH CITYWIDE VEGETATION MANAGEMENT AND WILDFIRE MITIGATION STANDARDS TO HELP REDUCE THE RISK OF A CATASTROPHIC WILDFIRE.

RECOMMENDATION: Staff recommends that the City Council pass to print the proposed ordinance making changes to San Rafael Municipal Code sections 4.12.010 and 4.12.030, establishing citywide vegetation standards to protect lives and property from the threat of wildfire.

BACKGROUND:

While wildfires are a natural part of California’s landscape, the fire season in California and across the West is starting earlier and ending later each year and is filled with larger and more devastating fires. Warmer spring and summer temperatures, reduced snowpack, and earlier spring snowmelt create longer and more intense dry seasons that increase moisture stress on vegetation and make our environment more susceptible to severe wildfire. Despite fire season typically ending in late fall, when precipitation levels increase, Southern California experienced a rare Red Flag warning on December 23rd, 2020, the latest date a warning of that level has ever been recorded. On January 19th, 2021 additional Red Flag warnings were issued in Southern California and similar conditions resulted in wildfires in Santa Cruz and San Mateo counties.

Another contributor to the wildfire problem is that decades of fire suppression have disrupted natural fire cycles, leading to fuel build-up and more intense fires. Due to these factors, the state can expect to experience longer fire seasons, greater acreage burned, increased frequency and severity of drought, and related impacts such as widespread tree mortality and bark beetle infestation. Climate change is considered a key driver of this trend and is acting as a force-multiplier that will increasingly exacerbate wildland fires over the coming decades.

FOR CITY CLERK ONLY

File No.: _____

Council Meeting: _____

Disposition: _____

San Rafael's unique topography and geography make the entire city particularly susceptible to fires, particularly wind driven events. Currently, the City's wildfire prevention efforts focus on our Wildland Urban Interface (WUI) areas, which were established to identify areas thought to be most at risk for being impacted by a wildfire. However, increasingly high and unpredictable winds contribute to fire ignitions and spread well beyond traditional WUI boundaries. Wind-borne embers can account for up to 90 percent of home ignitions, at times a mile or more from the active flame front.

The WUI is not a place, per se, but it can be described as an area in which a set of conditions exist that predispose the area to wildfire ignition and spread. According to the National Fire Protection Association, conditions include (but are not limited to): the amount, type, and distribution of vegetation; the flammability of the structures (homes, businesses, outbuildings, decks, fences) in the area, and their proximity to fire-prone vegetation and to other combustible structures, weather patterns and general climate conditions, topography, hydrology, average lot size, and road construction. While about half of San Rafael's properties fall within the WUI, the majority of the city lies in close enough proximity to and/or has many of the same conditions as the WUI, so that a wildfire in any area of the City could prove catastrophic. The lack of structure and vegetation standards and the accompanying wildfire prevention and mitigation education efforts outside the WUI is contributing to increasing risk for half the City.

In 2007, to provide standards for the creation of defensible space on properties within the WUI, the City of San Rafael adopted a model ordinance for vegetation management in the WUI. However, as climate change and increased fuel build-up contribute to more devastating fires, these boundaries are no longer sufficient or effective. It is now necessary to adopt vegetation management standards for property owners throughout the City of San Rafael to reduce the potential and intensity of uncontrolled fires that can threaten to destroy resources, life, or property.

In response to devastating wildfire events in 2017 and 2018, the City Council directed staff to create the [San Rafael Wildfire Prevention and Protection Action Plan](#) (WPPAP), which was adopted as the wildfire prevention and mitigation framework in August of 2020. Prior to the Plan's adoption, a Citizens Wildfire Advisory Committee, led by then Mayor Phillips and Councilmember Bushey, met, reviewed, discussed, and had their suggestions incorporated into the final WPPAP and implementation strategies. Action items 1, 2, and 3 of the WPPAP specifically call for the creation of the standards included in the proposed ordinance to reduce impacts of wildfire in and around San Rafael.

In March of 2020, Marin County voters approved Measure C, a parcel tax to fund wildfire prevention efforts in Marin County. Measure C established and funds the Marin Wildfire Prevention Authority (MWPA). The MWPA consists of 17 Marin County agencies and is tasked with improving wildfire safety for all of Marin residents, businesses and visitors. To further that goal, the MWPA has produced a 2020 Work Plan, comprised of information gleaned from National Fire Protection Association (NFPA) lessons learned; the 2016 Marin Community Wildland Protection Plan (CWPP), 2017 Lessons Learned Report; a 2018 NFPA Report entitled, "Wildfire Risks: 3 Powerful Tips to Move People to Action," and the 2018-2019 Marin County Civil Grand Jury Report entitled: Wildfire Preparedness - A New Approach, Fire Safe Marin, and Firewise Neighborhoods across Marin. Using the WPPAP and MWPA Work Plan as a guide, City staff have developed the proposed ordinances to improve the City's resilience to wildfires through proper vegetation management around all structures and roadways.

These proposed standards will develop defensible space around all structures in San Rafael. Proper establishment and maintenance of defensible space benefits property owners, public safety personnel and all residents of the City by dramatically increasing the likelihood that structures will survive a wildfire as well as providing for firefighter safety during a firestorm and generally aiding in the protection of lives.

Furthermore, reducing structure ignitions directly correlates to a slower rate of fire spread and protects neighboring homes.

ANALYSIS:

The purpose of the proposed Ordinance change is to provide vegetation management standards to decrease the likelihood of ignition of a structure during direct flame impingement or exposure to embers projected by a wildfire. The removal of hazardous vegetation in the areas subject to this Ordinance are recognized as an essential action homeowners and property owners can take to increase the chances that homes, structures and other property will survive a wildfire, while protecting the natural environment.

The specific elements of the Ordinance were included in the WPPAP and developed from the NFPA, the California Fire Code, and extensive review of policies and practices from other regional jurisdictions. In addition, these recommendations are aligned with national wildfire research conducted by the Insurance Institute for Business and Home Safety and the FIREWISE national wildfire fire safety campaign.

For fire to start and sustain, heat, oxygen, and fuel are needed. A wildfire can be ignited if a spark (heat) connects with anything combustible (fuel) in any environment containing oxygen. Avoiding sparks and other heat sources can prevent wildfires. Wildfire mitigation focuses on reducing fuel to reduce the ability of a wildfire to spread and impact lives and property. Fuels can include everything from trees, underbrush and dry grassy fields to homes and other structures. The simplest and most practical wildfire prevention and mitigation action property owners can take is to treat and remove fuels, including fire hazardous vegetation, and other combustible material from around homes and other structures.

Small and light fuel materials, also called flashy fuels, such as dry grass, pine needles, dry leaves, twigs and other dead brush, ignite easier and burn faster than large logs or stumps. Since a twig's surface area is not much larger than its volume, it ignites quickly. By comparison, a tree's surface area is much smaller than its volume, so it needs more time to heat up before it ignites. These varying ignition potentials are reflected in the proposed ordinance.

During wildfire season, the City of San Rafael generally experiences dry, arid, windy weather systems, which are conducive to wildfires. The City also has a very diverse and complex topography, which includes dry, brush and grass-covered wildlands, mountainous areas, densely forested properties, ridges, canyons, and other terrain, which are also home to many sensitive plant and animal species. Many of the City's native and non-native plant species can be highly combustible during normal dry periods and have the potential to contribute significantly to the spread of wildfires within the City. Difficult topography and terrain exacerbate the fire danger and the difficulty of fighting wildfires, and in similar areas have resulted in catastrophic fire losses to life, property and the environment. The proximity of some of these features to the City center poses the risk of an urban conflagration, should a wildfire ignite.

An urban conflagration is a large destructive fire that moves beyond the WUI and penetrates an urban area, threatening entire neighborhoods. As the fire rapidly spreads, structures themselves can act as fuel, and firefighters are left with no time to construct fire breaks or extinguish ignited homes. The vegetation and other combustible material adjacent to and surrounding homes is the greatest contributor to ember ignitions and fire spread.

California Government Code section 51182(a)(1) specifies that by local ordinance, rule, or regulation, a local agency may require a defensible space of more than 100 feet. Defensible space refers to an area around the perimeter of structures from which vegetation, debris, and other types of combustible fuels are treated, cleared, or reduced to slow the rate and intensity of potentially approaching wildfire or fire escaping from structures. The creation of adequate defensible space focuses on measures to modify or break up the hazards emanating from the continuity of both horizontal and vertical fuels. Fuels that exhibit a large degree of both vertical and horizontal continuity are the most hazardous; particularly when they are on slopes. Thus, mitigation of wildfire hazards within the defensible space perimeter focuses not only on breaking up the continuity of horizontal and vertical fuels but also addresses environmental concerns like habitat and erosion protection.

Regular fuel management and modifications consistent with the requirements of this Ordinance are necessary to ensure adequate defensible space is achieved on properties throughout the City. The defensible space established by this Ordinance is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structures; currently there is no other feasible mitigation measure available to reduce the risk of ignition or spread of wildfire to structures on adjacent improved parcels.

Organizations such as the National Fire Protection Association (NFPA), Firewise USA and the Insurance Institute for Business and Home Safety (IIBHS) have identified three zones within the defensible space surrounding a structure in which mitigation efforts should be concentrated. Staff have used these zones to organize and establish specific vegetation standards.

1. The Immediate Zone (0 to 5 feet of a structure)
This zone is most vulnerable to embers and should be clear of all dead and flammable vegetation.
2. The Intermediate Zone (5 to 30 feet from a structure).
This area should be carefully landscaped to act as a fire break.
3. The Extended Zone (30 to 100 feet or in some cases, up to 200 feet, from a structure).
This zone should act to interrupt the path of fire and keep embers from becoming airborne.



The above graphic from FireSafe Marin provides a sample illustration of the Immediate, Intermediate, and Extended Zones as well as the Access Zone to promote safe egress. Appropriate defensible space *does not require, or advocate, the clear cutting of trees and brush, but rather horizontal and vertical spacing and maintenance*. A continuous canopy of fire-resistant trees may be desirable in some Intermediate or Extended zones to create shade (sometimes referred to as a "shaded fuel-break") which acts to suppress weeds and grasses (flash fuels) and help retain moisture.

When implementing defensible space, the priority is to start at the Immediate zone (0-5ft) and work outwards, concentrating the greatest effort on combustible vegetation and other materials within five feet of the house and any attached decks and moving to the Intermediate and Extended zones. This is referred to as the 'house out' or "home outward" approach. Staff is recommending establishing vegetation standards that follow this approach and the best practices above, as identified by the NFPA, FEMA and the IIBHS. These best practices are intended to support homeowners to modify the existing built environment, to create good defensible spaces, reduce hazards, and create a more fire-adapted community

In San Rafael, many properties will share the same Intermediate or Extended Zones. The house out approach will help each property owner clearly understand the requirements and their responsibility for each zone on their property in relation to any nearby structure. The overlap of zones and property lines is one of the reasons the City, the MWPA, and FireSafe Marin continue to support the efforts of residents to work together to reduce wildfire risk and become a recognized [Firewise USA](#) neighborhood. The Firewise program offers a voluntary collaborative framework to help neighbors get organized, find direction, and take action to reduce wildfire risk.

The cost of wildfires is often quantified in lives lost, structures destroyed, and acres burned. In California alone, the 2020 wildfire season had, as of mid-October, killed more than 30 people, destroyed some 8,500 structures, and torched a record-breaking 4 million acres of land. While these are startling statistics, the total cost of wildfires extends well beyond these three metrics, starting with the funds it takes to contain or suppress wildfires. According to data from the National Interagency Fire Center, Federal wildfire suppression costs in the United States have spiked from an annual average of roughly \$425 million from 1985 to 1999 to \$1.6 billion from 2000 to 2019. State suppression costs have also risen; in California, over the past decade the average annual suppression cost has nearly doubled compared to the previous one, reaching close to \$400 million. The most recent CAL FIRE data released suggest the agency is on pace to spend nearly \$700 million on suppression for the 2019/2020 fiscal year. There are also less quantifiable metrics that may be even more costly, including disruptions to business, taxes, and tourism; residents left with soaring medical bills; and polluted air, soil, and waterways.

According to recent estimates, more than 4.5 million U.S. properties are at high to extreme wildfire risk and losses from wildfires have added up to \$5.1 billion over the past ten years. While direct financial impacts to San Rafael are difficult to quantify due to the unpredictability of a catastrophic wildfire; the likelihood of a wildfire in our region is significant and fires have occurred nearby with devastating consequences. Using data from the Marin Community Wildfire Protection Plan (CWPP) and Marin County Parcel/Assessor's data, San Rafael's Local Hazard Mitigation Plan (LHMP) places nearly \$1 billion in value in the very high hazard area during regular fire conditions and nearly \$4 billion in potential losses during extreme fire conditions. The relative hazard level incorporates population density, flame length, and rate of fire spread in the ranking.

Some residents may initially see an increase in costs to comply with these proposed standards, but ongoing compliance should be similar to current landscape maintenance costs. The costs versus potential savings are enormous when compared to the cost of wildfire damage to a residence. Standards will be applied incrementally when permissible, dependent on the severity of the hazard. The reality of the risk and expense of a wildfire can be lowered by simple but deliberate maintenance practices around the home. In pursuit of these defensible space efforts, San Rafael residents may ultimately realize economic benefit on their property insurance as our community complies with these best practices.

The attached ordinance amendment builds upon existing vegetation standards and the recommendations included in the Wildfire Action Plan. In addition to applying the standards to all properties in the City (Wildfire Action Plan item 2), new maintenance and spacing requirements are included. All of the recommendations are based off science, existing standards, and elements included in the Wildfire Action Plan.

The following chart illustrates the reference or source of the content and specific language in the proposed amendments. All of these reference sources have been through extensive community review and input as part of the Wildfire Action Plan adoption and/or previous ordinance adoption. Proposed Section 2) B5 specifically addresses item 1 of the Wildfire Action Plan, removing highly flammable vegetation throughout San Rafael. Item 3 of the Wildfire Action Plan, mostly covered in proposed Section 2) C, establishes specific standards for the 0-5 feet zone around any structure. Adopting these new standards is the next essential step in implementing items 1, 2, and 3 of the adopted Wildfire Action Plan.

| Proposed Ordinance Item | Reference Source |
|--------------------------------|---|
| Apply Division 1 Citywide | WPAPP action item 2 |
| Division 1, Section 2) A1 | Existing SRMC 4.12.030 A1 |
| Division 1, Section 2) A2 | Existing SRMC 4.12.030 A2 |
| Division 1, Section 2) A3 | Existing SRMC 4.12.030 A4 |
| Division 1, Section 2) A4 | Existing SRMC 4.12.030 A3 |
| Division 1, Section 2) A5 | Existing SRMC 4.12.030 B1 |
| Division 1, Section 2) A6 | Existing SRMC 4.12.030 B3 |
| Division 1, Section 2) B1 | CA Fire Code 15.15.190 |
| Division 1, Section 2) B2 | Existing SRMC 4.12.030 B2 |
| Division 1, Section 2) B3 | Existing SRMC 4.12.030 B6 |
| Division 1, Section 2) B4 | WPAPP action item 3D |
| Division 1, Section 2) B5 | Existing SRMC 4.12.030 A3 Exception; WPPAP action item 1 |
| Division 1, Section 2) C1 | Existing SRMC 4.12.030 B5 |
| Division 1, Section 2) C2 | WPAPP action item 3A |
| Division 1, Section 2) C3 | WPAPP action item 3C |
| Division 1, Section 2) C4 | WPAPP action item 3B |
| Division 1, Section 2) C5 | Existing SRMC 4.12.030 B4 |
| Division 1, Section 2) C6 | WPAPP action item 3E |
| Division 1, Section 2) C7 | WPAPP action item 3F |
| Division 1, Section 2) C8 | WPAPP action item 3G |
| Division 1, Section 2) D | WPPAP action item 3 narrative; community and committee feedback |

The implementation of these proposed changes will include extensive outreach and education as well as direct support to remove hazardous vegetation through an ongoing partnership with AmeriCorps and expanded MWPA funded chipper days. In addition, the MWPA is in the process of developing a grant program to offer financial assistance for completed defensible space work. Full time and seasonal staff will provide one on one education and planning consultations through defensible space evaluations and reports. Staff will make all reasonable efforts to work with property owners to achieve voluntary compliance with the standards before initiating any punitive corrective measures. Measure C funds will support the additional staff and assistance to residents so all of San Rafael can achieve and maintain defensible space.

The proposed updates require minimal changes for WUI properties and therefore staff recommends these changes be applicable in the WUI on August 1st, 2021. This would realize the benefits of these changes in the WUI prior to what is considered peak wildfire season. For properties outside the WUI, the proposed changes may require more effort and therefore staff is recommending residents be given a full year to comply. By requiring compliance for properties outside the WUI by April 1, 2022, staff will have time to evaluate compliance and help owners achieve defensible space prior to the peak 2022 wildfire season. Support for residents, including defensible space evaluations and reports, chipper days, and the AmeriCorps supported direct assistance program to remove vegetation, will be available to help residents meet these deadlines.

COMMUNITY OUTREACH:

Extensive feedback from the public was incorporated into the Wildfire Prevention and Protection Plan, including feedback directly related to this proposed change to the City's municipal code. Feedback will continue to be welcomed and considered throughout the ordinance drafting, public hearing, and adoption process.

After presenting the draft Plan on January 22, 2020, staff gathered public feedback and additional input from many community partners. These efforts included but were not limited to a community meeting at City Hall on February 11th, 2020, and meetings with the Marin County Fire Chiefs, Marin Association of Realtors, Marin County Fire Prevention Officers, San Rafael Fire Commission, San Rafael Neighborhoods Association, and Friends of China Camp. Presentations, including time for questions and feedback, were made to the Gerstle Park Neighborhood Association, Lincoln-San Rafael Hill Neighborhood Association, Rotary Club of San Rafael, San Pedro Road Coalition, Villa Real HOA and Marinwood Community Services District. In addition, the Plan was presented, and feedback received at meetings with San Rafael CERT, attendees of 1 Hour 2 Get Ready, and the County Public Disaster Education and Preparedness Committee (PDEP).

Additional outreach was conducted using various online tools, including social media and the City of San Rafael website. The City website was updated shortly after the January 22nd meeting to include a copy of the draft Plan, supporting documentation, and an online feedback form. Short videos describing aspects of the Plan and encouraging feedback later were added to the website. As of March 8th, 2020, the dedicated webpage and feedback form had 3,736 views and 84 submissions, many with multiple comments. Two Nextdoor poll questions had over 325 total responses. Staff will continue to host community workshops, meetings and continue social media outreach and digital updates to engage and inform the public.

Prior to and during implementation of this ordinance, staff will conduct social media outreach via Nextdoor and the City website, distribute educational mailers to affected residents, and use other digital and print tools to continue to engage and inform the public.

The Citizens Wildfire Advisory Committee offered extensive feedback to the WPPAP items specifically relating to this. Their feedback included a focus on positive language and offering educational alternatives to fire hazardous plants. The committee acknowledged the risk, as supported by scientific research and recent case studies. The WPPAP that was presented to and adopted by City Council in August of 2020 had the committee's support.

FISCAL IMPACT: Staff time associated with public education, implementation and enforcement is covered by Measure C, MWPA defensible space funds. Assistance for property owners to meet the new standards, such as community chipper days, will also be covered by MWPA funds.

OPTIONS:

Staff suggest the following options be considered on this matter:

1. Pass to print the ordinance making amendments to SRMC sections 4.12.010 and 4.12.030
2. Pass the ordinance to print with modifications.
3. Direct staff to return with more information.
4. Take no action.

RECOMMENDED ACTION:

Pass to print attached proposed ordinance amending SRMC Sections 4.12.010 and 4.12.030.

ATTACHMENTS:

1. Ordinance
2. Public Notice of Ordinance for citywide vegetation management standards
3. Example Images

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AMENDING SECTIONS 4.12.010 AND 4.12.030 OF THE SAN RAFAEL MUNICIPAL CODE TO ESTABLISH CITYWIDE VEGETATION MANAGEMENT AND WILDFIRE MITIGATION STANDARDS TO HELP REDUCE THE RISK OF A CATASTROPHIC WILDFIRE

WHEREAS hazardous vegetation and/or combustible materials pose a significant danger to the health, safety, and welfare of the public by fueling and propelling wildfires, thereby increasing the danger to lives, property, and the environment; and

WHEREAS lack of proper vegetation management has the potential to create fire hazards that can have potentially devastating consequences for the entire community; and

WHEREAS California Government Code section 51182(a)(1) specifies that by local ordinance, rule, or regulation, a local agency may require a defensible space of more than 100 feet; and

WHEREAS research conducted by the Institute for Business and Home Safety has demonstrated that the first 0-5' around a structure (the immediate zone) poses the greatest risk to exposure to flying embers and direct flame contact; and

WHEREAS the spread and severity of fires occurring in San Rafael is of particular concern, given that the City is a predominantly hillside community where a significant number of structures are single family dwellings built on sloping terrain and are in close proximity to one another; and

WHEREAS San Rafael property owners are increasingly faced with managing hazardous fuel conditions on their property, and management and control of fire-prone vegetation is essential to the safety of life and property; and

WHEREAS as proven by the most recent devastating fire seasons of 2017, 2018, and 2020, wildfires do not respect human established boundaries such as the wildland urban interface (WUI); and

WHEREAS uniform application of all vegetation management and fire prevention related codes and ordinances has been shown to improve wildfire resilience throughout the community; and

WHEREAS Items 1, 2, and 3 of the San Rafael Wildfire Prevention and Protection Action Plan, adopted August, 2020 calls for the application of more stringent vegetation management, defensible space and fire mitigation standards citywide; and

WHEREAS it is the intent of the City Council to adopt amendments to the existing vegetation management ordinance which reduce San Rafael’s wildfire vulnerability as it relates to fire-prone vegetation and remove barriers, when appropriate, for private property owners to achieve responsible management of fire-prone plant species; and

WHEREAS the City Council finds that this project is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15304(b) and 15304(i) because the proposed Municipal Code amendments seek to allow minor alterations to land to facilitate replacement of conventional landscaping with fire resistant landscaping, and to facilitate fire fuel management activities on public and private property; and

WHEREAS notice of the San Rafael City Council public hearing on the proposed Municipal Code amendments was sent by email to all those who subscribe and on the City website as well as presented during homeowner and neighborhood association meetings, online feedback forms and social media platforms such as Nextdoor, and extensive community input was received and incorporated; and

WHEREAS, on February 1, 2021, the City Council of the San Rafael conducted a public hearing on the item and considered all oral and written comments submitted to the City regarding the item prior to taking its actions on the item;

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

DIVISION 1: AMENDMENTS.

1) Section 4.12.010 of the San Rafael Municipal Code, entitled “Purpose and intent” is hereby amended to read in its entirety as follows:

This chapter establishes a Wildland-Urban Interface (WUI) in the city, as described in the city of San Rafael Wildland-Urban Interface (WUI) map, dated July 2, 2007, on file with the city clerk, as it may be amended hereafter from time to time by city council resolution, which is a designation of a very high severity zone as provided in Government Code Section 51179, and establishes citywide specific vegetation management standards which will be required for all properties in the WUI on or before August 1, 2021 and for properties outside the WUI by April 1, 2022 in order to create defensible space around structures that will minimize the spread of fires from wildlands to structures, from structures to wildlands, and from structures to structures.

2) Section 4.12.030 of the San Rafael Municipal Code, entitled “Vegetation Management Standards” is hereby amended to read in its entirety as follows:

A. Any person owning, leasing, controlling, operating or maintaining a property containing a structure in the City of San Rafael, and any person owning, leasing controlling, operating or maintaining a property that is adjacent to another property containing such a structure, shall at all times maintain defensible space within one hundred (100’) feet of the structure as follows:

- 1.) Raise the crown of all trees by removing growth less than three inches (3") in diameter, from the ground up to a maximum height of 5 feet (5'), as identified by the National Fire Protection Association, provided that no crown shall be raised to a point so as to remove branches from more than the lower one-third of the tree's total height;
- 2.) Cut and remove all dry grasses (by means other than discing, tilling or other soil manipulation) so that their height does not exceed three inches (3").
- 3.) Remove or chip the wood of all dead trees and other dead vegetation from the ground that is less than three inches (3") in diameter, provided that the stump of a dead tree does not need to be removed. Chipping materials left upon the surface of the ground shall not exceed a depth of three inches (3").
- 4.) Remove all combustible vegetation, provided that single specimens of combustible vegetation are permitted if separated by a distance equal to two (2) times the height of the next adjacent combustible or noncombustible bush on slopes 0 to twenty percent (20%), four (4) times the height of the next adjacent combustible or noncombustible bush on slopes twenty-one (21) to forty percent (40%), and six (6) times the height of the next adjacent combustible or noncombustible bush on slopes exceeding forty percent (40%) as measured from the most outer edge of both bushes.
- 5.) Remove any portion of trees or brush on the property that overhang any roadway and reach within thirteen feet six inches (13'6") vertically above the roadway surface, regardless of proximity to structure.
- 6.) Remove combustible vegetation on the ground of the property within ten feet (10') of any highways, city streets, or private streets used for vehicle traffic or egress from the property, regardless of proximity to structure.

B. In addition, any person owning, leasing, controlling, operating, or maintaining property in the City of San Rafael shall, at all times, within the Intermediate zone (5-30ft from any structure):

- 1.) Maintain an effective firebreak (a strip of land in which vegetation has been modified rather than completely removed) by thinning and clearing away flammable vegetation and combustible growth from areas within thirty feet (30') of any structures.
- 2.) Remove all vegetation within ten feet (10') of a chimney or stovepipe outlet.
- 3.) Maintain woodpiles a minimum of ten feet (10') and two (2) times the height of the woodpile away from any component of the structure on the property.
- 4.) Mulch and other combustible ground coverings are only permitted when no contact is made with combustible exterior walls or plants. Rocks, pavers, and similar are encouraged.
- 5.) Remove all Junipers (genus *Juniperus*), Bamboo (genus *Bambusa*), Acacia (genus *Acacia*), and Italian Cypress (genus *Cupressus sempervirens*).

C. In addition, the following shall apply to the Immediate zone (0-5ft from any structure) on all properties owned, leased, controlled, operated, or maintained within the City of San Rafael:

1.) Maintain the roof, gutters, decks, porches, and stairways of any structure on the property free of accumulated leaves, needles, or dead vegetative growth.

2.) All vegetation within five feet (5') of structure shall be well-irrigated and maintained to eliminate any dead or dying material build-up and trimmed to prevent contact with the structure.

3.) Vines and ivy shall be well-irrigated and maintained to eliminate any dead or dying material build-up.

4.) Single specimen trees shall be permitted when well-irrigated, limbed over five feet (5') or one third of the tree height and have 5' between other tree canopies. Dead and dying branches shall not overhang any structure.

5.) Remove any combustible vegetation under the eaves, decks, or other components of the structure on the property.

6.) Ensure that vegetation is not continuous or able to serve as a fire bridge or ladder between other vegetation and the structure.

7.) Vegetation directly under windows or encroaching within two feet of windows, may not include fire hazardous species as identified by FIRESafe Marin, National Fire Protection Association or local fire officials.

8.) No vegetation shall make direct contact with combustible elements of a structure. Well maintained vegetation may contact Class A and non-combustible materials such as, but not limited to concrete, brick, and stucco.

D. Single specimen exemptions to these regulations, including for erosion control, may be granted at the discretion of the Fire Chief or their designee.

E. To the extent there is any conflict, the vegetation management standards in this section shall supersede the property development standards for protecting the natural state of property as contained in Sections 14.12.030(C) and 14.12.040 of this code.

DIVISION 2: 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 3: PUBLICATION; EFFECTIVE DATE.

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

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

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

Kate Colin, Mayor

ATTEST:

LINDSAY LARA, City Clerk

The foregoing Ordinance No. ___ was introduced at a regular meeting of the City Council of the City of San Rafael, held on _____ and ordered passed to print by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

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 _____.

LINDSAY LARA, City Clerk

CITY OF SAN RAFAEL

NOTICE OF PUBLIC HEARING

The City Council of the City of San Rafael will hold a public hearing:

- PURPOSE:** Public Hearing: To consider adoption of an ordinance making amendments to San Rafael Municipal Code Title 4 (Fire), sections 4.12.010 and 4.12.030. to expand vegetation standards now applied in the City's Wildland-Urban Interface and to apply those updates standards to to apply to properties throughout the City so as to protect lives and property from wildfire.
- DATE/TIME/PLACE:** Monday, February 1, 2021, at 7:00 p.m.
Consistent with Executive Orders No.-25-20 and No. N-29-20 from the Executive Department of the State of California and the Marin County Shelter in Place Order, the San Rafael City Council hearing of February 1, 2021 will not be physically open to the public and the meeting will be streamed live to YouTube at www.youtube.com/cityofsanrafael. Instructions on how to participate online will be available on the YouTube channel. You will also be able to listen/speak by telephone. The number will be provided on agenda.
- WHAT WILL HAPPEN:** You may comment on the proposed vegetation ordinance changes. The City Council will consider all public testimony and will then decide whether to pass the amendments to print.
- IF YOU CANNOT ATTEND:** You may send a letter to City Clerk, City of San Rafael, 1400 Fifth Avenue, Room 209, San Rafael, CA 94915 or by email Lindsay.Lara@cityofsanrafael.org.
- FOR MORE INFORMATION:** You may contact Quinn Gardner, Emergency Manager, at (415) 485-5336 or quinn.gardner@cityofsanrafael.org. Office hours are Monday through Friday, 8:30 a.m. to 5:00 p.m.

SAN RAFAEL CITY COUNCIL

/s/ LINDSAY LARA
LINDSAY LARA, City Clerk

Examples of Vegetation Management Efforts and Impacts



**Example 1
Before**

A large juniper was removed from the driveway of this property. The remaining vegetation appears healthy, although some additional spacing would improve this properties defensible space. The tree in the foreground is appropriately limbed to provide vertical spacing



**Example 1
After**

Examples of Vegetation Management Efforts and Impacts



**Example 2
Before**

The dead and dying vegetation was removed from the vine on a property’s trellis. The after image shows will maintained and irrigated Ivy, with non-combusitble material (pavement) at it’s base. The branches of large tree in the right of the after image should be trimmed to prevent contact with the structure.



**Example 2
After**

Examples of Vegetation Management Efforts and Impacts



**Example 3
Before**

These images show the removal of a large Juniper from the front of the property, within 10 feet of the roadway and driveway. The lawn is well irrigated and plants in the Immediate Zone appear healthy.



**Example 3
After**

Examples of Vegetation Management Efforts and Impacts



**Example 4
Before**

In the photo above the Italian Cypress near the home (left) and juniper near the street (bottom right) were scheduled for removal as seen in the after images below. The ground cover as well as the health and spacing of the plants to the left of the driveway provide good defensible space.



**Example 4
After**



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: San Rafael Fire Department

**Prepared by: Darin White, Fire Chief
Quinn Gardner, Emergency Manager**

City Manager Approval: _____

TOPIC: REGULATION OF ON-STREET PARKING ON NARROW STREETS

SUBJECT: INTRODUCTION OF AN ORDINANCE AMENDING SAN RAFAEL MUNICIPAL CODE SECTION 5.40.080 REGULATING PARKING ON NARROW, HILLY CITY STREETS

RECOMMENDATION: Pass to print an ordinance amending San Rafael Municipal Code Section 5.40.080 to include parking restrictions on narrow, hilly streets throughout the City.

BACKGROUND:

Due to the geography and terrain of the local landscape, numerous narrow, winding and hilly streets exist in City neighborhoods. These types of roadways can create high risk travel situations for residents, first responders, and other large vehicles. Presently, parking is permitted on both sides of these narrow streets, resulting in vehicles constricting available space and creating a significant challenge for emergency response and evacuation efforts, as well as putting first responders' and citizens' lives and safety at risk.

The City's Municipal Code (section 5.40.080) states, in part: "Parking of vehicles upon any city street is prohibited unless an unobstructed distance of not less than six feet (6') is maintained to the centerline or to the center of the improved or main traveled portion of the street". On some hilly, narrow City streets, this presents an issue when vehicles are parked on roadsides and emergency apparatus don't have enough room to pass safely. Vehicles parked along narrow roadways also present a challenge to evacuation efforts by acting as choke points, which can cause unnecessary backups and delays.

Staff have concluded that to minimize these challenges, additional parking restrictions are needed on select streets. These changes will assure all City streets can accommodate safe emergency vehicle travel and resident evacuation. Staff propose roadside parking should be identified and marked accordingly with signage and painted boxes on select roadways (see example images below). Vehicles parked in violation of signs or markings may be cited and if necessary immediately removed to ensure that roadways remain clear for emergency access and egress at all times.

FOR CITY CLERK ONLY

File No.: _____

Council Meeting: _____

Disposition: _____

ANALYSIS:

During a wildfire or other emergent event, the narrow streets present in some of the City's hillside neighborhoods have the potential to exacerbate fire, due to their potential to funnel winds and debris, threaten lives, hamper evacuation efforts, and choke out responding emergency vehicles. These dangers are heightened in these high-risk areas by civilian vehicles being allowed to freely park along the narrow roadways, which further restricts access by rendering them impassable to larger fire apparatus and creating single lane access for residents. These narrow, hilly, limited access streets in San Rafael exist in areas such as the West End, Lincoln Hill, Gerstle Park, San Rafael Open Space and neighborhoods on the borders of Santa Venetia and China Camp State Park.

In order to keep residents and visitors safe and to facilitate emergency vehicle access and efficient evacuations, parking should be restricted to marked areas only and vehicles in violation should be ticketed and removed as quickly as possible. To accomplish this, high risk neighborhoods will be reviewed for accessibility to ensure emergency vehicles have space to enter roads and assist where needed. The dimensions and turning radius of a fire engine will determine how much road must be devoted to emergency vehicle access and remaining space will be marked to delineate where civilian vehicles can park without obstructing access or egress. Staff will walk each high-risk roadway accompanied by an engine and physically measure the distance between the roadside and the engine to determine where roadways may be marked to accommodate both parking and safe engine passage. These easy to understand markings will help make both adherence and enforcement easier. Similar parking box regulations exist in Marin in areas such as Larkspur and Corte Madera.

Prior to parking box installation, roadside and overhanging vegetation will be cleared to increase potential parking areas and improve evacuation routes. In addition, reasonable efforts will be made to maintain as much safe parking as possible. Staff will work with residents and neighborhood groups to review and accommodate unique individual needs, while maintaining a focus on the overarching goal of public safety. Signage will be posted along each high-risk roadway to delineate areas in which street parking will be limited to within designated spaces only.

Installation of parking boxes along select roadways will be prioritized based on roadway conditions, properties impacted, and fire risk in the nearby area. In addition, feedback from fire suppression staff regarding access and egress challenges has been collected and considered as part of implementation prioritization. Staff anticipate the initial areas of implementation may take four-eight months. This will allow for adequate and ongoing community outreach, meeting notification requirements, vegetation removal, and finally the marking and painting of the parking boxes. The efforts to fully implement parking boxes on all selected roadways will span multiple years.

COMMUNITY OUTREACH:

This proposed change to the City's municipal code was incorporated into the Wildfire Prevention and Protection Plan outreach, part of the [Wildfire Action Plan](#) which was adopted by City Council in August of 2020. Feedback was received and will continue to be welcomed and considered throughout the adoption process and implementation.

After presenting the draft Plan on [January 22, 2019](#), staff gathered public feedback and additional input from many community partners. These efforts included but were not limited to a community meeting at City Hall on February 11th, and meetings with the Marin County Fire Chiefs, Marin Association of Realtors, Marin County Fire Prevention Officers, San Rafael Fire Commission, San Rafael

Neighborhoods Association, and Friends of China Camp. Presentations, including time for questions and feedback, were made to the Gerstle Park Neighborhood Association, Lincoln-San Rafael Hill Neighborhood Association, Rotary Club of San Rafael, San Pedro Road Coalition, Villa Real HOA, the Citizens' Oversight Advisory Committee and Marinwood Community Services District. In addition, the Plan was presented, and feedback received at meetings with San Rafael CERT, attendees of the 1 Hour 2 Get Ready classes, and the County Public Disaster Education and Preparedness Committee (PDEP).

Additional outreach was conducted using various online tools, including social media and the City of San Rafael website. The City website was updated shortly after the January 22, 2019 meeting to include a copy of the draft Plan, supporting documentation, and an online feedback form. Short videos describing aspects of the Plan and encouraging feedback were added to the website. As of March 8, 2020, the dedicated webpage and feedback form had 3,736 views and 84 submissions, many with multiple comments. Two Nextdoor poll questions had over 325 total responses. Staff will continue to host community workshops, meetings and continue social media outreach and digital updates to engage and inform the public.

Prior to and during implementation of the parking ordinance, staff will conduct social media outreach via Nextdoor and the City website, distribute mailed letters and flyers to affected residents, and use other social media updates to continue to engage and inform the public while mitigating the risks associated with COVID-19.

FISCAL IMPACT:

The costs of implementation of the program, including the vegetation clearance, roadway paintings, and updated parking signs will be covered by the Marin Wildfire Prevention Authority with funds raised through Measure C. Any revenue from ticketed violations is intended to be used to support costs associated with paint and sign maintenance after the expiration of Measure C.

OPTIONS:

Staff suggest the following options be considered on this matter:

1. Pass to print the ordinance making amendments to SRMC Section 5.40.080
2. Pass the ordinance to print with modifications.
3. Direct staff to return with more information.
4. Take no action.

RECOMMENDED ACTION:

Staff recommends that the Council pass to print the attached proposed ordinance amending SRMC Section 5.40.080.

ATTACHMENTS:

1. Ordinance amending San Rafael Municipal Code Section 5.40.080 regulating parking on narrow city streets
2. Public Notice of Ordinance for parking on narrow city streets
3. Visual Examples

ORDINANCE NO.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN RAFAEL AMENDING SAN RAFAEL MUNICIPAL CODE SECTION 5.40.080 REGULATING PARKING ON NARROW, HILLY CITY STREETS

WHEREAS, the City Council wishes to preserve the safety and attractiveness of the City's streets and the functionality for residents and businesses using those streets; and

WHEREAS, areas in the City of San Rafael with narrow and hilly roads or in territory where access is otherwise difficult are particularly vulnerable to wildfire; and

WHEREAS, the regular parking of vehicles on streets with narrow widths or in territory difficult to access often creates hazards to vehicular and pedestrian travel; and

WHEREAS, the width of said roads cannot always safely accommodate the passage of City fire or emergency medical apparatus when vehicles are parked on roadsides; and

WHEREAS, San Rafael Municipal Code Section 5.48.010 authorizes the City Traffic Engineer to regulate, restrict, or prohibit parking upon specified streets and during specified hours; and

WHEREAS, the amendments to the San Rafael Municipal Code adopted herein will allow the City Traffic Engineer to place signs or markings to designate limited areas where parking on narrow streets may be allowed without obstructing safe passage of vehicles and pedestrians, and will facilitate the City's ability to effectively enforce its parking restrictions on narrow hilly roadways, thus facilitating emergency access and evacuation, and protecting the public health, safety and welfare; and

WHEREAS, the City Council finds that adoption of this ordinance would provide limitations on the use of public streets for parking, and is therefore categorically exempt from environmental review pursuant to the California Environmental Quality Act ("CEQA") Guidelines Section 15301 concerning the operation or minor alteration of existing public facilities involving negligible or no expansion of use;

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

DIVISION 1: AMENDMENT.

Section 5.40.080 of the San Rafael Municipal Code, entitled "Parking prohibited on narrow streets" is hereby amended to read in its entirety as follows:

- (a) The city traffic engineer is authorized to place signs or markings indicating no parking upon any street when the width of the roadway does not exceed twenty feet (20'), or upon one side of a street as indicated by such signs or markings when the width of the roadway does not exceed thirty feet (30');
- (b) When official signs or markings prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign or marking;
- (c) Parking of vehicles upon any city street is prohibited unless an unobstructed distance of not less than six feet (6') is maintained to the centerline or to the center of the improved or main traveled portion of the street;
- (d) Notwithstanding any other provision of this Code, when the stopping or parking of vehicles on a narrow hilly street constitutes a hazard to traffic, life or property, or an obstruction to the adequate access by fire, police, health, sanitation and public utility vehicles, the traffic engineer may install signs or markings, including parking boxes, upon the street or portions thereof giving notice that no person shall stop or park or leave standing any vehicle, except as designated by such signs or markings, and that vehicles parked in violation of such signs or markings may be cited and immediately removed.

DIVISION 2: 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 3: PUBLICATION; EFFECTIVE DATE.

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

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

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

KATE COLIN, Mayor

ATTEST:

LINDSAY LARA, City Clerk

The foregoing Ordinance No. _____ was introduced at a regular meeting of the City Council of the City of San Rafael on _____, and ordered passed to print by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

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 _____.

LINDSAY LARA, City Clerk

CITY OF SAN RAFAEL

NOTICE OF PUBLIC HEARING

The City Council of the City of San Rafael will hold a public hearing:

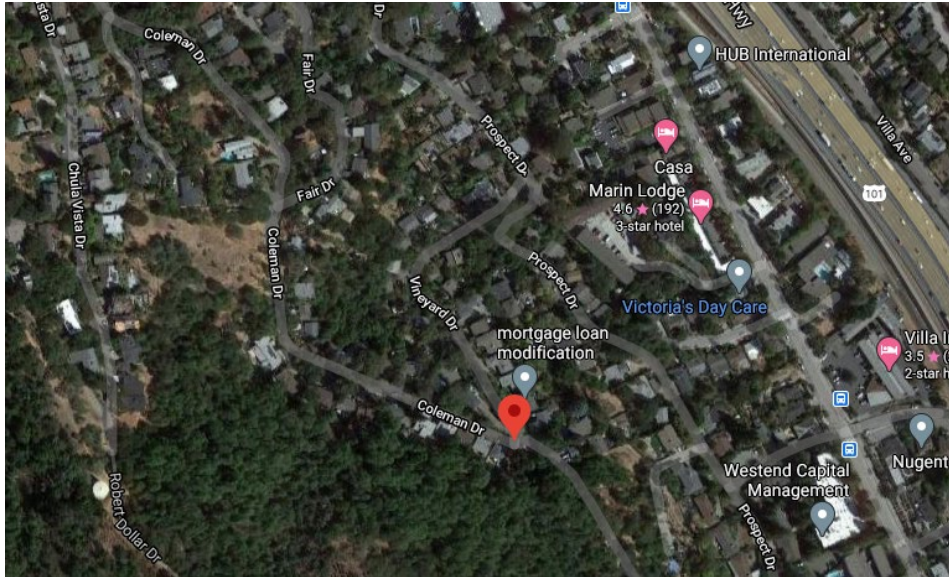
- PURPOSE:** Public Hearing: To consider adoption of an ordinance amending Title 5 (Traffic Regulations), section 5.40.080 of the San Rafael Municipal Code to establish a parking box program on narrow streets to improve routine emergency access and evacuation along such streets and thereby better protecting lives and property from wildfire. The ordinance would provide that the City's Traffic Engineer may restrict on-street parking on narrow streets to areas that are specially marked as parking boxes.
- DATE/TIME/PLACE:** Monday, February 1, 2021, at 7:00 p.m.
Consistent with Executive Orders No.-25-20 and No. N-29-20 from the Executive Department of the State of California and the Marin County Shelter in Place Order, the San Rafael City Council hearing of February 1, 2021 will not be physically open to the public and the meeting will be streamed live to YouTube at www.youtube.com/cityofsanrafael. Instructions on how to participate online will be available on the YouTube channel. You will also be able to listen/speak by telephone. The number will be provided on agenda.
- WHAT WILL HAPPEN:** You may comment on the proposed amendment to establish parking boxes on narrow streets. The City Council will consider all public testimony and will then decide whether to pass the amendment to print .
- IF YOU CANNOT ATTEND:** You may send a letter to City Clerk, City of San Rafael, 1400 Fifth Avenue, Room 209, San Rafael, CA 94915 or by email Lindsay.Lara@cityofsanrafael.org.
- FOR MORE INFORMATION:** You may contact Quinn Gardner, Emergency Manager, at (415) 485-5336 or quinn.gardner@cityofsanrafael.org. Office hours are Monday through Friday, 8:30 a.m. to 5:00 p.m.

SAN RAFAEL CITY COUNCIL

/s/ LINDSAY LARA
LINDSAY LARA, City Clerk

Attachment 3-Visual Examples

Coleman Drive, in the Lincoln Hill neighborhood, is an example of a winding and narrow road within the City of San Rafael. The parked vehicles in the image from Google maps, are parked legally according to current regulations, but impede emergency traffic. As part of the proposed program, vegetation along the roadway would be cleared, reducing potential ignitions such as from hot mufflers, and creating more space to safely park in newly marked spaces. In this example, the spot near the bend where visibility and turning radius creates challenges, a parking spot may be eliminated if the topography, rather than removable vegetation, limits the capacity to safely park off the roadway.



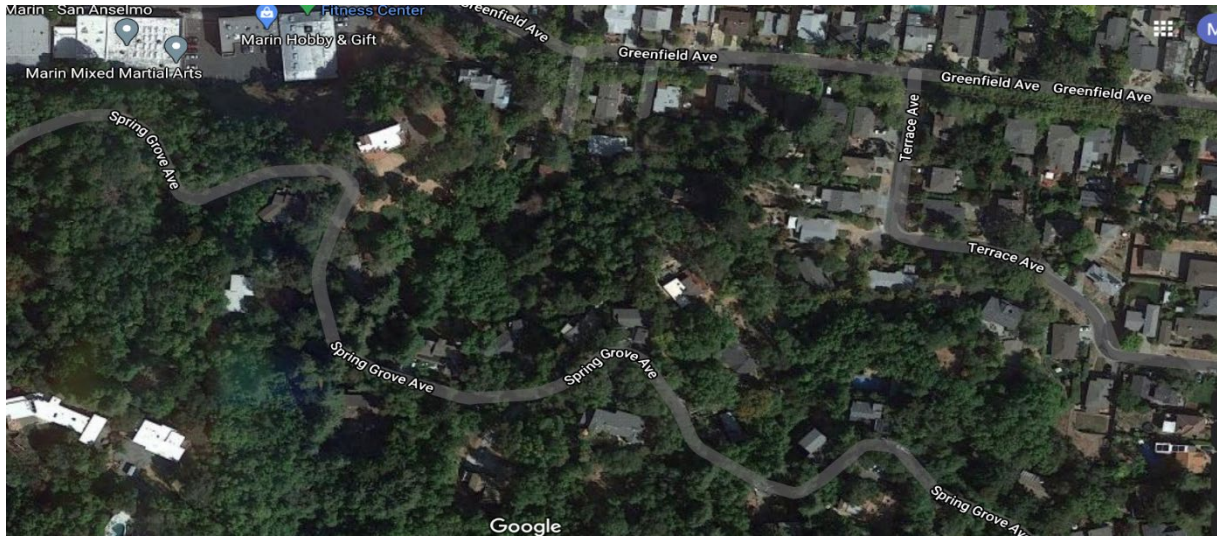
Attachment 3-Visual Examples

Fair Drive provides a good example of how parked cars can constrict roads and impede access. If the engine can safely travel the area pictured, parking boxes would be installed in similar locations to which the vehicles are currently parked. The boxes would clearly indicate safe and allowable parking locations.



Attachment 3-Visual Examples

Spring Grove Avenue, below, is another example of a street that presents challenges to evacuation and emergency egress. The truck in the photo from Google Maps is parked on a blind curve and pushes traffic to a single lane around the curve. Parking may be retained in the area behind the truck, but specific on-site measurements may demonstrate a need to limit parking in the space occupied.



Attachment 3-Visual Examples

Below are some examples of marked parking boxes as implemented in Larkspur, CA, clearly delineating where parking is allowed. As part of the City's proposal vegetation would be removed along the roadways, further increasing visibility and improving emergency access and egress. Note, the boxes are painted to be as long as it is safe, and not designed to be one vehicle per spot, providing for the additional flexibility.

