



## AGENDA

**SAN RAFAEL CITY COUNCIL – MONDAY, MARCH 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](http://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](mailto: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](mailto: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.

### **CLOSED SESSION AT 5:30 P.M.**

**Listen by phone: (669) 900-9128,  
ID: 818-8015-7718#**

**Public Comment in Open Session at 5:30 P.M. <https://tinyurl.com/Closed-2021-03-01>**

### **OPEN SESSION**

1. Mayor Kate to announce Closed Session item.

### **CLOSED SESSION**

2. Closed Session:
  - a. Conference with Labor Negotiators - Government Code Section 54957.6  
Lead Negotiators: Timothy L. Davis and Stephanie Vollmer (Burke, Williams & Sorensen)  
Agency Designated Representatives: Jim Schutz, Cristine Alilovich, Nadine Hade, Thomas Wong, Carmen Valdez and Sylvia Gonzalez  
Employee Organization: SEIU - Childcare; San Rafael Police Mid-Management Association; Public Employee Union, Local 1; San Rafael Firefighters' Association; San Rafael Police Association; SEIU Local 1021; Western Council of Engineers; San Rafael Fire Chief Officers' Association; Unrepresented Mid-Management; Unrepresented Executive Management

**REGULAR MEETING AT 7:00 P.M.**

**Watch on Webinar:** <https://tinyurl.com/cc-2021-03-01>

**Watch on YouTube:** [www.youtube.com/cityofsanrafael](http://www.youtube.com/cityofsanrafael)

**Listen by phone: (669) 900-9128,**

**ID: 817-3692-0337#**

**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, February 16, 2021 and Special Meeting of Wednesday, February 17, 2021 (CC)

*Recommended Action – Approve minutes as submitted*

**b. Housing Development Policies and Permitting**

Second Introduction and Final Adoption of Ordinance 1990: An Ordinance Amending Title 14 of the San Rafael Municipal Code (Zoning) to Amend Section 14.04.040 (Property Development Standards (DR, MR, HR)), Section 14.05.030 (Property Development Standards (GC, NC, O, C/O, R/O, FBWC)), Section 14.12.040 (Exceptions to Property Development Standards), Section 14.16.030 (Affordable Housing), Section 14.16.190 (Height Bonus), Section 14.16.300 (Small Lots), and Section 14.28.040 (Public Notice And Hearing) (CC)

*Recommended Action – Final Adoption of Ordinance 1990*

**c. Public Art Projects**

Second Introduction of Final Adoption of Ordinance 1991: An Ordinance of the City Council of the City of San Rafael Amending San Rafael Municipal Code (SRMC) Section 14.25.040

Exempting from Environmental and Design Review Any Public Art Projects that Undergo Review Through a Separate Review Process Established by the City for that Purpose (CD)  
*Recommended Action – Final Adoption of Ordinance 1991*

d. **Interim Financial Update and Budget Amendments to Reflect Operational Activity; Mid-Year Personnel Changes**

- i. First Fiscal Year 2020-2021 Interim Financial Update
- ii. Resolution Adopting Amendments to the 2020-2021 Budget
- iii. Mid-Year Personnel Changes

*Recommended Action – Adopt Resolution*

e. **Fire Stations 54 & 55 Contractor Prequalification Procedures - Essential Facilities Projects**

Resolution Approving Use of a Prequalification Process and Authorizing the City Manager and Assistant City Manager to Act as the Prequalification Appeals Panel for the Fire Station 54 and Fire Station 55 Projects (PW)

*Recommended Action – Adopt Resolution*

**OTHER AGENDA ITEMS:**

6. Other Agenda Items:

a. **Age-Friendly San Rafael Strategic Action Plan**

Informational Report on the Age-Friendly San Rafael Strategic Action Plan 2020-2023 (LR)

*Recommended Action – Accept report*

**PUBLIC HEARINGS:**

7. Public Hearings:

a. **Opportunity Zone Renter Protections**

First Introduction of An Ordinance of the City of San Rafael City Council Adding Chapter 10.111 to the San Rafael Municipal Code, Entitled "Relocation Assistance in Opportunity Zones" (CD)

*Recommended Action – Pass Ordinance to print*

**OTHER AGENDA ITEMS (continued):**

8. Other Agenda Items:

a. **City Council Appointments to Committees**

Approve Revised City Council Appointments to Committees 2021 (CC)

*Recommended Action – Approve Appointments*

**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](mailto: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, FEBRUARY 16, 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](http://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/>.

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Present: Mayor Kate  
Vice Mayor Bushey  
Councilmember Hill  
Councilmember Kertz  
Councilmember Llorens Gulati

Absent: None

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

### **CLOSED SESSION AT 5:30 P.M.**

**Watch on Webinar:** <https://tinyurl.com/SPCC-2021-02-16>

**Listen by phone: (669) 900-9128,  
ID: 831-3623-3485#**

### **OPEN SESSION**

1. Mayor Kate to announce Closed Session item.

### **CLOSED SESSION**

2. Closed Session:
  - a. Conference with Labor Negotiators - Government Code Section 54957.6  
Lead Negotiators: Timothy L. Davis and Stephanie Vollmer (Burke, Williams & Sorensen)  
Agency Designated Representatives: Jim Schutz, Cristine Alilovich, Nadine Hade, Thomas Wong,

Carmen Valdez and Sylvia Gonzalez

Employee Organization: SEIU - Childcare; San Rafael Police Mid-Management Association; Public Employee Union, Local 1; San Rafael Firefighters' Association; San Rafael Police Association; SEIU Local 1021; Western Council of Engineers; San Rafael Fire Chief Officers' Association; Unrepresented Mid-Management; Unrepresented Executive Management

**REGULAR MEETING AT 7:00 P.M.**

**Watch on Webinar:** <https://tinyurl.com/CC-2021-02-16>

**Watch on YouTube:** [www.youtube.com/cityofsanrafael](http://www.youtube.com/cityofsanrafael)

**Listen by phone: (669) 900-9128,**

**ID: 899-2635-9885#**

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 the announcement of the new police chief, David Spiller and a thank you to Interim Police Chief David Starnes. She spoke on the housing and public art items on tonight's agenda. In addition, she included a land acknowledgement.

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

Assistant City Attorney Lisa Goldfien announced that no reportable action was taken in the Closed Session held prior to the meeting.

**OPEN TIME FOR PUBLIC EXPRESSION**

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

**CITY MANAGER'S REPORT:**

**3. City Manager's Report:**

City Manager Jim Schutz announced:

- Business economic recovery update
- Homeless encampment update

Andrew Henning, Director of Homeless Planning and Outreach gave a homeless encampment update.

David Starnes, Interim Police Chief gave a bike theft update.

**COUNCILMEMBER REPORTS:**

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

**4. Councilmember Reports:**

- Councilmember Bushey reported on a Central Marin Sanitation Agency (CMSA) meeting, a library subcommittee meeting regarding a conceptual proposal for a combined library/community center and a meeting with the Point San Pedro Road Coalition.
- Mayor Kate reported on meetings with Marin Transit and SMART.

### **CONSENT CALENDAR:**

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

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

#### 5. Consent Calendar Items:

##### a. **Approval of Minutes**

**Approve Minutes of City Council / Successor Agency Regular and Special Meetings of Monday, February 1, 2021 and Special Meeting of Tuesday, January 26, 2021 (CC)**

*Approve minutes as submitted*

##### b. **Chief of Police Employment Agreement**

**Resolution Authorizing the Mayor and City Manager to Execute An Employment Agreement with David Spiller to Serve As the City of San Rafael Chief of Police (CM)**

*Resolution 14889 - Resolution Authorizing the Mayor and City Manager to Execute An Employment Agreement with David Spiller to Serve As the City of San Rafael Chief of Police*

##### c. **Amendment of the Current Vegetation Management Ordinance**

**Second Reading and Final Adoption of Ordinance 1988: 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)**

*Adopted Ordinance No. 1988 – 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*

##### d. **Regulation of On-Street Parking on Narrow Streets**

**Second Reading and Final Adoption of Ordinance 1989: An Ordinance Amending San Rafael Municipal Code Section 5.40.080 Regulating Parking on Narrow, Hilly City Streets (FD)**

*Adopted Ordinance No. 1989 – 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*

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

## **PUBLIC HEARINGS:**

### 6. Public Hearings:

#### a. **Housing Development Policies and Permitting**

- i. **First Introduction of An Ordinance: Consideration of An Ordinance Amending Title 14 of the San Rafael Municipal Code (Zoning) to Amend Section 14.04.040 (Property Development Standards (DR, MR, HR)), Section 14.05.030 (Property Development Standards (GC, NC, O, C/O, R/O, FBWC)), Section 14.12.040 (Exceptions to Property Development Standards), Section 14.16.030 (Affordable Housing), Section 14.16.190 (Height Bonus), Section 14.16.300 (Small Lots), and Section 14.28.040 (Public Notice And Hearing) (CD)**

Paul Jensen, Community Development Director, Ali Giudice, Planning Manager and Ethan Guy, Principal Analyst presented the staff report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speakers:** Bob Pendoley, Marin Environmental Housing Collaborative (MEHC), David Wain Coon, San Rafael Chamber of Commerce, Diane Henderson-Glischinski, San Rafael Chamber of Commerce, Brad Rogerson, San Rafael Chamber of Commerce, Bill Carney, Sustainable San Rafael, Tom Monohan, Victoria DeWitt, Susan Bradford, Roger Smith, Lynn Robinson, Kate Powers

Staff responded to public comment.

Staff responded to comments and questions from Councilmembers.

Councilmembers and staff discussed how to modify the language of the Ordinance.

Councilmember Bushey moved and Councilmember Llorens Gulati moved to pass the Ordinance to print, removing the proposed amendment "Section 14.12.040 (Exceptions to Property Development Standards)"

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

*Passed Ordinance No. 1990 to print*

- ii. **Resolution Adopting "Guidelines for the Administration of the Affordable Housing Requirement Program"**

Councilmember Hill moved and Councilmember Llorens Gulati moved to adopt the resolution

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

*Resolution 14890 - Resolution Adopting "Guidelines for the Administration of the Affordable Housing Requirement Program"*

iii. **Resolution Adopting Density Bonus and Incentives Regulations Applicable to Housing Development Projects that Qualify for a Density Bonus as Set Forth in San Rafael Municipal Code Section 14.16.030**

Councilmember Bushey moved and Councilmember Hill moved to adopt the resolution

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

*Resolution 14891 - Resolution Adopting Density Bonus and Incentives Regulations Applicable to Housing Development Projects that Qualify for a Density Bonus as Set Forth in San Rafael Municipal Code Section 14.16.030*

b. **Public Art Projects**

i. **Informational Report Providing an Update Regarding Public Art Projects in Terra Linda and Canal Neighborhoods (CD)**

Thomas Wong, Analyst and Ali Giudice, Planning Manager and presented the staff report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speakers:** Meg Reilly, Marin Society of Artists, Kim Keith-Brown, Terra Linda Homeowners' Association, Lorenzo Jones, Shirley Fischer, Susan Coleman

Staff responded to public comment.

Staff responded to comments and questions from Councilmembers.

Councilmember Kertz moved and Councilmember Llorens Gulati moved to accept the report

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

*Accepted report*

- ii. **First Introduction of An Ordinance: Consideration of An Ordinance of the City Council of the City of San Rafael Amending San Rafael Municipal Code (SRMC) Section 14.25.040 Exempting from Environmental and Design Review Any Public Art Projects that Undergo Review Through a Separate Review Process Established by the City for that Purpose**

Councilmember Kertz moved and Councilmember Llorens Gulati moved to pass the Ordinance to print

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

*Passed Ordinance No. 1991 to print*

**OTHER AGENDA ITEMS:**

7. Other Agenda Items:

- a. [Grand Jury Report on Roadblocks to Safe Evacuations in Marin](#)  
**Resolution Approving and Authorizing the Mayor to Execute the Response to the 2019-2020 Marin County Civil Grand Jury Report Entitled "Roadblocks to Safer Evacuation In Marin" (FD)**

Darin White, Fire Chief presented the staff report.

Staff responded to comments and questions from Councilmembers.

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

Councilmembers provided comments.

Councilmember Kertz moved and Councilmember Hill moved to adopt the resolution

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

*Resolution 14892 - Resolution Approving and Authorizing the Mayor to Execute the Response to the 2019-2020 Marin County Civil Grand Jury Report Entitled "Roadblocks to Safer Evacuation In Marin"*

**SAN RAFAEL SUCCESSOR AGENCY:**

1. Consent Calendar: - None

**ADJOURNMENT:**

Mayor Kate adjourned the meeting at 9:59 p.m.

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

APPROVED THIS \_\_\_\_DAY OF\_\_\_\_\_, 2021

\_\_\_\_\_  
KATE COLIN, Mayor

DRAFT

## MINUTES



### SAN RAFAEL CITY COUNCIL SPECIAL MEETING WEDNESDAY, FEBRUARY 17, 2021 AT 7:00 P.M.

**Watch Webinar:** <https://tinyurl.com/SPCC-2021-02-17>

**Listen by phone: (669) 900-9128,  
ID: 954-7106-8004#**

**Present:** Mayor Kate  
Vice Mayor Bushey  
Councilmember Hill  
Councilmember Kertz  
Councilmember Llorens Gulati (arrived 7:04 p.m.)

**Absent:** None

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

Mayor Kate called the meeting to order at 7:03 p.m. and invited public comment on all three agenda items.

**Speakers:** Lisa Merigian

Mayor Kate closed the public comment period.

- a. **Training on Legal Matters Affecting Public Officials: Meetings, Records, Conflicts of Interest and Compensation**  
City Attorney Rob Epstein, Assistant City Attorney Lisa Goldfien and contracting attorney Nira Doherty gave a presentation.
- b. **Training on the Role of Elected Officials in Disaster Operations**  
Quinn Gardner, Emergency Management Officer, gave a presentation.
- c. **City Council Discussion on Councilmember Appointments to Committees**  
The City Council discussed preferred appointments to Committees.

#### **ADJOURNMENT:**

Mayor Kate adjourned the meeting at 9:08 p.m.

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

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021

\_\_\_\_\_  
Kate Colin, Mayor

**ORDINANCE NO. 1990**

**AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING TITLE 14 OF  
THE SAN RAFAEL MUNICIPAL CODE (ZONING) TO AMEND SECTION 14.04.040  
(PROPERTY DEVELOPMENT STANDARDS (DR, MR, HR)), SECTION 14.05.030  
(PROPERTY DEVELOPMENT STANDARDS (GC, NC, O, C/O, R/O, FBWC)),  
SECTION 14.16.030 (AFFORDABLE HOUSING), SECTION  
14.16.190 (HEIGHT BONUS), SECTION 14.16.300 (SMALL LOTS), AND  
SECTION 14.28.040 (PUBLIC NOTICE AND HEARING)**

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

**DIVISION 1. AMENDMENTS TO MUNICIPAL CODE.**

1) Section 14.04.040 of the San Rafael Municipal Code is hereby amended to read in its entirety as follows:

14.04.040 - Property development standards -Duplex Residential (DR ), Medium Density Residential (MR), High Density Residential (HR).

NA: Not applicable.

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

**Table 14.04.040**

	<b>DR</b>	<b>MR5</b>	<b>MR3</b>	<b>MR2.5</b>	<b>MR2</b>	<b>HR1.8</b>	<b>HR1.5</b>	<b>HR1</b>	<b>Additional Standards</b>
Minimum lot area (sq. ft.)	5,000/6,000 (corner)	6,000	6,000	6,000	6,000	6,000	6,000	6,000	
Minimum lot area/dwelling unit (sq. ft.) (Max. residential intensity)	2,500	5,000	3,000	2,500	2,000	1,800	1,500	1,000	(B), (C)
Minimum lot width (ft.)	50/60 (corner lot)	60	60	60	60	60	60	60	
Minimum yards									
Front (ft.)	15	15	15	15	15	15	15	15	(D), (E)

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

Parking	*	*	*	*	*	*	*	*	* Based on use. See Section 14.18.040.
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- (A) *Intentionally not used.*
- (B) The minimum lot area for a boarding house is five hundred (500) square feet per guest room.
- (C) A density bonus may be granted, as provided for in Section 14.16.030 (Density bonus).
- (D) Where two (2) or more lots in a block have been improved with buildings, the minimum required shall be standard, or the average of improved lots on both sides of the street for the length of the block, whichever is less.
- (E) Where there is a driveway perpendicular to the street, any garage built after January 1, 1991, shall be set back twenty feet (20').
- (F) Parking and maneuvering areas, excluding access driveways, shall be prohibited in all required yards, per Section 14.18.200 (Location of parking and maneuvering areas) of this title.
- (G) In the DR and MR district, on a reverse corner lot, the rear twenty feet (20') of the street side shall have a fifteen-foot setback.
- (H) In the MR or HR districts, where development is adjacent to a single-family district, the rear yard setback shall be ten feet (10').
- (I) In order to provide adequate privacy and sunlight, additional separation may be required through design review.
- (J) The height limit in the Latham Street neighborhood ranges from thirty feet (30') to thirty-six feet (36'). See the downtown height map for lot-specific information.
- (K) A height bonus may be granted, as provided for in Section 14.16.190 (Height bonus).
- (L) Private yard areas shall have a minimum dimension of six feet (6'). In the HR districts, common indoor area suitable for recreational uses may be counted toward the usable outdoor area requirement.
- (M) Where a driveway is located in a side yard, a minimum of three feet (3') of buffer landscaping shall be provided between the driveway and side property line. The required rear yard shall be landscaped to provide a buffer.
- (N) Setback distances apply to areas that provide a primary pedestrian access only.

2) Section 14.05.030 of the San Rafael Municipal Code is hereby amended to read in its entirety as follows:

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

NR: Not required unless otherwise noted in Additional Standards. NA: Not applicable.

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

**Table 14.05.030**

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

							Section 14.18.040
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- (A) There is no minimum lot area requirement for a boarding house.
- (B) Where the frontage of a block is partially in an R district, the front yard shall be the same as required for that R district, and when the side and/or rear of the lot(s) abuts an R district, the respective side and/or rear yard shall be ten feet (10'). Parking or maneuvering shall be permitted within the required side and rear yards provided that a minimum six-foot (6') wide landscape buffer area, excluding curbs, is provided adjacent to the side and rear property lines.
- (C) Exceptions may be granted for a height above thirty-six feet (36'), subject to the provisions of Chapter 14.24, Exceptions.
- (D) Hotels have a four (4) story fifty-four-foot (54') height limit. A one-story twelve-foot (12') height bonus may be approved as part of a design review permit by the planning commission if it finds that the hotel will provide a significant community benefit, and the design is consistent with this title.
- (E) Repealed 3/18/96.
- (F) Buildings existing or approved as of January 1, 1987 which are more than three (3) stories in height shall not be considered nonconforming, and are listed in Section 14.16.040, Buildings over three (3) stories.
- (G) See general plan downtown height map for lot-specific height limits.
- (H) A height bonus may be permitted in residential development as provided for in Section 14.16.190, Height bonus.
- (I) Where the frontage of the lot(s) is adjacent to or across from an R district, fifty percent (50%) of the front yard shall be landscaped. Where the side yard abuts an R district, a minimum three feet (3') of buffer landscaping must be provided. Where the rear of the lot abuts an R district, ten feet (10') of buffer landscaping must be provided.
- (J) In the GC district, a minimum fifteen feet (15') of the front setback must be landscaped. Landscaped portions of the public right-of-way may be included, subject to approval by the hearing body.
- (K) For parking lot landscaping, see Section 14.18.160, Parking lot screening and landscaping.
- (L) A landscaped amenity area for employees and the public is encouraged in office and commercial projects.
- (M) Provision of usable outdoor area is encouraged in residential development as part of a mixed-use project.
- (N) *Intentionally not used.*
- (O) A density bonus may be granted, as provided for in Section 14.16.030.

- (P) The maximum lot coverage restriction established for the office (O) district shall not apply to solar panels installed over existing paved parking spaces; consistent with Section 14.16.307.

3) Section 14.16.030 of the San Rafael Municipal Code is hereby amended to read in its entirety as follows:

14.16.030 - Affordable housing requirement.

- A. Purpose & Intent. The purpose of this section is to enhance the public welfare and ensure that further residential and nonresidential development projects within the city contribute to the attainment of affordable housing goals and requirements by promoting and increasing, through actual construction and/or alternative equivalent actions as provided for in this section, the development of rental and ownership housing units for very low, low and moderate income households.
- B. General Requirements—Residential Development Projects. Any new residential development project with dwelling units intended or designed for permanent occupancy shall be developed to provide affordable housing units to very low, low and moderate income households in perpetuity unless, in its sole discretion and upon a finding of need pursuant to the Guidelines for the Administration of the Affordable Housing Trust Fund, as adopted and amended from time to time by the City Council, the City Council reduces the time frame to not less than forty (40) years.
1. Exemptions. This provision shall be imposed on all residential development projects except that the following shall be exempt from the provisions of this section:
    - a. Projects that are the subject of development agreements in effect with the city and approved prior to the effective date of the city council ordinance;
    - b. Projects where a building permit application has been accepted as complete by the city prior to the effective date of this Ordinance; however, any extension or modification of such approval or permit after such date shall not be exempt;
    - c. Any building that is damaged or destroyed by fire or other natural catastrophe if the rebuilt square footage of the residential portion of the building does not increase upon reconstruction;
    - d. Any residential development project of one (1) single family structure; and
    - e. Second units approved by the city of San Rafael pursuant to Section 14.16.285 of the San Rafael Municipal Code.
  2. Modification of Certain Approved Projects—Notwithstanding anything to the contrary in this Ordinance, for any project that, as of the effective date of this Ordinance, has received final City approval but has not yet commenced construction, the project applicant may apply to the City for a modification of the affordable housing requirements of the approved project where the modified affordable housing components of the project would be consistent with the requirements of this Ordinance and with the Guidelines for the Administration of the Affordable Housing Trust Fund, as adopted and amended from time to time by

City Council resolution. The request for modification shall be approved the decision-making body that approved the project.

3. Affordable Housing Units—Percentage Required. Residential development projects shall provide affordable housing units as described in the policies and procedures specified in the San Rafael City Council's Guidelines for the Administration of the Affordable Housing Trust Fund, as adopted, and amended from time to time by City Council resolution, and any new residential development project shall comply with such policy.
- C. Density Bonus and Incentives. Upon a separate application by an applicant for a residential development project of five (5) or more units that includes an eligible affordable housing project, including such residential development projects that include housing for transitional foster youth, qualified student housing, land donation, construction of a child care facility, or a qualified senior citizen housing development, shall be eligible for a density bonus, as well as an additional concession or incentive or waiver/reductions of development standards, consistent with the requirements of California Government Code Section 65915 and as set forth by resolution adopted by the City Council from time to time.
- D. General Requirements—Nonresidential Development Projects.
1. Application. An affordable housing requirement is hereby imposed on all developers of nonresidential development projects, including all construction of additional square footage to existing nonresidential developments and conversion of residential square footage to nonresidential use, subject to the following exceptions:
    - a. Any project involving new construction under five thousand (5,000) square feet;
    - b. Residential components of a mixed-use project, which shall be subject to the requirements of subsection B of this section;
    - c. A mixed-use project where the number of affordable units equals or exceeds the housing required by subsection (1)(2) of this section for the gross square footage of nonresidential uses;
    - d. Projects where a building permit application has been accepted as complete by the city prior to January 5, 2005; however, any extension or modification of such approval or permit after such date shall not be exempt;
    - e. Projects that are the subject of development agreements in effect prior to January 5, 2005 where such agreements specifically preclude the city from requiring compliance with this type of affordable housing program;
    - f. Any nonresidential building that is damaged or destroyed by fire or other natural catastrophe if the rebuilt square footage of the nonresidential portion of the building does not increase upon reconstruction;
    - g. Project for which no nexus can be established between the proposed nonresidential development and an increase in the demand for affordable housing.

2. Number of Affordable Units Required. Proposed nonresidential development projects shall provide twenty percent (20%) of the total number of residential units needed to provide housing for project employees in very low-, low- and moderate-income households, as set forth in Table 14.16.030-3 of this section. Any decimal fraction greater than 0.50 shall be interpreted as requiring one additional dwelling unit. For uses not listed in Table 14.16.030-3 of this section, the community development director shall determine the number of affordable units required based on comparable employment densities to uses listed. In making such a determination, the decision of the community development director shall be based on data concerning anticipated employee density for the proposed project submitted by the applicant, employment surveys or other research on similar uses submitted by the applicant or independent research, and/or such other data the director determines relevant.

**Table 14.16.030-3**  
Number of New Very low, Low and Moderate  
Income Units Required for New  
**Nonresidential Development**

Development Type	Number of New Very low-, Low- and Moderate-Income Units (per 1,000 square feet of gross floor area <sup>1)</sup>
Office <sup>2</sup> or Research and Development uses	0.03
Retail, Restaurant or Personal Service uses	0.0225
Manufacturing or Light Industrial uses	0.01625
Warehouse uses	0.00875
Hotel or motel uses <sup>3</sup>	0.0075

<sup>1</sup> Floor area excludes all areas permanently used for vehicle parking.

<sup>2</sup> Includes professional, business and medical offices.

<sup>3</sup> Accessory uses to a hotel or motel, such as restaurant, retail and meeting facilities shall be subject to requirements for a retail use.

3. Provision of Units or In-lieu Fee. Required affordable housing units shall be provided on the same site as the proposed nonresidential development, at an off-

site location within the city, through dedication of suitable real property for the required housing to the city, or through payment of an in-lieu fee, at the discretion of the planning commission or the city council. The planning commission or city council may accept off-site units or an in-lieu fee if it is determined that inclusion of the required housing units within the proposed nonresidential development is not reasonable or appropriate, taking into consideration factors including, but not limited to, overall project character, density, location, size, accessibility to public transportation, and proximity to retail and service establishments; or where the nature of the surrounding land uses is incompatible with residential uses in terms of noise or other nuisances, health or safety hazards or concerns. Where the application of the affordable housing requirement in Section 14.16.030.B results in less than one (1) unit or one (1) or more affordable housing unit and a fractional unit, the applicant may choose to pay an in-lieu fee for the fractional unit without the required findings noted above. Affordable housing units provided as part of the proposed nonresidential development or at an off-site location shall meet the requirements of Section 14.16.030.B and I and shall be completed prior to or concurrent with the completion of construction of the proposed nonresidential development, as the conditions of project approval shall specify.

4. Calculation and Payment of In-lieu Fee. The amounts and calculation of the housing in-lieu fee shall be based on the following:

In-lieu fees shall be calculated as a percentage of the projected construction costs of the units. Construction costs of the units shall mean the estimated cost per square foot of construction, site development and land costs and permits and fees, as established by standard construction cost indices and/or surveys of local development projects such fees shall be established by resolution of the city council, as amended from time to time. Unless otherwise preempted by law, or otherwise approved by the planning commission or city council, the in-lieu fee shall be paid prior to the issuance of a building permit for the proposed project.

- E. Housing In-Lieu Fee Fund. The housing in-lieu fees shall be placed in a segregated citywide housing in-lieu fee account. The funds in the housing in-lieu fee account, along with any interest earnings accumulated thereon, shall be used solely to increase and expand the supply of housing affordable to very low-, low- and moderate-income households, including, but not limited to, the following:

1. Design and construction of housing affordable to households of very low, low- and moderate-income households, including costs associated with planning, administration and design;
2. Acquisition of property and property rights, including acquisition of existing housing units and the provision of long-term affordability covenants on those units;
3. Other actions that would increase the supply of housing affordable to very low, low- and moderate-income households;

4. Costs of program development and ongoing administration of the housing fund program;
  5. Expenditures from the housing in-lieu fee fund shall be authorized solely by the city council and controlled and paid in accordance with general city budgetary policies.
- F. Enforcement. The city attorney is authorized to abate violations and to enforce the provisions of this section and all implementing regulatory agreements and resale controls placed on affordable housing units, by civil action, injunctive relief, and/or other proceeding or method permitted by law. The remedies provided for herein shall be cumulative and not exclusive and shall not preclude the city from other remedy or relief to which it otherwise would be entitled under law or equity.
- 4) Section 14.16.190 of the San Rafael Municipal Code is hereby amended to read in its entirety as follows:
- 14.16.190 - Height bonus.
- A. Downtown Height Bonuses. A height bonus may be granted by a use permit approved by the planning commission in the following downtown zoning districts. No more than one height bonus may be granted for a project.
1. In the Fourth Street retail core, a twelve-foot (12') height bonus for any of the following:
    - a. Affordable housing, consistent with Section 14.16.030 (Affordable housing).;
    - b. Public courtyards, plazas and/or passageways, with the recommendation of the design review board that the public improvements are consistent with downtown design guidelines;
    - c. Public parking, providing it is not facing Fourth Street and it is consistent with the downtown design guidelines.
  2. In the Lindero district, on lots south of Second Street and fronting Lindero Street, a twenty-four-foot (24') height bonus for any of the following:
    - a. Park area adjacent to Mahon Creek, accessible to the public and maintained by the property owner;
    - b. Community facility, ten thousand (10,000) square feet or more in size. The facility must be available to the public for cultural and community events and maintained and operated by the property owner.
  3. In the Second/Third mixed use east district, a twelve-foot (12') height bonus for any of the following:
    - a. Affordable housing, consistent with Section 14.16.030 (Affordable housing).;
    - b. Public parking, providing it is consistent with the downtown design guidelines;

- c. Skywalks over Second or Third Streets, with the approval of the traffic engineer, and the recommendation of the design review board;
    - d. Mid-block passageways between Fourth Street and parking lots on Third Street, with the recommendation of the design review board that the design is attractive and safe.
  - 4. In the West End Village, a six-foot (6') height bonus for any of the following:
    - a. Affordable housing, consistent with Section 14.16.030 (Affordable housing);
    - b. Public parking, providing it is consistent with the downtown design guidelines;
    - c. Public passageways, with the recommendation of the design review board that the public passageway serves an important public purpose and is attractive and safe.
  - 5. In the Second/Third mixed use west district, on lots located on the north side of Third Street and east of C Street, an eighteen-foot (18') height bonus for the following:
    - a. Public parking, providing it is consistent with the downtown design guidelines.
- B. Lincoln Avenue Height Bonus. A twelve-foot (12') height bonus may be granted for affordable housing on Lincoln Avenue between Mission Avenue and Hammondale Ct., on lots greater than one hundred fifty (150') in width and twenty thousand (20,000) square feet in size, consistent with Section 14.16.030 (Affordable housing).
- C. Marin Square Height Bonus. A twenty-four-foot (24') height bonus may be granted for affordable housing at the Marin Square and Gary Place properties, consistent with Section 14.16.030 (Affordable housing).
- D. North San Rafael Town Center Height Bonus. A twenty-four-foot (24') height bonus may be granted for affordable housing in the North San Rafael Town Center, consistent with Section.
- E. Hotel Height Bonus. A height bonus of twelve feet (12') may be granted for a hotel provided the planning commission finds that the hotel will be a significant community benefit and the design is consistent with design review board recommendations.
- F. Residential Development Height Bonus. A residential development project with 100% of the total units available to lower income households, and located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, shall be eligible for a height increase of up to 33 feet. This bonus shall not be combined with any other height bonus listed above.
- 5) Section 14.16.300 of the San Rafael Municipal Code is hereby amended to read in its entirety as follows:
- 14.16.300 - Small lots.
- Development of small lots shall be permitted in accordance with all the requirements of the district. Such development shall be considered conforming with the following additional limits in residential districts:

- A. No small lot shall be further reduced in area or width, except as required for public improvements.
- B. Small lots which are contiguously owned are subject to the merger provisions of the State Subdivision Map Act.
- C. This section does not apply to the PD district.

6) Section 14.28.040 of the San Rafael Municipal Code is hereby amended to read in its entirety as follows:

14.28.040 - Scheduling and notice for public hearing.

- A. Public Hearing Required. The planning commission or city council, as the case may be, shall hold a public hearing on an appeal. At the public hearing, the appellate body shall review the record of the decision and hear testimony of the appellant, the applicant and any other interested party.
- B. Public hearing scheduled. Following the timely filing of an appeal, the appeal shall be scheduled for the next available planning commission or city council meeting, as the case may be, and allowing sufficient time for giving notice pursuant to subsection (C) of this section and State law.
- C. Public hearing notice. Notice of public hearings shall be given in the manner required for the decision being appealed as set forth in Section 14.29.020 of this Code.

## **DIVISION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

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

## **DIVISION 3. 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 4. PUBLICATION; EFFECTIVE DATE.**

This Ordinance shall be published once, in full or in summary form, before its final passage, in a newspaper of general circulation, published, and circulated in the City of San Rafael, and shall be in full force and effect thirty (30) days after its final passage. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption,

together with the names of those Councilmembers voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

\_\_\_\_\_  
KATE COLIN, Mayor

ATTEST:

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

The foregoing Ordinance No. 1990 was introduced at a regular meeting of the City Council of the City of San Rafael on Tuesday the 16<sup>th</sup> day of February 2021, and was ordered passed to print by the following vote, to wit:

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

NOES: Councilmembers: Kertz

ABSENT: Councilmembers: None

and will come up for adoption as an Ordinance of the City of San Rafael at a regular meeting of the City Council to be held on the 1<sup>st</sup> day of March, 2021.

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

## **SUMMARY ORDINANCE NO. 1990**

**AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING TITLE 14 OF THE SAN RAFAEL MUNICIPAL CODE (ZONING) TO AMEND SECTION 14.04.040 (PROPERTY DEVELOPMENT STANDARDS (DR, MR, HR)), SECTION 14.05.030 (PROPERTY DEVELOPMENT STANDARDS (GC, NC, O, C/O, R/O, FBWC)), SECTION 14.16.030 (AFFORDABLE HOUSING), SECTION 14.16.190 (HEIGHT BONUS), SECTION 14.16.300 (SMALL LOTS), AND SECTION 14.28.040 (PUBLIC NOTICE AND HEARING)**

This Summary concerns a proposed ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 1990, which will amend sections of the San Rafael Municipal Code Title 14 (Zoning). Ordinance No. 1990 is scheduled for adoption by the San Rafael City Council at its regular meeting of March 1, 2021. The City Clerk has been directed to publish this Summary pursuant to City Charter and California Government Code section 36933(c)(1).

### **SUMMARY OF AMENDMENT TO MUNICIPAL CODE**

The Ordinance will amend the San Rafael Municipal Code Sections 14.04.040 (Property Development Standards) Section 14.05.030 (Property Development Standards), Section 14.16.030 (Affordable Housing), Section 14.16.190 (Height Bonus), Section 14.16.300 (Small Lots), and Section 14.28.040 (Public Notice and Hearing). The San Rafael City Council has been taking steps to reduce barriers to the construction of new housing, with a particular goal of facilitating the development of affordable housing within the City. These amendments are meant to further this goal by simplifying, clarifying and streamlining the review and approval requirements and processes.

Copies of Ordinance No. 1990 will be available for public review by request at [city.clerk@cityofsanrafael.org](mailto:city.clerk@cityofsanrafael.org), and on the City's website: <https://www.cityofsanrafael.org>.

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LINDSAY LARA

San Rafael City Clerk

Dated: 2/19/2021

## ORDINANCE NO. 1991

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AMENDING SAN RAFAEL MUNICIPAL CODE SECTION 14.25.040 EXEMPTING FROM ENVIRONMENTAL AND DESIGN REVIEW ANY PUBLIC ART PROJECTS THAT UNDERGO REVIEW THROUGH A SEPARATE REVIEW PROCESS ESTABLISHED BY THE CITY FOR THAT PURPOSE

**WHEREAS**, City staff is working to establish a program to allow public arts projects on public and private properties within the City subject to a specially established City approval process; and

**WHEREAS**, under existing provisions of Chapter 14.25 of the San Rafael Municipal Code, art projects and/or installations on private properties, which could be considered to be public arts projects under the City's new public arts program, are required to obtain Environmental and Design Review approval prior to installation; and

**WHEREAS**, the City Council wishes to establish a unified process for approval of public arts projects on both public and private properties within the City; and desires this separate process to be used to review and approve public arts projects on private property rather than the Environmental and Design Review process; and

**WHEREAS**, the City Council finds that adoption of this ordinance would make minor alterations to the process for administrative review of murals and other art installations in the City, and is therefore categorically exempt from environmental review pursuant to the California Environmental Quality Act ("CEQA") Guidelines Section 15305 exempting minor alterations in land use limitations; and

**WHEREAS**, the City Council further finds:

1. The amendments to San Rafael Municipal Code Section 14.25.040 are consistent with the following policies and programs of the San Rafael General Plan 2020 as follows:
  - a. General Plan Policy CA-3-Cultural and Arts Programs and Activities encourages opportunities for both public and private cultural arts programs and activities addressing the needs and interests of the whole community
  - b. General Plan policy CA-6 -Community Art, *Encourage community art projects that create a greater understanding and appreciation of art and artists through community involvement.*
  - c. General Plan Program CA-6b-Mural Review, supports reevaluation of the City's mural review process. The proposed amendment will allow the city to initiate a pilot program that will test a local arts process for review of private and public installation of public arts projects.

2. The proposed amendments are consistent with the following DRAFT GP2040 policies and programs:
  - a. Policy AC-1.2: Arts Programming, which states: *Encourage and support an array of cultural arts programs and activities addressing the needs and interests of the whole community.*
  - b. Policy AC-1.4: Inclusive Activities, which states: *Encourage activities, entertainment and events that reflect San Rafael's diverse cultural heritage and population. Programming should be inclusive of all ages, ethnicities, genders, abilities, and socio- economic groups. Participation in the arts should be supported as a way to promote intercultural understanding, and to bridge differences and forge unity. All residents should have access to arts and cultural activities.*
  - c. Policy AC-1.5: Public Art, which states: *Promote a stimulating and engaging environment through the greater display of public art, including both temporary and permanent works. Locations throughout the city should be considered.*
  - d. Program AC-1.5A: Art in Public Places. Evaluate the feasibility of an Art in Public Places Ordinance (or “percent for art” program) that would establish a funding source and/or mechanism for increasing public art. Strive for solutions that maximize flexibility in the way funds are collected and used.
  - e. Program AC-1.5B: Community-Based Outdoor Art Installations, which states: *Support participatory public art projects that engage the community, such as murals, 3D art, and street painting. Such projects should foster a greater understanding of local cultures, arts, and history and provide an opportunity to express neighborhood identity.*
  - f. Policy AC-1.8: Arts and the Local Economy which states *Recognize the value of the arts to the economy of the city, and the role of the arts in community revitalization.*
  - g. Policy AC-1.9: Arts-Supportive Environment, which states: *Create an environment that is supportive to arts professionals.*
3. The public health, safety and general welfare are served by adoption of the proposed amendments, in that the amendments would provide opportunity for the City to establish a path to implement General Plan policies related to cultural and art programs that are inclusive of the whole San Rafael Community; and would allow opportunity to create a pilot program that could be used to review public arts projects;

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

**DIVISION 1: AMENDMENT.**

Section 14.25.040 of the San Rafael Municipal Code, entitled “Improvements Subject to Design Review” is hereby amended by amending subsection A (“Major Physical Improvements”) thereof to read in its entirety as follows:

**A. Major Physical Improvements.**

1. New construction on vacant property, including, but not limited to:
  - a. Any residential structure located within one hundred (100) vertical feet of a ridgeline,
  - b. Residential structures with three (3) or more dwelling units, and boarding houses,
  - c. Residential structures as required by subdivision or zoning approvals,
  - d. Offices, retail and industrial structures,
  - e. Public, quasi-public, religious, social and similar community structures,
  - f. Marinas and yacht clubs;
2. Modifications to existing structures, including, but not limited to:
  - a. Additions to multifamily residential structures with three (3) or more units, where the addition constitutes more than forty percent (40%) of the total square footage of the building,
  - b. Additions and alterations to existing nonresidential structures where the addition is greater than forty percent (40%) of the existing square footage. (Note: The community development director may determine that an addition or alteration greater than forty percent (40%) which has a minor impact on the visual character or function of a building is subject to a minor design review permit.),
  - c. Relocation of a nonresidential structure, or of a residential structure with three (3) or more existing dwelling units,
  - d. Second dwelling units, as prescribed by Section 14.16.285.C.9;
3. Major site design improvements, including but not limited to:
  - a. Subdivisions located on properties with an average slope of twenty-five percent (25%) or greater, or with a general plan land use designation of hillside residential or hillside resource residential,
  - b. Cutting of one thousand (1,000) or more cubic yards per site per year, or fill of two thousand (2,000) or more cubic yards per site per year. (Exempt: Where removal is being done in accordance with an approved and legally effective tentative and/or final subdivision map, and a legally

effective building permit.) (Note: A use permit is also required where the principal use proposed is cutting or filling.),

- c. Landscaping as part of a development subject to major environmental and design review,
  - d. Circulation and parking and loading facilities for pedestrians, bicycles and motor vehicles on a development subject to major environmental and design review,
  - e. Signs for a development subject to environmental and design review. The sign permit application shall be reviewed for location, size and type of signs concurrently with the design review application. See Chapter 14.19, Signs;
- 4. Development subject to review as a major physical improvement pursuant to any other provision of this title;
  - 5. Mural signs painted on the exterior surface of a wall of an existing or new structure;
  - 6. Wireless telecommunications facility, as prescribed under Section 14.16.360.B.

## **DIVISION 2: AMENDMENT.**

Section 14.25.040 of the San Rafael Municipal Code, entitled “Improvements Subject to Design Review” is hereby amended by amending subsection D (“Exempt from Design Review”) thereof to read in its entirety as follows:

### **D. Exempt from Design Review.**

- 1. Single-family dwellings when sited on individual lots with frontage on a public street and not otherwise subject to design review as listed above;
- 2. Ordinary maintenance and repairs;
- 3. New decks or additions to decks, except where review is required for decks located in hillside areas as prescribed in Section 14.25.040.C, above;
- 4. Installation of solar panels on existing structures or grounds, as provided under state law and in compliance with all applicable development standards;
- 5. Public art installations on public or private property approved through a City-established public art program. For purposes of this section (14.25.040), “public art” is defined as all forms of art including, but not limited to: sculptures, murals, mosaics, and fountains, which are located on the exterior of a publicly owned facility or on a privately owned property when such artwork is placed in a location intended to be visible to the general public;

6. The community development director may declare improvements which have been determined to be minor or incidental within the intent and objectives of this chapter to be exempt from review.

### **DIVISION 3: 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.

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KATE COLIN, Mayor

ATTEST:

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LINDSAY LARA, City Clerk

The foregoing Ordinance No. 1991 was introduced at a regular meeting of the City Council of the City of San Rafael on February 16, 2021 and ordered passed to print by the following vote, to wit:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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 1<sup>st</sup> day of March, 2021.

LINDSAY LARA, City Clerk

## **SUMMARY ORDINANCE NO. 1991**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AMENDING SAN RAFAEL MUNICIPAL CODE SECTION 14.25.040 EXEMPTING FROM ENVIRONMENTAL AND DESIGN REVIEW ANY PUBLIC ART PROJECTS THAT UNDERGO REVIEW THROUGH A SEPARATE REVIEW PROCESS ESTABLISHED BY THE CITY FOR THAT PURPOSE**

This Summary concerns a proposed ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 1991, which will amend Sections 14.25.040 of the San Rafael Municipal Code. Ordinance No. 1991 is scheduled for adoption by the San Rafael City Council at its regular meeting of March 1, 2021. The City Clerk has been directed to publish this Summary pursuant to City Charter and California Government Code section 36933(c)(1).

### **SUMMARY OF AMENDMENT TO MUNICIPAL CODE**

The Ordinance will amend the San Rafael Municipal Code Sections 14.25.040 (Environmental and Design Review) defining public arts projects and exempting from Environmental and Design Review any public art projects that undergo review through a separate review process established by the city for that purpose. The City is setting up a pilot public art project to review and approve public art installations on both public and private property. The ordinance is being amended to provide that public art projects will be subject to approval through that separate process rather than through the current Environmental and Design Review process, with the goal of having a unified process for all public art projects.

Copies of Ordinance No. 1991 will be available for public review by request at [city.clerk@cityofsanrafael.org](mailto:city.clerk@cityofsanrafael.org), and on the City's website: <https://www.cityofsanrafael.org>.

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LINDSAY LARA

San Rafael City Clerk

Dated: 2/19/2021



**SAN RAFAEL**  
THE CITY WITH A MISSION

**Agenda Item No: 5.d**

**Meeting Date: March 1, 2021**

## **SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: FINANCE**

**Prepared by: Nadine Atieh Hade,  
Finance Director**

**City Manager Approval:** \_\_\_\_\_

**TOPIC: INTERIM FINANCIAL UPDATE AND BUDGET AMENDMENTS TO REFLECT  
OPERATIONAL ACTIVITY; MID-YEAR PERSONNEL CHANGES**

**SUBJECT: (1) FIRST FISCAL YEAR 2020-2021 INTERIM FINANCIAL UPDATE  
(2) RESOLUTION ADOPTING AMENDMENTS TO THE 2020-2021 BUDGET  
(3) MID-YEAR PERSONNEL CHANGES**

**RECOMMENDATION:** Adopt Resolution

**BACKGROUND:** The Finance Department performs an ongoing review of the City's financial performance and provides updates on the City's financial condition to City Management. This report presents the City's financial condition in the current fiscal year (2020-2021) based on actual revenue and expenditure performance for the period July 1 through December 31, 2020, and budget actions taken through February 16, 2021, as compared to the budget approved by City Council on June 15, 2020.

Based on this review and analysis, revisions are recommended to address the following categories:

- (1) Revenue projections
- (2) Expenditure plan changes

In addition, budget neutral personnel changes are being recommended for mid-year implementation.

### **ANALYSIS:**

#### **GENERAL FUND:**

#### ***Revenues and Other Sources:***

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

There have been no recommended changes to revenue and other funding sources since the budget was approved. Based on the activity of the first six months of the fiscal year, staff is forecasting increased revenues of approximately \$5,500,000.

This increase is attributed to :

1. The sales and use tax ballot measure which was approved on November 3, 2020. The tax becomes effective April 1, 2021 in which the increase in sales and use tax rate of 0.25% is estimated to generate revenues of \$1,000,000 for the remainder of the fiscal year.
2. Approximately \$739,000 of Coronavirus relief funds were received through the CARES Act. These funds were not accounted for during the preparation of the budget as the status of federal aid was still an unknown. This funding source is considered “one-time” in nature versus “ongoing” as the City will not be able to rely on State or Federal aid to fund ongoing operations.
3. Higher than anticipated sales and use tax receipts received for the first five months of the fiscal year as a result of strong auto sales, as well as building and construction activities that were expected to be more negatively impacted by the ongoing pandemic. Lost revenues associated with sales of general consumer goods and the hospitality sector have been offset by increased allocations from the county pool, a reflection of the large shift to e-commerce activity during the pandemic. Overall, total sales and use tax remittances to date are performing better than what was originally predicted by economists, sales tax consultants, and local and state agencies. For the state of California, the federal aid (stimulus checks and extra unemployment dollars) has played a significant role. Although the pandemic has caused substantial financial losses on a standalone basis, the assistance of Federal aid has lessened the damaging impact on the economy for the time being.

### **Expenditures and Other Uses:**

Now that the Public Safety Center is fully operational, staff forecasts total utility and janitorial costs associated with the new building to be approximately \$275,000 for the fiscal year ending June 30, 2021. Staff requests a portion of the additional revenue noted above be appropriated to provide sufficient appropriations for our public safety operations.

The Police Department received a grant for bulletproof vest purchases in the amount of \$8,443. The grant requires a match from the General Fund. Staff recommends decreasing expenses in the Police Department budget of \$8,443 and transferring that amount to account for the match in Fund 281 – safety grants fund.

Lastly, Staff also notes that projected surplus revenues of \$242,248 will be used to replenish the emergency fund to restore it to the 10% level it should have been for the Fiscal Year ending June 30, 2020 and an additional estimated \$257,000 to adhere to the 10% policy for the current year.

As part of the approved Fiscal Year 2020-21 Budget, expenses were reduced by \$6,686,000 as the City was preparing for revenue losses and acted immediately to reduce expenses. Although the first six months of the fiscal year revenue losses have not been as substantial as originally estimated, Staff recommends the City continue its efforts in adhering to the expense reductions as the long-term impacts of the pandemic are still not fully known and are still expected to result in a future economic downturn.

### **Operating Results:**

The proposed increase to revenues of \$5,500,000, in addition to the proposed increase in appropriations of \$275,000, brings the recommended changes to a net result of a positive \$3,042,072

for Fiscal Year 2020-21. With the replenishment to the Emergency reserve fund in the amount of \$499,248, net unassigned funds, otherwise known as surplus, are expected to be \$2,542,824 at year-end. See Table 1 for additional details.

As mentioned earlier, Staff feels it is prudent to reserve as much of these funds as possible as economists are now predicting a downturn in the economy shortly after Federal and State aid is no longer provided to stimulate the economy. Additionally, the City has several competing needs with inadequate funding sources. A few examples include a storm water pump that has exceeded its useful life and needs to be replaced with an estimated cost of \$2.5 - \$3.0 million, dredging requirements with an estimated cost of \$1.0 - \$1.5 million, City owned park and building maintenance, vehicle replacement, and adequately setting money aside for economic recovery, racial justice, homelessness and housing, environmental sustainability, and employee compensation needs, among other internal goals.

Table 1 Summarizes the status of the General Fund.

*Table 1*

<b>General Fund</b>	<b>Adopted Budget FY 2020-21</b>	<b>Approved Changes</b>	<b>Current Budget</b>	<b>Proposed Changes</b>	<b>Revised Budget</b>
<b>Revenues</b>	75,483,680	-	75,483,680	5,500,000	80,983,680
Transfers in	3,914,620		3,914,620	-	3,914,620
<b>FY20-21 Resources</b>	<b>79,398,300</b>	<b>-</b>	<b>79,398,300</b>	<b>5,500,000</b>	<b>84,898,300</b>
FY19-20 P.O. reserve	-	-	-	-	-
<b>Total Resources</b>	<b>79,398,300</b>	<b>-</b>	<b>79,398,300</b>	<b>5,500,000</b>	<b>84,898,300</b>
<b>Expenditures</b>	79,581,228	-	79,581,228	266,557	79,847,785
P.O. Rollover	-	-	-	-	-
Operating Transfer out	2,000,000	-	2,000,000	8,443	2,008,443
<b>Total Appropriations</b>	<b>81,581,228</b>	<b>-</b>	<b>81,581,228</b>	<b>275,000</b>	<b>81,856,228</b>
<b>Net Result</b>	<b>(2,182,928)</b>	<b>-</b>	<b>(2,182,928)</b>	<b>5,225,000</b>	<b>3,042,072</b>
<b>Allocations</b>					
Use/(Source) of Emergency Reserves	2,182,928	-	2,182,928	(2,682,176)	(499,248)
Unassigned Funds Available	-	-	-	-	<b>2,542,824</b>

Since fiscal year 20-21 budget adoption, there have been no approved changes to the general fund revenues, expenditures, or transfers out.

The changes to General Fund Resources and Appropriations are summarized in Tables I and II of Exhibit I to the attached Resolution.

#### **OTHER FUNDS:**

The adopted budgeted appropriations for Other Funds, including carryforward of funds approved in prior years and changes approved since July 1, 2020, total \$83,986,923. These expenditures are primarily in the areas of infrastructure and maintenance (e.g., streets, storm drain and buildings). Key projects contributing to the use of funds are: Francisco Boulevard East Sidewalk Improvements, Francisco Boulevard West Multi-Use Path, and street resurfacing.

Proposed changes to the Other Funds revenues, expenditures and transfers are detailed in Table 2:

*Table 2*

<b>Resources:</b>	
<b>Total proposed changes to revenues/transfers in:</b>	
Marin County Stormwater Pollution Prevention Program – funds transferred to the Gas Tax Fund (206) to provide design and environmental engineering services related to installation of a full trash capture device in the Canal neighborhood.	\$30,000
Police – funds transferred from the general fund as the City's match for the Bulletproof Vest Program Grant.	8,443
<b>Uses:</b>	
Marin County Stormwater Pollution Prevention Program – funds transferred from the Stormwater Fund (205) to the Gas Tax Fund (206) to provide design and environmental engineering services related to installation of a full trash capture device in the Canal neighborhood.	30,000
Police – funds transferred from the general fund as the City's match for the Bulletproof Vest Program Grant.	8,443
<b>Total proposed changes to uses/transfers out:</b>	<b>\$38,443</b>
<b>Net proposed changes to Other Funds (Resources less Uses):</b>	<b>0</b>
Expenditures and Transfers out as adopted fiscal year 2020-21	\$66,169,462
Expenditures and Transfers out as adjusted through Jan 21, 2020	\$83,986,923
Expenditures and Transfers out with proposed changes	\$84,025,366

There is no net impact of all proposed changes on Other Funds. The changes are comprised of additional appropriations for police equipment for a vest grant and transfer in from the General Fund of the required matching amount as well as a transfer from the Stormwater Fund to the Gas Tax Fund as part of eligible funding for a project.

Table 3 presents the adopted budget, approved changes and proposed changes to the FY2020-21 Other Funds budget.

*Table 3*

<b>Other Funds</b>	<b>Adopted Budget FY 2020-21</b>	<b>Approved Changes</b>	<b>Current Budget</b>	<b>Proposed Changes</b>	<b>Revised Budget</b>
<b>Revenues</b>	48,332,616	-	48,332,616	-	48,332,616
Transfers in	2,305,394	-	2,305,394	38,443	2,343,837
<b>FY20-21 Sources</b>	<b>50,638,010</b>	-	<b>50,638,010</b>	<b>38,443</b>	<b>50,676,453</b>
<b>FY19-20 Rollover</b>		<b>13,742,461</b>	<b>13,742,461</b>		<b>13,742,461</b>
<b>Total Resources</b>	<b>50,638,010</b>	<b>13,742,461</b>	<b>64,380,471</b>	<b>38,443</b>	<b>64,418,914</b>
<b>Expenditures</b>	61,949,447	17,817,461	79,766,908	8,443	79,775,351
Transfer out	4,220,015	-	4,220,015	30,000	4,250,015
<b>Total Appropriations</b>	<b>66,169,462</b>	<b>17,817,461</b>	<b>83,986,923</b>	<b>38,443</b>	<b>84,025,366</b>
<b>Net Results</b>	<b>(15,531,452)</b>	<b>(4,075,000)</b>	<b>(19,606,452)</b>	-	<b>(19,606,452)</b>

These proposed changes to Other Fund Sources and Appropriations are presented in Table III of Exhibit I to the attached Resolution.

#### **CITY-WIDE APPROPRIATIONS SUMMARY:**

The following table summarizes the impact of the recommended appropriation and transfer out changes across all funds. The approved changes reflect the updates made during the fiscal year by specific staff reports and resolutions approved by Council and a roll forward of prior year projects already approved that span over a period longer than one year.

*Table 4*

<b>All Funds</b>	<b>Adopted Budget FY 2020-21</b>	<b>Approved Changes</b>	<b>Current Budget</b>	<b>Proposed Changes</b>	<b>Revised Budget</b>
General Fund	81,581,228	-	81,581,228	275,000	81,856,228
Other Funds	66,169,462	17,817,461	83,986,923	38,443	84,025,366
<b>Total Expenditures and transfers</b>	<b>147,750,690</b>	<b>17,817,461</b>	<b>165,568,151</b>	<b>313,443</b>	<b>165,881,594</b>

#### **Proposed Personnel Changes:**

This section of the report seeks Council consideration of recommended personnel actions. Periodically, the Human Resources Department seeks to establish, reallocate, or delete positions to reorganize or restructure staffing to most effectively and efficiently serve the community and city goals.

During this mid-year budget review, Staff is recommending a few changes in the Engineer series job description. The Assistant Civil Engineer position currently requires licensure as a registered civil engineer, Staff propose removing this requirement for the following reasons:

- The change would allow for faster upward mobility for Junior Engineers who have not yet become a registered civil engineer, or are otherwise not yet fully qualified as an Associate Civil Engineer;
- The unlicensed Assistant Engineer position is common in other agencies and allows the City of San Rafael and the San Rafael Sanitary District to better compete for qualified Assistant Engineers in our recruitments; and

- The change assists in retaining staff who otherwise may consider employment elsewhere with an agency that does not have the licensure requirement.

With the removal of licensure as a registered civil engineer requirement, Staff also propose to modify the position name from Assistant Civil Engineer to Assistant Engineer.

Lastly, Staff is recommending the elimination of the Senior Associate Engineer position, currently vacant. This position was created to fit a unique need at a time and that need no longer exists. The City will not backfill this engineering position but instead, will staff similar work using the Junior Engineer, Assistant Engineer, or the Associate Civil Engineer job series.

These changes are administrative in nature and do not result in a change in headcount nor do they have an impact on the net cost. Furthermore, the WCE bargaining unit has been noticed of this intent of personnel change and staff will meet all requirements of the Meyers Milias Brown Act (MMBA) prior to implementing this change.

**RECOMMENDED ACTION:** Adopt Resolution.

**ATTACHMENTS:**

- Resolution with attached Exhibit "I"
- Proposed Personnel Changes
  - 2021 WCE Salary Schedule
  - Department of Public Works Engineer Series Job Description

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN  
RAFAEL ADOPTING AMENDMENTS TO THE 2020-2021 BUDGET**

**WHEREAS**, the City Council approved Resolution No. 14830 adopting the fiscal year 2020-2021 budget; and

**WHEREAS**, the changes in available funding sources and operational needs require adjustments to some City budgets; and

**WHEREAS**, existing and anticipated staffing vacancies provide opportunities to address changing personnel needs and, following a review by departments and human resources, have resulted in proposed staffing and position changes; and

**WHEREAS**, it is the intention of this Council to review recommendations from staff regarding the City's financial and operational condition, including revenue projections, expenditure plan changes, staffing considerations; and

**WHEREAS**, after examination, deliberation and due consideration, the City Council has approved the staff report and recommendations and directs the City Manager to proceed with the implementation of these recommendations;

**NOW, THEREFORE, BE IT RESOLVED**, by the San Rafael City Council that Resolution No. 14830 for fiscal year 2020-2021 is amended to increase total general fund revenues to \$80,983,680, general fund expenditures to \$79,847,785, increase other fund expenditures to \$79,775,351 as well as transfers in and transfer out as represented on Exhibit I Table I, II and III attached hereto; These changes result in City-wide General Fund appropriations of \$81,856,228 and other fund appropriations of \$84,025,366 as summarized on Exhibit I Table IV; and

**BE IT FURTHER RESOLVED**, by the San Rafael City Council that the following personnel actions with no increase to headcount or funding are approved and authorized:

Effective on or after March 1, 2021 -

- A. Eliminate Senior Associate Engineer Position
- B. Change job description for the Engineer series

**I, LINDSAY LARA**, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of said City on Monday, the 1<sup>st</sup> of March 2021, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

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

TABLE I

## CHANGES TO GENERAL FUND REVENUES AND OTHER SOURCES

General Fund	Adopted Budget FY 2020-21	Approved Changes	Current Budget	Proposed Changes	Revised Budget
<b>Revenues</b>	75,483,680	-	75,483,680	5,500,000	80,983,680
Transfers in	3,914,620	-	3,914,620	-	3,914,620
<b>FY20-21 Resources</b>	<b>79,398,300</b>	<b>-</b>	<b>79,398,300</b>	<b>5,500,000</b>	<b>84,898,300</b>
FY19-20 Rollover	-	-	-	-	-
<b>Total Resources</b>	<b>79,398,300</b>	<b>-</b>	<b>79,398,300</b>	<b>5,500,000</b>	<b>84,898,300</b>

TABLE II

## CHANGES TO GENERAL FUND EXPENDITURES AND OTHER USES

General Fund	Adopted Budget FY 2020-21	Approved Changes	Current Budget	Proposed Changes	Revised Budget
<b>Expenditures</b>	79,581,228	-	79,581,228	266,557	79,847,785
Transfer out	2,000,000	-	2,000,000	8,443	2,008,443
Transfer out-CIP	-	-	-	-	-
<b>Total Appropriations</b>	<b>81,581,228</b>	<b>-</b>	<b>81,581,228</b>	<b>275,000</b>	<b>81,856,228</b>

TABLE III

## CHANGES TO OTHER FUND EXPENDITURES AND OTHER USES

Other Funds	Adopted Budget FY 2020-21	Approved Changes	Current Budget	Proposed Changes	Revised Budget
<b>Revenues</b>	48,332,616	-	48,332,616	-	48,332,616
Transfers in	2,305,394	-	2,305,394	38,443	2,343,837
<b>FY20-21 Resources</b>	<b>50,638,010</b>	<b>-</b>	<b>50,638,010</b>	<b>38,443</b>	<b>50,676,453</b>
<b>FY19-20 Rollover</b>		<b>13,742,461</b>	<b>13,742,461</b>		<b>13,742,461</b>
<b>Total Resources</b>	<b>50,638,010</b>	<b>13,742,461</b>	<b>64,380,471</b>	<b>38,443</b>	<b>64,418,914</b>
<b>Expenditures</b>	61,949,447	17,817,461	79,766,908	8,443	79,775,351
Transfer out	4,220,015	-	4,220,015	30,000	4,250,015
<b>Total Appropriations</b>	<b>66,169,462</b>	<b>17,817,461</b>	<b>83,986,923</b>	<b>38,443</b>	<b>84,025,366</b>
<b>Net Results</b>	<b>(15,531,452)</b>	<b>(4,075,000)</b>	<b>(19,606,452)</b>	<b>-</b>	<b>(19,606,452)</b>

TABLE IV

## CITY-WIDE APPROPRIATION SUMMARY

All Funds	Adopted Budget FY 2020-21	Approved Changes	Current Budget	Proposed Changes	Revised Budget
General Fund	81,581,228	-	81,581,228	275,000	81,856,228
Other Funds	66,169,462	17,817,461	83,986,923	38,443	84,025,366
<b>Total Expenditures</b>	<b>147,750,690</b>	<b>17,817,461</b>	<b>165,568,151</b>	<b>313,443</b>	<b>165,881,594</b>

**WCE - San Rafael**  
**Salary Schedule**  
**Effective January 1, 2021**

**Note:** The Salary Schedule below reflects a 3% furlough reduction for FY 20/21

Grade	Position	A	B	C	D	E
<del>7227</del> 7333	Assistant Civil Engineer	\$ 7,250	\$ 7,612	\$ 7,993	\$ 8,392	\$ 8,812
7229	Associate Civil Engineer	\$ 8,003	\$ 8,403	\$ 8,823	\$ 9,264	\$ 9,727
7277	Engineering Technician I	\$ 5,138	\$ 5,395	\$ 5,665	\$ 5,948	\$ 6,245
7230	Engineering Technician II	\$ 5,806	\$ 6,097	\$ 6,401	\$ 6,721	\$ 7,057
7330	Junior Engineer	\$ 5,806	\$ 6,097	\$ 6,401	\$ 6,721	\$ 7,057
<del>7228</del>	<del>Senior Associate Engineer</del>	<del>\$ 7,617</del>	<del>\$ 7,997</del>	<del>\$ 8,397</del>	<del>\$ 8,817</del>	<del>\$ 9,258</del>
2311	Senior Civil Engineer (PW)	\$ 9,267	\$ 9,731	\$ 10,217	\$ 10,728	\$ 11,265
7331	Traffic Engineer	\$ 8,003	\$ 8,403	\$ 8,823	\$ 9,264	\$ 9,727
4793	Traffic Technician I	\$ 5,138	\$ 5,395	\$ 5,665	\$ 5,948	\$ 6,245
4792	Traffic Technician II	\$ 5,806	\$ 6,097	\$ 6,401	\$ 6,721	\$ 7,057

**City of San Rafael  
Job Class Specification**

**Job Title:**    **Associate Civil Engineer**  
                     **Assistant ~~Civil~~ Engineer**  
                     **~~Senior Associate Engineer~~**  
                     **Junior Engineer**

**SUMMARY**

Under direct and general supervision, positions in this flexibly staffed series perform field and office professional civil engineering work in the planning, design, technical investigation, inspection and construction of projects in several areas of public works and civil engineering.

**DISTINGUISHING CHARACTERISTICS:**

This is a flex class job series. Placement of individual incumbents within the series depends on the needs of the City and will be based on a combination of factors including education, years and type of experience, and designation or work in progress and the Professional Registration as a licensed civil engineer in California or Engineer in Training (EIT) certification. Years with the City in itself will not be the deciding criteria for placement in the series.

The Associate Civil Engineer is the journey level classification in the engineering job class series. This job class requires registration as a licensed civil engineer and 4 years of responsible post degree engineering experience (a master's degree shall count for 1 year of post degree engineering experience). Under direction, an Associate Civil Engineer performs difficult and complex engineering work and may serve as a supervisor to a small group of engineers and/or paraprofessional engineering staff. The position calls for a high degree of initiative, technical proficiency, and judgement. The Associate Civil Engineer is distinguished from the lower class of Assistant Civil Engineer by the level of responsibility, difficulty and variety of engineering work performed. An Associate Civil Engineer is normally responsible for all phases of multiple projects or programs whereas an Assistant Civil Engineer is responsible for one or more individual projects within a program.

The Assistant ~~Civil~~ Engineer is the initial ~~licensed~~ classification in the engineering job class series requiring EIT and two years of Junior Engineer level experience (a master's degree shall count for 1 year of post degree engineering experience).~~registration as a civil engineer.~~ Under general supervision, this position performs engineering work in the design, plan review, investigation, inspection and construction of public works or private development projects, and performs related duties as assigned. The Assistant ~~Civil~~ Engineer may oversee the work of contractors for assigned projects and may act as the lead engineer in administrative or technical support performing tasks on the same assigned projects.

~~The Senior Associate Engineer is the advance working level classification in this engineering job class series and does not require licensure by the State of California as a registered civil engineer. This job requires a Bachelor of Science (BS) degree in Civil Engineering and either, 1) Engineer in Training (EIT) certification and five years post degree experience in progressively responsible engineering work, OR 2) 15 years of experience in progressively responsible engineering work. Work review is occasional during progress and upon completion. Normally, employees in this job class are responsible for handling work problems of above average difficulty.~~

The Junior Engineer is the entry level engineer classification. The position requires a BS degree in Civil Engineering and does not require any formal work experience or engineering certification.

**ESSENTIAL DUTIES AND RESPONSIBILITIES** may include, but are not limited to the following. For Junior Engineer, duties are performed at the entry engineer level; ~~for Senior Associate Engineer, duties are more complex and technical, at the advanced working level;~~ for Assistant Civil Engineer, ~~duties are performed at the mid-level professional engineer duties performed~~ requiring more independence and judgment utilizing knowledge ~~and work experience of a licensed civil engineer;~~ for Associate Civil Engineer, professional and licensed engineer duties are performed at the full journey level:

- Develops Requests for Qualifications (RFQs) and participate with other department staff in the selection of consulting engineers.
- Prepares and/or assists in the preparation of plans, specifications and estimates pertaining to construction projects.
- Interprets plans and specifications.
- Makes engineering calculations, completes design drawings, makes and revises maps, charts and diagrams.
- Conducts pre-construction meetings with contractors to establish job requirements, i.e., timing, noise level, traffic impact.
- Performs field inspections of various municipal construction projects, in progress and upon completion.
- Prepares written reports on civil engineering issues/projects for the department.
- Meets with a variety of public and private officials, individually and/or in a group setting, on civil engineering matters.
- Research and make recommendations on civil engineering issues/problems.
- Performs project management on Capital Projects during the design, environmental, bidding, and construction phases of the project.
- Performs Resident Engineer duties on Capital Projects during construction.
- Performs inspection and enforcement duties to ensure compliance with applicable design standards, specifications, contracts and legal documents, codes and ordinances.
- Meets with State, Federal, Local Districts, Agencies, consultants, and engineers to discuss project guidelines, design parameters, policies and procedures.
- Performs work in accordance with local, State, and Federal standards and regulations.
- Designs and prepares plans and specifications and cost estimates for a variety of public works projects, including but not limited to streets, storm drains, bridges, parks, traffic signals, parking lots, water facilities, infrastructure improvements and other public facilities. Researches project design requirements, performs calculations, prepares estimates of time and materials costs and determines sequencing and detour requirements.
- Serves as Project Engineer (size and complexity based on classification), including serving as design team leader, handling contract administration and providing design support for the inspector during construction.
- Review plans and maps submitted by private developers for conformity with laws, ordinances, City imposed requirements and accepted professional standards with the goal of protecting the health, safety, and welfare of the community. Performs certain administrative duties associated with private development approvals such as preparing agreements, collecting fees, obtaining dedications, and coordinating with other agencies and City departments.
- Investigates field problems affecting the public, property owners, contractors and maintenance operations; collects the necessary data or assigns the collection of data to technical personnel;

develops recommendations and meets with the appropriate parties to discuss and implement recommendations.

- Provides engineering information, including City requirements related to property improvements, to the public and other City departments. Arranges and participates in conferences with other engineers, developers and the general public on engineering problems.
- Assigns investigation, design and drafting tasks to subordinates, reviews completed work and assists in the developing solutions to difficult problems.
- Develops revised design and construction standards for public facilities.
- Researches publications and industry information sources and attends conferences and continuing education courses to keep abreast of new developments in the field of public works engineering.
- Prepares special engineering studies and reports, including but not limited to construction diaries, progress payments, state and federal paperwork associated with grant funding and permitting, staff reports and duties as assigned.
- Participates in engineering inspection and survey activities.
- Prepares written recommendations, correspondence and reports on assigned projects.
- May attend and present information at public meetings.
- Performs related duties as required.

#### **KNOWLEDGE OF:**

- Principles and practices of civil engineering and surveying.
- Basic methods and equipment used in civil engineering construction.
- Thorough knowledge of principles and practices of civil engineering and surveying; and working methods and equipment used in civil engineering construction; pertinent Federal, State, and local rules, regulations and ordinances; and computer applications relating to civil engineering.
- Modern Civil Engineering tools and equipment including a PC and related software, including but not limited to AutoCad or similar drawing software.

#### **ABILITY TO:**

- Analyze engineering problems.
- Present clear, concise written and verbal reports.
- Dealing effectively with other engineers, other City and agency staff, private contractors, and the ~~general~~ public.
- Use modern Civil Engineering Equipment including a PC and related software.
- Communicate effectively with a wide range of citizens, other City and agency staff, private contractors both in oral and written format.
- Analyze civil engineering problems, evaluate alternatives, and reach sound conclusions.
- Prepare clear, concise, and accurate reports, records, and correspondence.
- Complete mapping and drafting assignments.
- Establish and maintain effective and collaborative working relationships.
- Inspect public works construction projects.

#### **EDUCATION AND EXPERIENCE:**

See “distinguishing characteristics” for education and/or experience required for the job classes within this series.

## **LICENSES:**

A valid drivers' license is required for all job classes in the engineering series. Associate Civil Engineer ~~and Assistant Civil Engineer requires~~ registration as a Civil Engineer in the State of California. ~~Assistant Engineer require an EIT. Senior Associate Engineer requires certification as an Engineer in Training in the State of California, if relevant engineering work experience is less than 15 years.~~

## **LANGUAGE SKILLS:**

Ability to read, analyze, and interpret general business periodicals, professional journals, technical procedures, or governmental regulations. Ability to write reports, business correspondence, and procedure manuals. Ability to effectively present information and respond to questions from groups of managers, clients, customers, and the ~~general~~ public.

## **MATHEMATICAL SKILLS:**

Ability to work with mathematical concepts such as probability and statistical inference, and fundamentals of plane and solid geometry and trigonometry. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.

## **REASONING ABILITY:**

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form.

## **PHYSICAL DEMANDS:**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to sit; use hands to finger, handle, or feel; and talk or hear. The employee frequently is required to stand, walk, reach with hands and arms, and taste or smell. The employee is occasionally required to climb or balance and stoop, kneel, crouch, or crawl. The employee must frequently lift and/or move up to 25 pounds and occasionally lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and ability to adjust focus.

## **WORK ENVIRONMENT:**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

**Hazards:** Hazards are moderate, ~~fairly~~ predictable and protected against.

FLSA Status:	Nonexempt
Prepared By:	Nash & Co.
Prepared Date:	January 2001
Approved By:	City of San Rafael
Updated:	September 2016
<u>Updated:</u>	<u>December 2020</u>



**SAN RAFAEL**  
THE CITY WITH A MISSION

**Agenda Item No: 5.e**

**Meeting Date: March 1, 2021**

## **SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: Department of Public Works**

**Prepared by: Bill Guerin, Public Works Director**      **City Manager Approval:** 

**TOPIC: FIRE STATIONS 54 AND 55 CONTRACTOR PREQUALIFICATION PROCEDURES - ESSENTIAL FACILITIES PROJECTS**

**SUBJECT: RESOLUTION APPROVING USE OF A PREQUALIFICATION PROCESS AND AUTHORIZING THE CITY MANAGER AND ASSISTANT CITY MANAGER TO ACT AS THE PREQUALIFICATION APPEALS PANEL FOR THE FIRE STATION 54 AND FIRE STATION 55 PROJECTS**

**RECOMMENDATION:** Adopt the resolution approving the use of a prequalification process and authorizing the City Manager and Assistant City Manager to act as the prequalification appeals panel for the Phase 2 Essential Facilities projects (Fire Station 54 and Fire Station 55).

**BACKGROUND:** Measure E passed on November 5, 2013 extending for 20 years an existing 0.5% sales tax and increasing it by 0.25%. On February 3, 2014, the San Rafael City Council directed staff to set aside the revenues from the added quarter percent to begin to address our aging essential facilities. On July 20, 2015, the City Council unanimously approved an Essential Facilities Strategic Plan. The plan calls for seismic and operational Upgrades to Fire Stations 54 and 55.

The designs for Fire Stations 54 and 55 have been approved by the Planning Commission and Design Review Board and are nearing completion. The projects are to be bid for construction as a single project, beginning with the selection of a general contractor. San Rafael Municipal Code, Chapter 11.50, generally requires that public works projects be competitively bid under the traditional low bid design-bid-build procedure and staff intends to follow that procedure for this project.

Public Contract Code Section 20101 allows public agencies to require licensed contractors that wish to bid for public works jobs to “prequalify” for the right to bid on a specific public works project. Essential facilities such as Fire Stations 54 and 55 are highly complex and critical public safety buildings serving the public’s needs. Staff and the City’s consultants recommend selecting highly qualified general contractors that have had experience in building similar essential facilities and can demonstrate certain specific qualifications needed for the essential facilities projects, including: a strong team; experience with projects of similar size, complexity and quality; strong references from previous clients; a strong safety record; and a record of collaborative and litigation-free delivery of previous projects. To ensure highly qualified

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

## **SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2**

general contractors for the Fire Stations 54 and 55 projects, staff recommends a contractor prequalification process for these projects.

**ANALYSIS:** The prequalification process requires that proposers respond to a defined prequalification questionnaire. City staff proposes a selection committee that would review each contractor's application and rate each firm against defined criteria. Staff would use the Department of Industrial Relations Labor Commissioner's Model Pre-Qualification Questionnaire and would perform specific reference checks with additional questions to standardize the prequalification evaluation. Proposers provide various references and staff will question the references regarding strength of project personnel, experience with similar projects, approach and organization, reference checks, safety record, and claims avoidance record in order to create a short-list of highly qualified bidders that would then be asked to submit bids for the Fire Station project.

The short-list of highly qualified contractors chosen would be provided with a set of complete construction documents in order to prepare a bid. The request for bids for Fire Stations 54 and 55 would be issued in the spring of 2021. The City would award a contract for the projects to the lowest responsive responsible contractor. A prequalification process maximizes the overall quality of bidders while still allowing for a larger pool of potential contractors to ensure adequate competition. This method ensures highly qualified contractors are building the prominent Essential Facilities projects in order to produce high quality buildings on schedule and within budget.

The Public Contract Code Section 20101(d) requires that the City's prequalification process allow for appeals of disqualification determinations. Public Contract Code Section 20101(d) requires public agencies that require prospective bidders to prequalify to establish a process that will allow prospective bidders to dispute their proposed prequalification rating prior to the closing time for receipt of bids. To implement the appeals process mandated by the Public Contract Code, staff recommends that the City Council authorize the City Manager and the Assistant City Manager to be the designated appeals panel for the prequalification appeals process for the Phase 2 Essential Facilities projects (Fire Station 54 and Fire Station 55).

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

**OPTIONS:**

1. Adopt resolution as presented approving use of a prequalification process and designating the City Manager and Assistant City Manager as the prequalification appeals panel for the Fire Stations 54 and 55 project.
2. Council may direct staff to modify the resolution.

**RECOMMENDED ACTION:** Adopt the resolution.

**ATTACHMENTS:**

1. Resolution approving use of a prequalification process and authorizing the City Manager and Assistant City Manager to act as the prequalification appeals panel for the Fire Stations 54 and 55 project.

## **RESOLUTION NO.**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL APPROVING USE OF A PREQUALIFICATION PROCESS AND AUTHORIZING THE CITY MANAGER AND ASSISTANT CITY MANAGER TO ACT AS THE PREQUALIFICATION APPEALS PANEL FOR THE FIRE STATION 54 AND FIRE STATION 55 PROJECTS**

**WHEREAS**, the City of San Rafael intends to construct two new essential facilities projects, to update and improve Fire Station 54 and Fire Station 55; and

**WHEREAS**, the City of San Rafael intends to expend considerable public resources to construct these facilities; and

**WHEREAS**, these new facilities are complex in nature and need to be constructed to ensure they are operable during and after a significant natural or man-made hazardous event in and/or around San Rafael; and

**WHEREAS**, these essential facilities need to be constructed to the highest quality in order to continue to function effectively decades into the future with minimal maintenance or downtime; and

**WHEREAS**, the City has a great interest in selecting construction contractors with certain specific qualifications needed for the essential facilities projects, including: a strong team; experience with projects of similar size, complexity and quality; strong references from previous clients; a strong safety record; and a record of collaborative and litigation-free delivery of previous projects; and

**WHEREAS**, City Staff has initiated, and recommends that the City Council approve, a process to prequalify bidders before they are offered the opportunity to bid on these essential facility projects; and

**WHEREAS**, the prequalification process will require that proposers respond to a specific set of defined pre-qualification questions and to provide various references describing strength of project personnel, experience with similar projects, approach and organization, reference checks, safety record, and claims avoidance record; and

**WHEREAS,** City staff will establish a selection committee who will review each contractor's application and rate each firm against defined criteria. The selection committee will use the results of the evaluation to create a short-list of highly qualified contractors. Only this short-list of contractors will be invited to submit a cost proposal; and

**WHEREAS,** Public Contract Code Section 20101(d) requires public agencies that require prospective bidders to prequalify pursuant to this law to establish "a process that will allow prospective bidders to dispute their proposed prequalification rating prior to the closing time for receipt of bids"; and

**WHEREAS,** Staff recommends that the City Council authorize the City Manager and the Assistant City Manager to be the designated appeals panel for the prequalification appeals process for the Phase 2 Essential Facilities projects (Fire Station 54, and Fire Station 55);

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL RESOLVES**  
as follows:

1. The City Council hereby approves the use of the staff-initiated contractor prequalification process for the Fire Station 54 and Fire Station 55 projects.
2. The City Manager and Assistant City Manager are hereby authorized to act as the appeals panel for the prequalification process.

I, LINDSAY LARA, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the Council of said City on the 1<sup>st</sup> day of March, 2021, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

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LINDSAY LARA, City Clerk



**SAN RAFAEL**  
THE CITY WITH A MISSION

**Agenda Item No: 6.a**

**Meeting Date: March 1, 2021**

## **SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: LIBRARY AND RECREATION**

**Prepared by: Susan Andrade-Wax,  
Library and Recreation Director**

**City Manager Approval:** \_\_\_\_\_

**TOPIC: AGE-FRIENDLY SAN RAFAEL STRATEGIC ACTION PLAN**

**SUBJECT: INFORMATIONAL REPORT ON THE AGE-FRIENDLY SAN RAFAEL STRATEGIC ACTION PLAN 2020-2023**

### **RECOMMENDATION:**

Receive informational report and provide feedback. Final report will return to the City Council for acceptance.

### **BACKGROUND:**

In 2017, San Rafael became a member of the World Health Organization Global Network of Age Friendly Cities and Communities. An Age-Friendly Community adapts the structures and services to be accessible and inclusive to older adults with varying needs and capacities, making it easy for them to stay active and connected to their friends and activities that are important to them, and providing appropriately for those who can no longer take care of themselves. The network provides excellent guidance, toolkits, keeps track of new and promising initiatives and supports communities in partnering with other communities in the network.

As part of the process of becoming an "Age-Friendly" community, the City began a five-year process of planning, implementing and evaluating a strategic plan for the City. The plan would assure that improvements are made to the policies, services, and structures related to the physical and social environments to support and enable older adults to live and fully participate in the community.

In 2017, the San Rafael Age-Friendly Task Force was formed and is comprised of representatives from entities including, but not limited to, the Marin County Commission on Aging, Aging Action Initiative, the Health Insurance Counseling & Advocacy Program (HICAP), Marin Villages, Vivalon (formerly Whistlestop), Marin County Cultural Commission, and City staff.

The San Rafael Age-Friendly Task Force is part of the dynamic Age-Friendly Marin Network, which meets monthly to share updates and brainstorm ideas to help make every Marin jurisdiction an inclusionary place for older people to live. The County of Marin has hired its first ever age-friendly

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**FOR CITY CLERK ONLY**

**Council Meeting:** \_\_\_\_\_

**Disposition:** \_\_\_\_\_

coordinator, who will oversee the integration of the County's own age-friendly plan specifically focused on the County's unincorporated areas.

**Age-Friendly San Rafael Strategic Action Plan 2020-2023**

In May 2018, the San Rafael Age-Friendly Task Force with support of the City of San Rafael submitted a grant request of \$5,000 to the Marin County Department of Health and Human Services to begin the development of a strategic plan. In support of this endeavor, the City of San Rafael also committed \$5,000 in matching funding, as well as use of its facilities to host community workshops, focus groups and/or planning meetings.

Upon receiving the \$5,000 in requested grant funding along with the City's \$5,000 in matching funding, the Age-Friendly Task Force conducted an analysis of San Rafael's current status related to the American Association of Retired Persons' (AARP) Eight Domains of Livability that cities can address to better serve the needs of older people which include: transportation, housing, employment, civic participation, communication, social participation, respect and social inclusion, and outdoor spaces and buildings. Based on the needs of the San Rafael community, the Leadership Team added a ninth domain, emergency preparedness.

Initially, the Age-Friendly Task Force engaged the Frameworks Institute to educate the Task Force and others in the community who work with older people about the most effective strategies to design policies that address aging and ageism. This step which is referred to as 'reframing aging' was a critical foundational step for moving forward.

In 2019, the Age-Friendly Task Force created a survey tool to gather baseline community data. The survey was sent out electronically in English and Spanish and hard copies were also distributed throughout the City. The data was analyzed by the Task Force and shared with the City Council and the community.

Additionally, key informant interviews were held with various City department staff and community nonprofit leaders. The Task Force planned to supplement the data by hosting focus groups in the community. Although they were not able to hold in-person focus groups due to the COVID-19 pandemic, they plan on soliciting community feedback and input throughout the implementation of the Strategic Action Plan. The [Age-Friendly San Rafael Strategic Action Plan](#) was completed in 2020 (Attachment 1).

**Summary of Findings**

While the Strategic Action Plan's detailed findings and recommendations are included in various sections of the document, the "Introduction" includes a brief overview which is summarized below.

- The San Rafael Age-Friendly Task Force seeks to work with local government to make San Rafael a place where individuals who live and contribute so much to the community can continue to be a vibrant and essential part of its culture as they age.
- With a population of over 58,000, San Rafael is the largest city and the county seat of Marin, the most rapidly aging county in the state. The San Rafael community includes several unincorporated areas including Santa Venetia and Marinwood, whose residents are governed by County law but may still take advantage of city services such as libraries and recreation centers. 18 percent of San Rafael's population is over the age of 65, and that number is rapidly increasing. The largest number of Marin's low-income seniors live here.

- Overall, San Rafael's older residents find it a decent place to age, with plenty of room for improvement. Eighty-nine percent of respondents to the San Rafael Age-Friendly survey replied that San Rafael is an "excellent", "good" or "OK" place for people to live as they age. Common challenges for residents include expensive housing and other costs of living, and suburban design patterns that promote traffic and can be difficult to navigate without a car. More than a third of respondents reported that it is "very important" for them to remain in San Rafael as they age.
- There is much to be done to meet the need for viable, affordable, and safe senior housing. Roughly half of San Rafael residents are renters, including many older people, who face one of the most expensive rental markets in the country. Meanwhile, many "house rich, cash poor" homeowners may not be able to afford needed retrofits for their homes as they age, and may feel isolated from their community, particularly if they are unable to drive. While there are several options for senior housing, spanning the range from independent retirement communities to skilled nursing facilities, affordable options are still lacking.
- This plan particularly considers that while San Rafael is the most diverse city in Marin County, there are distinct racial inequities in income and health outcomes for both aging adults and the general population. The COVID-19 pandemic is having a disproportionate effect on members of our community who live in nursing homes and other congregate living sites as well as essential workers who live in multigenerational homes.
- Another theme of this plan is the need to address the pernicious effects of ageism as a social determinant of health, a form of discrimination and an issue of social justice. Ageism can damage all aspects of an older person's life, including in the workplace, family life, health care, overall health, and civic participation. This plan makes the case for the City to adopt a strong anti-ageism stance through its messaging, services, and policies.
- Fortunately, there are many projects already underway to address these compound challenges. Numerous nonprofits provide opportunities for access to food, social interaction, on-going learning, mental health resources and much more. Whistlestop's new healthy aging campus, soon to be under construction in downtown San Rafael, promises to be a hub of activities and services for older people, as well as providing 66 affordable housing units. Additionally, all three of San Rafael's community centers include programming for older adults. The Marin Aging Action Initiative, funded by the County of Marin, seeks to coordinate these many efforts for service innovation, education, and better advocacy on behalf of older people.

## **ANALYSIS:**

The City of San Rafael has supported the efforts of the San Rafael Age-Friendly Task Force and actively participated in the process and development of the Strategic Action Plan. The Plan is an aspirational document, is meant to inform, educate, and shape future decision making. It contains both short-term and long-term goals and can easily be adapted or modified as needed or conditions change.

Throughout the Strategic Action Plan, the City of San Rafael has been identified as the lead agency or the primary partner responsible for implementing the Plan's goals and objectives. Since the recommended timeframe for implementing the Plan is ambitious, issues such as limited staffing, available funding or lack thereof, and prioritization of existing and new workload will need to be carefully considered and community partnerships will be key. It will be important as the City and the Age-Friendly Task Force work together to implement the Plan, that expectations are clearly defined and within the constraints of available resources.

**Recommendations for Implementation**

The intent of this agenda item is for the City Council and the community to get more familiar with the draft report. The final report will return to the City Council at a subsequent meeting for acceptance. The Age-Friendly Task Force has developed a series of initial recommended actions based on the findings from the “Strategic Action Plan” for the City Council to review and provide any comments or questions. The recommendations summarized in brief below include items that the Task Force would like the City to consider implementing in FY 2021/2022.

**Domain 1 - Housing**

- Research factors that make up the cost of living in residential facilities

**Domain 2 - Employment**

- Research current employment situation for older adults
- Connect with non-profit and government agencies working in employment

**Domain 3 - Civic Participation**

- Learn about library programs and engage with library management

**Domain 4 - Communications**

- Explore with City staff the priority areas for improving communications, particularly with and to older adults

**Domain 5 - Outdoor Spaces and Community Buildings**

- Create a collaborative partnership with City and neighborhood associations to repair, upgrade lighting and sidewalk repair

**Domain 6 - Community Preparedness**

- Partner with San Rafael Fire/EMS to produce and distribute emergency preparedness materials in English and Spanish that reflect the needs of older adults and the disabled community

**Domain 7 - Respect and Social Inclusion**

- Educate all City staff members on basic facts and myths about aging and teach the most effective communication strategies

**FISCAL IMPACT:**

As this report is informational report, there is no staff recommendation for formal action and no direct fiscal impact on the City. The fiscal impact of subsequent projects, programs or initiatives resulting from this discussion will be assessed and determined on a case-by-case basis.

**OPTIONS:**

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

1. Receive report and provide feedback and direction to the Age-Friendly Task Force
2. Provide alternative direction and direct the Task Force to return with more information.

**RECOMMENDED ACTION:**

Receive report, provide feedback on the draft Strategic Action Plan and any initial recommendations for implementation.

Attachment:

1. Age Friendly San Rafael Strategic Action Plan 2020-2023 (DRAFT)



## Age-Friendly San Rafael Strategic Action Plan 2020–2023

“An age-friendly community enables people of all ages to **actively participate** in community activities and treats everyone with **respect**, regardless of their age. It is a place that makes it easy for older people to **stay connected** to people who are important to them. And it is a place that helps people stay **healthy and active** even at the oldest ages and provides **appropriate support** to those who can no longer look after themselves.”

— World Health Organization

# INTRODUCTION

## Age-Friendly San Rafael Leadership Team

Chrisula Asimos, Marin County Commission on Aging

Caran Cuneo, County of Marin, Business Development and Employment (Ret.)

Gail Gifford, Senior Community Volunteer

Linda Jackson, Program Director, Aging Action Initiative; San Rafael School Board

Salamah Locks, Marin County Commission on Aging

Diana López, Marin County Commission on Aging; HICAP Counselor, Patient Navigator

Patty McCulley, City of San Rafael, Program Coordinator

Suzie Pollak, a founder of Marin Villages and CVNL

Sparkie Spaeth, Board Member, Marin Villages; Chair, San Rafael Village

## Stakeholder Interviews

Susan Andrade-Wax, City of San Rafael, Library & Recreation Director

Henry Bankhead, City of San Rafael, Assistant Library & Recreation Director

Diana Bishop, City of San Rafael, Police Chief

Omar Carrera, CEO, Canal Alliance

Kate Colin, City of San Rafael, Vice Mayor

Christopher Gray, City of San Rafael, Fire Chief

Bill Guerin, City of San Rafael, Public Works Director

Nancy Masters, Jewish Family and Children's Services

Dr. Ruth Ramsey, Dr. Andrea Boyle, and Dr. Gina Tucker-Tighe, Dominican University

## Others

Jennifer Golbus, Public Relations and Marketing Communication, Whistlestop

Nancy Frank, Survey Consultant

Catherine Quffa, Assistant Library & Recreation Director – Survey Support

Marin Aging & Adult Services, Age-Friendly Survey

Sami Mericle, Age-Friendly San Rafael Plan, Editor

Age-Friendly Marin Network

Special thanks for assistance with the Age-Friendly San Rafael Survey:

- San Rafael Public Libraries
- Albert J. Boro Community Center
- Terra Linda Community Center
- San Rafael Community Center
- Aldersley Retirement Community

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# LETTER FROM THE MAYOR



May 22, 2017

World Health Organization, Age-Friendly Communities  
c/o AARP  
150 Post Street, Suite 450  
San Francisco, CA 94108

Dear World Health Organization, Age-Friendly Communities,

On behalf of the City of San Rafael, I am pleased to share our ongoing commitment to being an Age-Friendly City. We would like to request membership in the WHO Global Network of Age-Friendly Cities and Communities. A citizen-led task force, named Age-Friendly San Rafael Task Force, is championing our local effort and working collaboratively with the City. Consequently, San Rafael is thrilled to submit our application to become designated as an Age-Friendly City.

The City of San Rafael has embraced the fact that our community is aging-in-place. Our middle age and older residents have become a larger proportion of the City's population since 2000. We have over 6,000 senior households (over one-half are 75 years and older) of which 73 percent are homeowners. As our community population ages, there is greater need for more supportive housing options and services. Acknowledging this need, the City's General Plan 2020 Housing Element includes policies that



reinforce senior housing and ageing-in-place assistance. With over 14 percent of the owner-occupied residential units, the City has made efforts to facilitate innovative ways for these residents to continue to live in their homes. In 2016, the City adopted a Junior Second Unit Ordinance, which offers a simple and affordable approach to re-purposing existing home space as a separate unit for the resident or a caregiver. In tandem with this effort, services such as Whistlestop's "Meals-on-Wheels" help support aging in the home. The City has also strongly supported alternative housing options for seniors of all income levels and lifestyles; examples include Rotary Manor and San Rafael Commons, which provide low-income apartments for seniors, as well as full-service communities such as Villa Marin and Smith Ranch Homes.

San Rafael also has an active seniors' program with 1100 members throughout San Rafael; including a Multicultural Program offered at the Al Boro Community Center in the Canal neighborhood. San Rafael Community Center in partnership with the County of Marin are congregate meal sites that provides both a healthy meal and a needed opportunity for people to socialize. The City also has a successful partnership with Whistlestop which provides support staff to help run the Multicultural Senior programs for Spanish and Vietnamese speaking participants. Special workshops are coordinated with other nonprofits in the community to help educate older adults about senior access, AARP, the Alzheimer's Association, the SMART Train, Golden Gate Transit, Wellness Center, nutrition classes, exercise and much more. Older adults in the community also have access through the City of San Rafael to exercise classes, technology classes, swim programs, volunteering, card games, travel, special events and much more. The City of San Rafael provides a comprehensive community program so that older adults in the community can stay active, remain social and involved in their community.

We have developed a strong framework to build upon addressing the WHO eight domains that contribute to the health and quality of life for older adults. We look forward to joining this global network of communities dedicated to giving their older residents the opportunity to live rewarding, productive and safe lives.

Sincerely,

Gary Phillips  
Mayor

# MESSAGE FROM LEADERSHIP

It is with a sense of pride, hope and gratitude that we submit our Age-Friendly Strategic Action Plan for the City of San Rafael. Our hope is that it helps San Rafael become a thriving intergenerational community; inclusive, accessible and collaborative.

Our journey began in early 2017, when several local leaders met with Mayor Phillips and Councilmember Kate Colin to share information regarding the World Health Organization's (WHO) Global Network for Age-Friendly Cities and Communities as well as age-friendly efforts already underway throughout Marin County.

City leaders, well aware that close to 25 percent of the community is over 60 years of age, were interested in expanding, building on and complementing the City's successful services and programs. In April 2017, the San Rafael City Council resolved to become an Age-Friendly City. An application to become a member of the WHO Global Network for Age-Friendly Cities and Communities was submitted in May 2017.

In early 2018, after recruiting additional community members for our Leadership Team, we began a two-year process of developing our Strategic Action Plan.

We were fortunate to receive \$10,000 from the City of San Rafael and the County of Marin to support our work.

In partnership with the City, we conducted an analysis of San Rafael's current status related to the Eight Domains of Livability that cities can address to better serve the needs of older people: transportation, housing, employment, civic participation, communication, social participation, respect and social inclusion, and outdoor spaces and buildings. Based on the needs of our community, we added a ninth domain, emergency preparedness.

We then engaged the Frameworks Institute to educate ourselves and others in the community who work with older people about the most effective strategies to design policies that address aging and ageism. This step — 'reframing aging' — was a critical foundational step for moving forward.

In 2019, we created a survey tool to gather baseline community data. The survey was sent out electronically in English and Spanish and hard copies were also distributed throughout the City. The data was analyzed by the Leadership Committee and shared with the City Council and the community.

Additionally, key informant interviews were held with various City Department heads and community nonprofit leaders. We planned to supplement our data by hosting focus groups in the community. Unfortunately, we were not able to hold in-person focus groups due to the COVID-19 pandemic. We will solicit community feedback and input throughout the implementation of the Strategic Action Plan.

In early 2020, we were able to host a wonderful celebration for the members of the community who are 90 years old and better. We are very grateful for the City's support for this event and to the City and County officials who attended and helped us celebrate!

The Strategic Action Plan for Age-Friendly San Rafael was completed in 2020. The partnership and support from the City and the Age-Friendly Marin Network has been crucial to our success.

*"Old age will only be respected if it fights for itself, maintains its rights and asserts control over its own to its last breath." - Cicero*



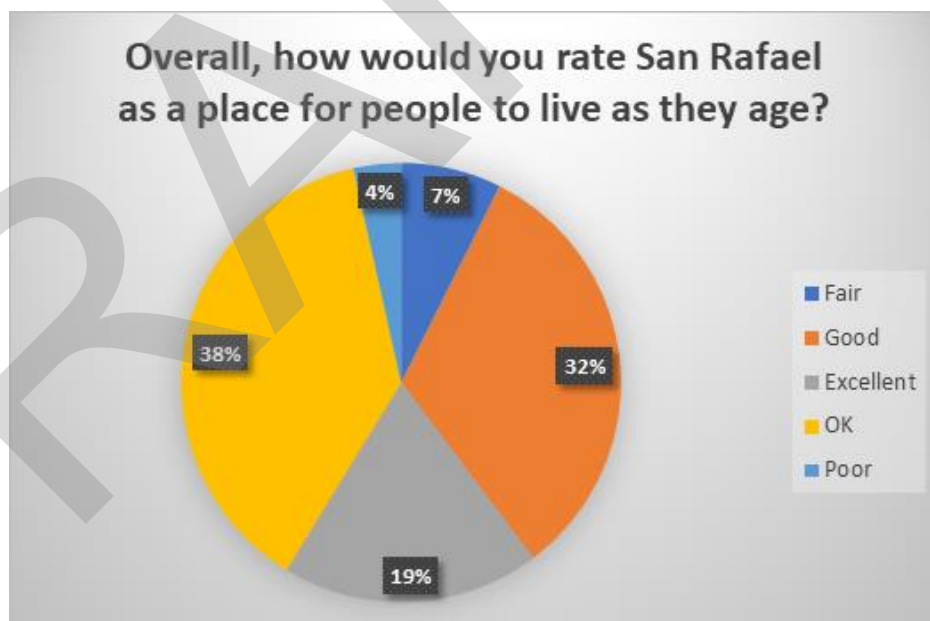
# INTRODUCTION TO THE PLAN

The San Rafael Age-Friendly Task Force seeks to work with local government to make San Rafael a place where individuals who live and contribute so much to the community can continue to be a vibrant and essential part of its culture as they age. With a population of over 58,000<sup>1</sup>, San Rafael is the largest city and the county seat of Marin, the most rapidly aging county in the state. The San Rafael community includes several unincorporated areas including Santa Venetia and Marinwood, whose residents are governed by County law but may still take advantage of city services such as libraries and recreation centers. 18 percent of San Rafael's population is over the age of 65, and that number is rapidly increasing.<sup>2</sup> The largest number of Marin's low-income seniors live here.

Overall, San Rafael's older residents find it a decent place to age, with plenty of room for improvement. Eighty-nine percent of respondents to the San Rafael Age-Friendly survey replied that the city is an "excellent", "good" or "OK" place for people to live as they age.<sup>3</sup>

Common challenges for residents include expensive housing and other costs of living, and suburban design patterns that promote traffic and can be difficult to navigate without a car. More than a third of respondents reported that it is "very important" for them to remain in San Rafael as they age.<sup>4</sup>

There is much to be done to meet the need for viable, affordable and safe senior housing. Roughly half of San Rafael residents are renters,<sup>5</sup> including many older people, who face one of the most expensive rental markets in the



<sup>1</sup> United States Census Bureau, [San Rafael City](#) (2019)

<sup>2</sup> United States Census Bureau, [San Rafael City](#) (2019)

<sup>3</sup> San Rafael Age-Friendly Task Force, "San Rafael Age-Friendly Survey" (2019)

<sup>4</sup> San Rafael Age-Friendly Task Force, "San Rafael Age-Friendly Survey" (2019)

<sup>5</sup> United States Census Bureau, [San Rafael City](#) (2019)

country. Meanwhile, many “house rich, cash poor” homeowners may not be able to afford needed retrofits for their homes as they age, and may feel isolated from their community, particularly if they are unable to drive. While there are several options for senior housing, spanning the range from independent retirement communities to skilled nursing facilities, affordable options are still lacking.

This plan particularly takes into account that while San Rafael is the most diverse city in Marin County, there are distinct racial inequities in income and health outcomes for both aging adults and the general population.

The COVID-19 pandemic is having a disproportionate effect on members of our community who live in nursing homes and other congregate living sites as well as essential workers who live in multigenerational homes.

Another theme of this plan is the need to address the pernicious effects of ageism as a social determinant of health, a form of discrimination and an issue of social justice. Ageism can damage all aspects of an older person’s life, including in the workplace, family life, health care, overall health and civic participation. This plan makes the case for the City to adopt a strong anti-ageism stance through its messaging, services and policies.

Fortunately, there are many projects already underway to address these compound challenges. Numerous nonprofits provide opportunities for access to food, social interaction, on-going learning, mental health resources and much more. Whistlestop’s new healthy aging campus, soon to be under construction in downtown San Rafael, promises to be a hub of activities and services for older people, as well as providing 66 affordable housing units. Additionally, all three of San Rafael’s community centers include programming for older adults. The Marin Aging Action Initiative, funded by the County of Marin, seeks to coordinate these many efforts for service innovation, education and better advocacy on behalf of older people.

The San Rafael Age-Friendly team is part of the dynamic Age-Friendly Marin Network, which meets monthly to share updates and brainstorm ideas to help make every Marin jurisdiction an inclusionary place for older people to live. The County of Marin is currently hiring its first ever age-friendly coordinator, who will oversee the integration of the County’s own age-friendly plan and provide leadership to help the community-driven age-friendly efforts meet their goals.

# SAN RAFAEL COMMUNITY PROFILE (2018)

## AARP Age-Friendly Index

Total Index Score: 58%



The Age-Friendly Index summarizes data for each of the age-friendly domains. An age-friendly percentage score was created indicating the level of success in meeting a 50 percent minimum standard threshold of age-friendliness. Meeting or exceeding the 50 percent threshold does not indicate fulfillment of all requirements, but rather serves as a relative comparative measure.

Not all of the domains in the San Rafael Age-Friendly Action Plan are listed here.



### Neighborhoods

Factors:

- Proximity to destinations
  - Grocery stores and farmers markets
  - Parks
  - Libraries
  - Jobs by transit
  - Jobs by auto
- Mixed-use neighborhoods
- Compact neighborhoods
- Personal safety
- Neighborhood quality

Age-Friendly Index Score: 67%



### Transportation

Factors:

- Convenient transportation options
  - Local transit service
  - Walking
  - Congestion
- Transportation costs
- Safe streets

Age-Friendly Index Score: 56%





## Civic Participation

Age-Friendly Index Score: 60%



Factors:

- Internet access
- Opportunity for civic engagement
- Voting rate
- Social involvement
- Cultural, arts and entertainment institutions



## Employment

Age-Friendly Index Score: 42%



Factors:

- Equal opportunity
  - Income inequality
- Economic opportunity
  - Jobs per worker
- Educational opportunity
  - High school graduation rate
- Multi-generational communities
  - Age diversity



## Housing

Age-Friendly Index Score: 45%



Factors:

- Percentage of housing units with zero-step entry
- Availability of multi-family housing
- Housing affordability
  - Housing costs
  - Housing cost burden
  - Availability of subsidized housing

# ACTION PLAN



## DOMAIN 1: HOUSING

Age-Friendly Index Score: 45%



### Introduction:

Housing is essential to safety and well-being. There is a link between appropriate housing and access to community and social services that influences the independence and quality of life of older people. Housing that allows older people to age comfortably and safely within the community to which they belong is universally valued.<sup>6</sup>

Older adults are extremely vulnerable to the rising cost of housing. If the rising cost of housing (and other costs of living) are factored into calculations of poverty, statistics for the “hidden poor” emerge, revealing a large population of older adults living above the poverty line but below the Elder Economic Security Standard Index.<sup>7</sup>

The City of San Rafael is a strong supporter of accessory dwelling units. San Rafael is home to numerous quality senior residential and care facilities, and longtime homeowners create stability and are committed to our community.

For more information, see the Marin Commission on Aging Report, “[Older Adult Housing in Marin: Planning for 2030](#)” (2018).

Marin is one of the most segregated counties in the Bay Area. Sixty percent of its tracts have a similar proportion of white people to the county's population. On the other hand, for Latino, Asian, and Black people, those percentages are 15 percent, 29 percent and 7 percent, respectively.

A family of four with an income of \$105,350 per year is considered low-income in Marin — higher than Seattle, Boston and Los Angeles.

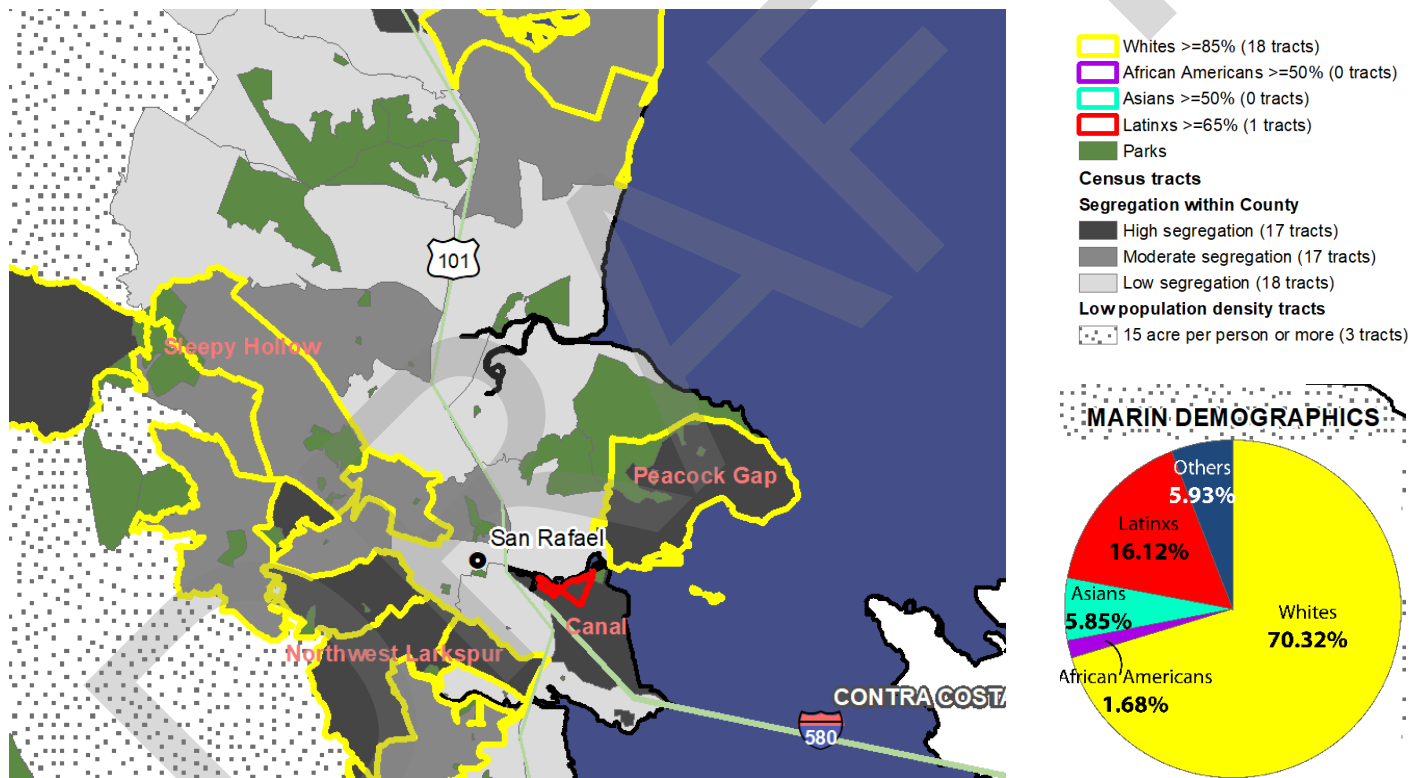
<sup>6</sup> World Health Organization, [Global Age Friendly Cities: A Guide](#) (2007)

<sup>7</sup> Wallace & Padilla-Fausto (2016)



A neighborhood in San Rafael, as highlighted in the map, is the most segregated tract for Latinos in the entire Bay Area, where more than 90 percent of the population is of this group. Novato also contains a substantial number of Latinos, with a 19 percent Latino population.

Five of the 10 most segregated census tracts in the entire Bay Area for white people are located in Marin County, as is visible below. A small number of clustered public housing or affordable housing communities are home to many of the people of color in the county. Anti-development policies strictly regulate where new or affordable housing can be built, helping maintain patterns of racial segregation. As we will see in the next brief in this series, however, many people of color have left or been displaced from Marin County in recent decades. <sup>8</sup>



Map from the Haas Institute<sup>9</sup>

<sup>8</sup> John Powell, [“The Perils and Promises of Fair Housing”](#) (2020)

<sup>9</sup> Stephen Menendian and Samir Gambhir, [“Racial Segregation in the San Francisco Bay Area, Part 1”](#) (2018)



## Issue #1: Existing Homes

*Existing homes no longer meet the needs of residents or the community.*

**Goal:** Streamline retrofitting homes so people can stay in their homes safely and comfortably.

- **Action #1:** Explore opportunities to reduce cost and simplify permit process.
- **Action #2:** Work with contractors and retail businesses to secure discounts for goods and services related to retrofitting.
  - **Partners:** Local contractors and businesses such as Home Depot, Goodman's Lumber, etc.
- **Action #3:** Educate residents about the benefits of retrofitting their homes.
  - **Partners:** City of San Rafael, contractors, local businesses.

## Issue #2: Residential Facilities

*Residential facilities have availability but are not affordable.*

**Goal:** Gain insight into the factors that make up the cost of Residential Care Facilities

- **Action #1:** Research what factors affect the monthly residential care charges.
  - **Partners:** County of Marin Social Services, Area Agency on Aging
- **Action #2:** Research how individual resident's total monthly charges are affected by their health conditions and functional status.
  - **Partners:** County of Marin Social Services, Area Agency on Aging
- **Action #3:** Determine what services Medicare and Medi-Cal will pay for
  - **Partners:** County of Marin Social Services, Area Agency on Aging
- **Action #4:** Disseminate information to San Rafael residents
  - **Partners:** County of Marin Social Services, Area Agency on Aging

## Issue #3: Affordable Housing

*There is a dearth of affordable housing in San Rafael for people of all ages. Assembly Bill 1537, adopted in 2014, changed the designation of Marin County from "metropolitan" to "suburban" until 2023. This change requires fewer low-income units to be created.*

**Goal:** Monitor viable options including city properties, churches, public/nonprofit and commercial sites for affordable housing.



- **Action #1:** Proactively support and promote affordable housing options for older people and their caregivers (workforce housing), including junior accessory dwelling units and land trust housing.
  - **Partners:** City of San Rafael, housing advocates
- **Action #2:** Advocate for affordable housing
  - **Partners:** County of Marin, Marin Housing Authority, EAH Housing





## DOMAIN 2: EMPLOYMENT

Age-Friendly Index Score: 42%



### Introduction:

In *Elderhood: Redefining Aging, Transforming Medicine, Reimagining Life*, Louise Aronson writes:

“Working longer, even (perhaps especially) if we work different jobs or fewer hours in our older years than in our younger ones, is likely to increase our life satisfaction while decreasing our rates of chronic disease and disability. This is just one of the societal and public health interventions that, unlike disease treatments offered by medicine, might move us toward true compression of morbidity – in other words, toward lives that are longer and healthier.”

Aronson continues:

“Although older adults as a group hold a disproportionate amount of wealth, the average older adult of today, often no longer generating income, is not wealthy. While those in the upper income brackets tend to over save, people with less to begin with get poorer by the year. Both are working in increasing numbers, albeit for very different reasons, to the point where the so-called encore career may become the new normal. Recent studies show an increased risk of death in the two years after retirement for men in their sixties and that over 40 percent of older people, fitter than those of previous generations, are ‘unretiring.’”<sup>10</sup>

One of the key motivating factors for San Rafael to join the WHO and AARP Age-Friendly movement was the critical need to provide job



<sup>10</sup> Louise Aronson, *Elderhood: Redefining Aging, Transforming Medicine, Reimagining Life* (2019)



opportunities for older adults who need and want to work.

The Marin Economic Forum's recent Business Retention and Expansion Survey showed that 60 percent of the businesses surveyed state that their biggest challenge is hiring and retaining employees.<sup>11</sup>

"More older adults want to continue to work," said Nancy Masters, associate executive director of Jewish Family and Children's Services, in a stakeholder interview.

San Rafael Age-Friendly Task Force Survey results showed that 48 percent of respondents are working or looking for work and 62 percent of respondents are 'very likely' or 'extremely likely' to work for as long as possible rather than choosing to retire.<sup>12</sup>

It is essential to consider the impact of COVID-19 on working people to determine and provide what is needed, such as training and tech knowledge, to keep people employed.

## Issue #1: Ageism

*"A form of discrimination and prejudice, which limits the value of a person through definitions and stereotypes of old age." – Carroll Estes, Aging A–Z<sup>13</sup>*

For more information, check out the Gerontological Society of America's [Reframing Aging Initiative](#).

**Goal:** Reduce ageism in the workplace

- **Action #1:** Foster intergenerational communication and teams
  - Market older adults as an integral, important and necessary component of a business
  - Highlight the importance of wisdom on a team.
  - **Partners:** City of San Rafael, CareerPoint MARIN, Future of Work Commission

## Issue #2: Many older adults must work in order to continue to live in San Rafael.

*Consider the intersection of affordable housing public policies and employment.*

<sup>11</sup> Marin Economic Forum, "Marin County Business Retention & Expansion Project" (2020)

<sup>12</sup> San Rafael Age-Friendly Task Force, "San Rafael Age-Friendly Survey" (2019)

<sup>13</sup> Carroll Estes, *Aging A–Z: Concepts toward Emancipatory Gerontology* (2019)



**Goal:** Reduce cost of living burdens for older people who cannot work full time

- **Action #1:** Advocate for senior affordable housing (see housing domain)
- **Action #2:** Provide and promote part-time work opportunities for those who are able.
  - **Partners:** City of San Rafael, San Rafael Chamber of Commerce
- **Action #3:** Provide and promote tax cuts and grant programs for low-income older people to cover expenses such as rent and utility payments.
  - **Partners:** County of Marin, utility providers such as Marin Municipal Water District and Marin Sanitary

### Issue #3: Employers think in terms of full-time jobs and career ladders.

*Residents are thinking in terms of part-time, self-employment and 'gig' work.*

The Future of Work Commission emphasizes the importance of creating 'high road jobs'.<sup>14</sup>

As stated by the Roberts Enterprise Development Fund (REDF), the key components of 'high road' jobs are:

- "A living wage that supports a decent standard of living.
- A safe workplace.
- A benefits package, including health insurance, paid time off (i.e., sick time and paid vacation time) and a retirement savings plan.
- Access to training and professional development.
- Potential for upward mobility and wealth-building, so the employee can save to buy a home, send children to college and retire with security.
- Dignity, respect and agency."

REDF continues:

"The Federal Home Loan Bank, among others, have defined criteria for 'quality jobs' – let's provide procurement incentives and low-cost capital to employers/companies to create more. ... Make sure 'quality' employers provide job opportunities to the people served by social enterprise and that investments are made in social enterprise growth. We must view job quality through an equity lens to get to the right solutions.

- Enforce standards. Accountability/enforcement to meet current wage and other labor standards.

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<sup>14</sup> Carla Javits, Roberts Enterprise Development Fund, "The Future of Work Commission —A Bird's Eye View" (2019)



- Invest in worker training. Encourage and incentivize employers to see labor as an ‘asset’ worthy of investment and to share responsibility for training with other employers in their sector (GE, as an example, paid people 95 percent of wage during training).
- Job growth. Fighting climate change and ameliorating the disasters it is driving are job growth opportunities.”

### Future of Work Commission Findings and Statistics

As is stated by the REDF:

“While skill building (e.g., job training, education, etc.) is essential for individuals to contribute their full range of talent and improve their incomes, it will not solve inequity or reduce poverty by closing the huge and growing gap between a small percentage of working people at the top of the income scale, and everyone else, nor fundamentally shift gender or racial inequities. To close the gap requires an all-out effort to raise wages across the board for front-line jobs and low-income workers.

- Today, 35 percent of California workers earn \$15/hour or less (half of Latinx workers; 35 percent of African Americans; 25 percent of whites) across many industries; 21 percent of them have an associate degree or bachelor’s degree, and 29 percent have some college.
- Between 1978 and 2018, worker productivity rose by 259 percent; but worker compensation rose by 11.6 percent.
- Comparative data definitively shows that the race and gender wage gap cannot be explained by differences in skills or education.
- Decisions by employers and policymakers on wages/working conditions matter and have the greatest impact on the most vulnerable/disadvantaged workers and those impacted by racial inequity.
- The median wage rose 1% annually pre-1973 but 0.2 percent annually since 1973. If it had risen at 1 percent, it would be at \$26/hour. This while a much higher percentage of the workforce now has college degrees than pre-1973.
- A Commissioner asked that we stop speaking about ‘low skill’ work, and instead name it as ‘low wage’ work which requires significant skill to do well (from hospitality to recycling to childcare).”<sup>15</sup>

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<sup>15</sup> Carla Javits, Roberts Enterprise Development Fund, “The Future of Work Commission —A Bird’s Eye View” (2019)



**Goal:** Ensure older workers in San Rafael are fairly compensated.

- **Action #1:** Consider raising local minimum wage to account for high cost of living, and reevaluate annually.
  - **Partners:** City of San Rafael, Chamber of Commerce

## Issue #4: Workforce Development

*Training opportunities and job fairs can help older adults gain new skills and find suitable jobs.*

According to Omar Carrera, CEO of Canal Alliance, workforce development is critical to providing economic opportunities for the residents of the Canal and the Bahia neighborhoods.

Employment Social Enterprise funding Roberts Enterprise Development Fund invests exclusively in social enterprises that employ and empower people overcoming barriers to work.

Special attention should be paid to immigrant workers. There is an opportunity to help promotoras — experienced community health workers — to move from volunteers into the paid workforce. Avionte, a Latino-owned, California staffing agency for the tech sector, could be a model for promotoras/community health workers.

**Goal:** Provide viable job opportunities

- **Action #1:** Define work environments that are suited for older adults.
  - Recognize that there are work environments that are not suited to older adults.
  - Define work environments that work for older adults.
  - **Partners:** Buck Institute, Marin Economic Forum
- **Action #2:** Job fair(s) for older adults
  - Develop ways to link older adults into existing job fairs.
  - Encourage ‘high road’ employers to participate in job fairs.
  - **Partners:** San Rafael Chamber of Commerce, City of San Rafael, CareerPoint MARIN
- **Action #3:** Collaborate with existing “Employment Hub” — a one-stop shop where people of all ages can go to learn about employers and jobs.



- Current job programs:
  - YWCA
  - CareerPoint MARIN – minimally funded, focus on the hardest people to employ.
  - Senior Community Service Employment Program
- Include mentoring program in which older adults mentor younger adults who are working in their area of expertise.
  - SCORE
- Leverage and use the current change in dynamics as a model; MDs, RNs and other professionals coming out of retirement in response to the COVID-19 pandemic.
- Technology training
- **Partners:** County of Marin Aging & Adult Services, San Rafael Chamber of Commerce, Marin Economic Forum

**Notes:**

- Marin County employers pay less than those in San Francisco.
- The Los Angeles Board of Supervisors developed a special classification for older employees that compliments rather than competes.



## DOMAIN 3: CIVIC PARTICIPATION

### Introduction:

Civic participation involves working to make a difference in the civic life of one's community and developing the combination of knowledge, skills, values and motivation to make that difference.

Older adults can promote the quality of life in the San Rafael community through both political and non-political processes.

A high degree of civic participation was reflected in the survey conducted by the Age-Friendly San Rafael Task Force.<sup>16</sup> Many residents of San Rafael attend community sponsored events, volunteer in the community, and/or participate in civic organizations.



The San Rafael Public Library sees itself as a “central place, like a watering hole,” said Henry Bankhead, assistant library and recreation director, in a stakeholder interview. “We’re like a naturally occurring group – all different kinds and types of people come to the library.” A new, combined library and community center is being planned, which offers an opportunity for older adults to engage in the planning process.

“Changing attitudes about aging and ageism is our future,” said Nancy Masters, associate executive director of Jewish Family and Children’s Services. Bankhead stated, “We are becoming aware of ways we discriminate against each other, including age. ... It seems to be harder to recognize and talk about. We get divided.”

### Issue #1: Older adults may not know that their participation is welcomed in civic organizations.

*San Rafael’s older residents have valuable insight and should be encouraged to participate in public planning processes and in the nonprofit sector.*

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<sup>16</sup> San Rafael Age-Friendly Task Force, “San Rafael Age-Friendly Survey” (2019)



**Goal:** Develop a local repository of civic engagement leaders and opportunities for civic participation.

- **Action #1:** Identify resources, e.g., City of San Rafael, Center for Volunteer and Nonprofit Leadership and other civic organizations, and codify them in a database that is easy to use and kept up-to-date.
  - Identify where the database will be housed and at what intervals will it be updated.
  - Explore opportunities to publicize and promote the repository, e.g., San Rafael Employment and Civic Participation Fair
  - Monitor for effectiveness
  - **Partners:** Age-Friendly San Rafael Task Force, San Rafael representatives to the Marin County Commission on Aging, City of San Rafael and County of Marin Volunteer Coordinators

**Goal:** In what way and how does the next generation want to participate?

- **Action #1:** Create a nexus for intergenerational civic participation.
  - Research available data
  - Explore potential for research partnerships with Dominican University and College of Marin
  - Identify gathering opportunities for intergenerational contact.
  - Use the data to create a nexus for intergenerational civic participation.
  - **Partners:** Age-Friendly San Rafael Task Force, San Rafael representatives to the Marin County Commission on Aging, City of San Rafael Volunteer Coordinator, Dominican University and College of Marin

**Goal:** Create a strong partnership with the San Rafael Library

- **Action #1:** Define the most effective way(s) to participate in the planning process.
  - Active engagement in the planning process is an opportunity for civic engagement for older adults.
  - Community-based organizations are integral to the planning process.
  - Ensure that program design has a multicultural, intergenerational focus.
- **Action #2:** Advocate for the representation of San Rafael older adults in the program planning process.
  - Meet with the library director and Susan Andrade-Wax to assess status and potential for involvement.
  - **Partners:** City of San Rafael



## **DOMAIN 4: COMMUNICATION**

### **Introduction:**

In order for the actions and services listed in this plan to be effective, it is critical that older residents are kept up to date on programs, services and meetings. Communications should be offered in several forms to be sensitive of different needs, including access to and comfort with technology, language barriers and visual or hearing impairments.

### **Public Sector**

Currently, the City of San Rafael has a primary source of information, the Snapshot Newsletter, issued bi-weekly sharing highlights of City Council meetings and important community-wide announcements. Each City department has a unique interface with residents. Only one department, Library and Recreation, has services specific to older adults. Some, such as the police department, have programs for other ages and have expressed an interest in offering more for older adults.

San Rafael has three senior clubs: San Rafael Goldenaires, the Terra Linda Seniors and the Albert G. Boro Community Center older adult program. Two of the centers host a weekly congregate meal and other activities.

The County of Marin has an Information & Assistance phone line and website, 415-473-INFO, to help older people connect to resources.

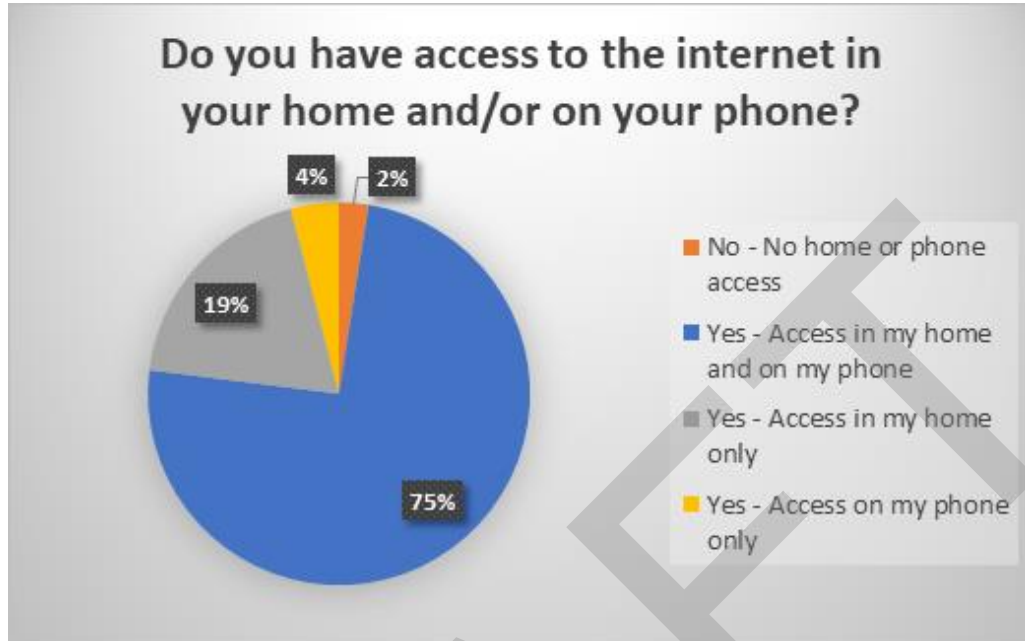
### **Nonprofit Sector**

As the County seat, San Rafael is home to several countywide organizations providing essential communication to older residents. Whistlestop publishes a monthly activity and information guide called *Whistlestop Express*. Marin Center for Independent Living's Information and Referral program provides information on free disability-relevant community resources.





## Communication and Tech



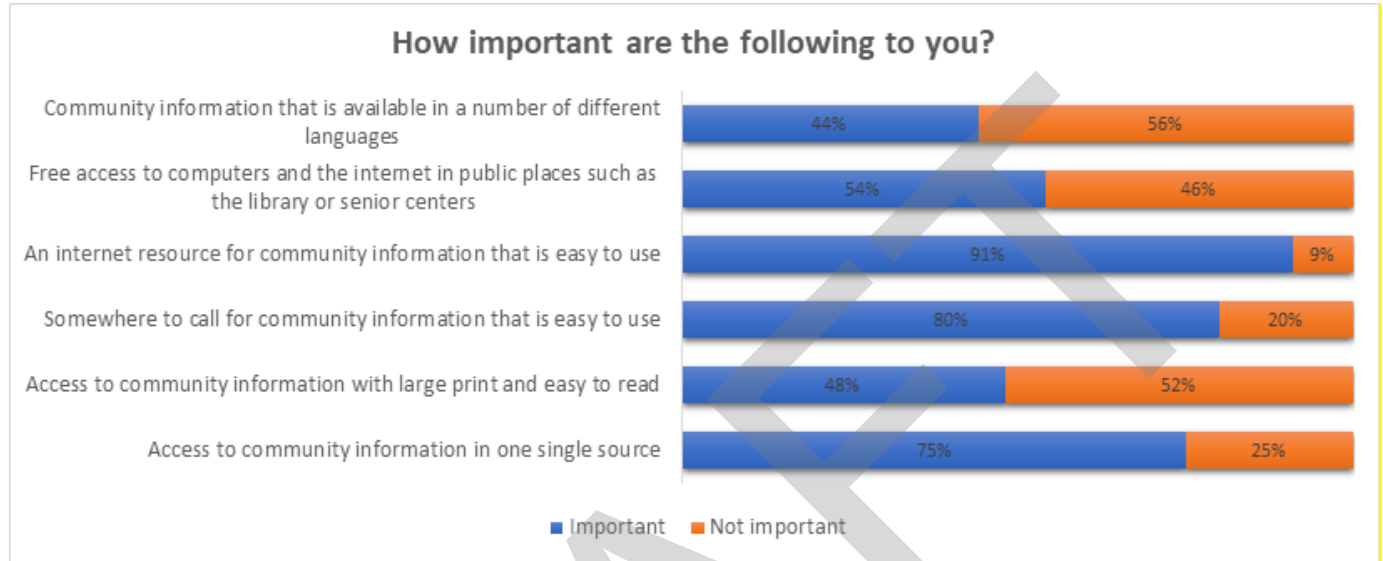
Of those who responded to the San Rafael Age-Friendly survey, 94 percent have internet in their home or their home and phone.<sup>17</sup> Many older people in San Rafael are comfortable with technology, although changes in programs and systems may be challenging to keep up with over the years. In addition, parts of San Rafael, including the Canal neighborhood and other parts of San Rafael nestled in the hills, do not have adequate internet or mobile phone access.



<sup>17</sup> San Rafael Age-Friendly Task Force, "San Rafael Age-Friendly Survey" (2019)



People use the internet, family and friends for information. Other sources are Osher Lifelong Learning Institute at Dominican University, Emeritus Students College of Marin at the community college, and online searches. There is room for the library to expand its services and better meet the information needs of older people.



Community survey results showed the need for a central location for information. There are a multitude of programs, events and activities in San Rafael; however, it can be difficult for older adults to find what they want or need. This is especially challenging when a change occurs in health when it's essential to quickly find help with meals or care.

A significant number of people would like to see information in languages other than English. In order to ensure quality communications with older people, information needs to be presented in a variety of methods (e.g., in print and online, using different social media outlets, etc.) and in ways that are accessible to older people and people with disabilities.

## Issue #1: Communication

*Despite an increase in the number of older people, there has been a decline in participation by them in City programs.*

**Goal:** Ensure effective communications to older adults

- **Action #1:** Examine and refine citywide communications strategy to reach all audiences and identify stakeholder groups to improve engagement with older adults.
  - Make communication devices available and provide seating near speakers so seniors and others with hearing difficulty can participate in public meetings.



- Enhance the City's Age-Friendly website so that it is the go-to resource about services, news, projects and activities in San Rafael. Look for ways to integrate information from the library and recreation department online communications to reach all older residents.
  - Develop a list of best practices for effective print and online communications with older people so they are not excluded due to lack of ability, skills or resources. Work with representatives of different populations (low income, immigrants, disabled) to ensure appropriate communication techniques. Ensure that all City communications follow best practices and standards for communication.
  - **Partner:** City of San Rafael
- **Action #2:** Research ways to expand broadband access for older adults in the community.
- **Partners:** City of San Rafael, utility providers, Digital Marin



## DOMAIN 5: OUTDOOR SPACES AND COMMUNITY BUILDINGS

### Introduction:

People need public spaces to gather. Public parks and open spaces are important places for building a sense of community and social belonging. Accessible public spaces improve physical health, provide mental health benefits and enhance community connections for people of all ages. Recreation plays a key role in the well-being of older adults and in enhancing quality of life by increasing health and fitness and providing opportunities for socialization.<sup>18</sup>

### Issue #1: Aging and inadequate infrastructure in public outdoor spaces

*Build on San Rafael's strengths: With our moderate climate encouraging outdoor activities, 19 neighborhood parks and six community parks and a variety of multicultural services in community centers, San Rafael parks and open spaces are an important community asset, along with County and State parks located in San Rafael.*

**Goal:** Expand opportunities for older adults to safely participate in outdoor community life through collaborative partnerships with the City and local neighborhood associations to repair, replace and improve existing infrastructure.

- **Action #1:** Expand partnership between the San Rafael's Department of Public Works and local neighborhood associations to support efforts to repair or replace aging infrastructure, which is often outdated and not accessible or welcoming.
  - Seek grant funding in partnership with the City.
  - Create shade structures and exercise equipment for seniors in parks and open spaces. Collaborate with the art community on this project.
  - Expand Sidewalk Repair Program with City as sidewalks and pathways, in and out of parks, are not always accessible or safe.
  - As park improvements are made, consider adding benches downtown and in parks that are designed to assist elders and people with disabilities get up more easily.
  - Assure that parks and community spaces have working water fountains.

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<sup>18</sup> Bhawana Singh and UV Kiran, *International Journal of Humanities and Social Science*, "[Recreational Activities for Seniors](#)" (2014)



- Encourage neighbor walking partners and groups.
- Encourage the City of San Rafael to work with developers to continue to develop safe accessible outdoor spaces.
- Encourage participation in the development of the City-wide Parks and Recreation Plan.
- **Partners:** City, County and State Parks & Open Space, art community, Marin Center for Independent Living, other disability advocacy groups, developers

## Issue #2: Concerns and perceptions that our parks, trails and open spaces are unsafe

*The City of San Rafael has a lack of affordable housing for very low-income people, and several nonprofit organizations, primarily located in the downtown, provide services to adults experiencing homelessness. This often results in a higher visibility of homelessness in the parks and open spaces downtown and in surrounding areas.*

**Goal:** Address perception of safety issues around people experiencing homelessness in our community.

- **Action #1:** Promote partnership with public safety personnel and the downtown business community to address perceptions around safety in parks and streets and address concerns about homeless encampments.
  - **Partners:** City of San Rafael, nonprofit agencies, Chamber of Commerce

## Issue #3: Lack of intergenerational programming

*The three San Rafael community centers offer programming that support the unique cultures of their communities. None of the centers offer focused intergenerational programs.*

Research shows that intergenerational programs offer benefits to all age groups. In the Age-Friendly San Rafael survey administered in 2019, 80 percent of respondents indicated that “activities mixing younger and older people” were very important and somewhat important to them.

Creating places, practices and policies that promote interaction across ages leads to increased: participation in services and opportunities to learn and contribute; connection and reduced isolation; and an increased sense of shared fate and shared responsibility. In addition to these short-term benefits, long-term outcomes have shown improved well-being of children, youth, older adults and families; increased capacity to address critical issues



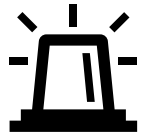
from a multi-generational perspective; and responsive and comprehensive systems that support all generations.<sup>19</sup>

**Goal:** Develop and support intergenerational programming at the City's community centers and libraries.

- **Action #1:** Encourage and support community center staff to promote best practices and planning around intergenerational and multicultural programming.
  - Age-Friendly Task Force members can educate and provide evidence-based practices from other successful intergenerational programs (referenced in other cities' age-friendly plans).
  - Involve community members in program development related to the new Whistlestop Senior Center, which will provide opportunities to model and build best practices.
  - **Partners:** City of San Rafael, Whistlestop, San Rafael Age-Friendly Task Force



<sup>19</sup> The Intergenerational Center at Temple University, "[International Community Building: Resource Guide](#)" (2012)



## **DOMAIN 6: COMMUNITY** **PREPAREDNESS**

### Introduction:

Considering recent and looming natural disasters like earthquakes, wildfires and pandemics in Marin County, emergency preparedness is a prominent concern and presents many challenges for all residents, especially older adults aging in place. As emergencies tend to force people to evacuate without much warning, this presents challenges for people with limited mobility as well as those who rely on durable medical equipment or have limited support networks. Hearing and vision limitations, as well as cognitive impairments, may also hinder one's ability to quickly respond to an emergency. Additional barriers to emergency preparedness for many older persons include lower income and geographic isolation.

### Issue #1: Vulnerable elders in San Rafael face barriers and challenges regarding emergency preparedness.

To date, there are no well-established methods to identify special needs for the older adult population in our communities. Many neighbors do not know each other for purposes of checking-in. Some also live in isolated situations, often without cell phones, computers and unreliable air wave reception. Responses from our San Rafael Age-Friendly Survey indicated that 33 percent of respondents were not confident that members of their community would assist them if they required assistance.<sup>20</sup>

**Goal:** Older persons are prepared for and safe during natural disasters, pandemics and emergencies.

- **Action #1:** Use census and other local data to identify and locate vulnerable persons.
  - **Partners:** City of San Rafael, Emergency Medical Services, Neighborhood Response Groups, Community Emergency Response Teams
- **Action #2:** Continue to develop and distribute emergency GO kits and checklists giving priority to single occupant households, adults with disabilities and non-English speakers.
  - **Partners:** City of San Rafael, San Rafael Village

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<sup>20</sup> San Rafael Age-Friendly Task Force, "San Rafael Age-Friendly Survey" (2019)



- **Action #3:** Collaborate with local community-based organizations to coordinate printed information related to emergency preparedness for the hard-to-reach communities.
  - **Partners:** Food banks, Center for Volunteer and Nonprofit Leadership, Marin Voluntary Organizations Active in Disaster, Marin Financial Abuse Specialist Team, colleges and universities, faith community, Marin Health & Human Services
- **Action #4:** In concert with San Rafael officials and neighborhood captains, recommend routine rolling community and/or neighborhood emergency drills and evacuation procedures.
  - **Partners:** Community Emergency Response Teams, San Rafael Fire Department, homeowner associations
- **Action #5:** Collaborate with face-to-face contactors in alerting all communities about episodic events, such as PG&E shutdowns and pandemic updates.
  - **Partners:** United States Postal Service, Meals on Wheels, San Rafael Village, emergency medical services





## DOMAIN 7: RESPECT AND SOCIAL INCLUSION

### Introduction:

Aging in place has its complexities with older adults. In some cases, older adults experience positive recognition and regard, while in other cases experience being dismissed, ignored or disregarded. This can occur in family matters or in community settings. Ageism, as this phenomenon is typically called, is more prevalent in some cultures than in others. There can be multi factors contributing to this generational disconnect including a lack of understanding about the aging process, changing societal norms, separation of the nuclear family with the accompanying generational divide, a society that values youth, physical compensation and economic stresses. Results from WHO surveys report that respect and social inclusion of older adults is also related to the extent to which older people participate in the civic life of their city.

How did we arrive at this generational split? ‘Senior citizens’ used to be sought after for their wisdom and experiences and were asked to weigh in on important life issues. Let us promote and support intergenerational activities which contribute to a sense of inclusion and better understanding of the differences and similarities of different generations.

**Issue #1:** Older adults are neglected and depreciated in many settings, causing serious effects on physical, mental and social well-being.

**Goal:** San Rafael’s older residents feel valued and do not face discrimination based on age.

- **Action #1:** Launch an age-friendly educational campaign, providing examples of what “age friendly” means for San Rafael and dispelling common myths about aging.
  - Include outreach to business owners to encourage offering





- special benefits to older adults, as well as promoting patience and respectful treatment of older customers.
- Recognize that aging exists, develop expertise and understanding of aging, and reframe perceptions about growing older in San Rafael.
    - Provide educational opportunities to improve the skills of older adults and service providers on best communication practices in print, electronic and social media.
  - Work with Dominican University and Osher Lifelong Learning to offer culturally diverse programs and gerontology courses to enhance a broader understanding of the aging process.
  - **Partners:** City of San Rafael, San Rafael Chamber of Commerce, Dominican University
- **Action #2:** Educate all city staff members on basic facts and myths about aging, and teach the most effective communication strategies.
- **Partners:** City of San Rafael

# APPENDIX

## RESOURCES

FrameWorks Institute, "[Aging](#)"

San Rafael Age-Friendly SWOT (Strengths, Weaknesses, Opportunities, Threats)

San Rafael Age-Friendly Task Force presentation to the San Rafael City Council

San Rafael Age-Friendly Task Force, "San Rafael Age-Friendly Survey" (2019)

UCLA Fielding School of Public Health, "[The Elder Index: Research and Data](#)" (2018)



**SAN RAFAEL**  
THE CITY WITH A MISSION

Agenda Item No: 7.a

Meeting Date: March 1, 2021

## SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Community Development

Prepared by: Paul Jensen (EG)  
Director

City Manager Approval: 

**TOPIC: OPPORTUNITY ZONE RENTER PROTECTIONS**

**SUBJECT: INTRODUCTION OF AN ORDINANCE OF THE CITY OF SAN RAFAEL CITY COUNCIL ADDING CHAPTER 10.111 TO THE SAN RAFAEL MUNICIPAL CODE, ENTITLED "RELOCATION ASSISTANCE IN OPPORTUNITY ZONES"**

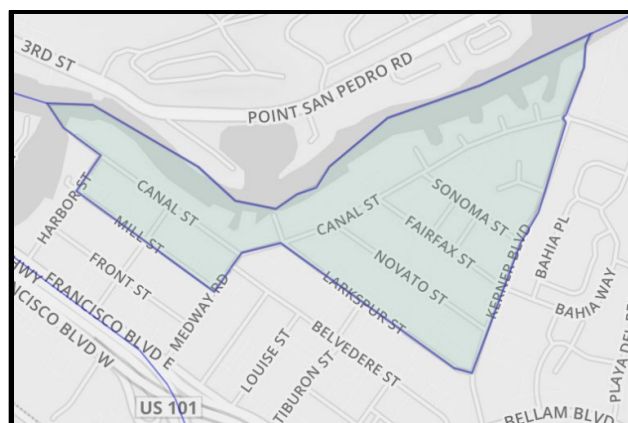
### RECOMMENDATION:

Pass to print the attached Ordinance adding Chapter 10.111 to the San Rafael Municipal Code.

### BACKGROUND:

As part of the U.S. Investing in Opportunities Act, tax incentives for long-term investment were created in designated census tracts called Opportunity Zones ("OZs"). Investors can access these tax incentives by investing capital gains through Opportunity Funds. Opportunity Funds are required to hold 90% of their assets in qualified OZ properties. The longer an investor keeps their money in the Opportunity Fund investment, the larger the tax break they will receive.

### Map 1. San Rafael Opportunity Zone- Census Tract 1122.01



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**FOR CITY CLERK ONLY**

File No.: \_\_\_\_\_

Council Meeting: \_\_\_\_\_

Disposition: \_\_\_\_\_

San Rafael currently has one OZ (Census Tract 1122.01, Map 1) located in the Canal neighborhood. OZ projects must conform to all zoning and entitlement designations and processes. For San Rafael's OZ, this includes properties zoned for: CCI/O (Core Canal Industrial/ Office), HRI (Multifamily Residential and High Density), GC (General Commercial), and NC (Neighborhood Commercial).

There are currently 245 properties and 1,679 total housing units within the OZ boundary. [According to the latest Census data](#), 33.5% of households in the Census Tract fall below the federal poverty line. Of the 1,679 housing units in the OZ, 139 units, or eight percent (8%), currently have below market rate deed restrictions. In most cases, these restrictions would carry over to any new owner or development of the property. For any new construction projects, these developments would be required to comply with the City's Inclusionary Housing requirements.

**Table 1. Properties within San Rafael OZ Boundaries**

	Properties	Units	Average Units/ Property
Single Family Homes	140	140	1
Condominiums	10	149	15
Apartment Buildings	82	1,387*	17
Non-Residential	13	-	-
<b>Total</b>	<b>245</b>	<b>1,679</b>	

\*139 Units have deed restricted below market rate protections

Census tract 1122.01 is in the top 10% of Marin census tracts in terms of COVID-19 case rates *and* in the top 10% in terms of housing instability. According to Marin Health and Human Services data, census tract 1122.01 has a 15.35% positivity rate, compared to a 3% positivity rate Countywide. The 2018 U.S. Census American Community Survey shows that in this census tract more than 25% of renters live in overcrowded housing, while only 5% of renter households Countywide are considered overcrowded. Overcrowded households are more likely to include individuals who are essential workers who cannot perform their jobs remotely, increasing the likelihood of COVID-19 exposure. High overcrowding rates also indicate that additional income streams are required to sustain a household's rental costs, putting them at greater risk of housing instability should income be reduced. The [California Healthy Places Index](#) further ranks this census tract in the bottom tenth percentile statewide in terms of the percentage of low-income renters who pay more than 50% of their income on housing costs. Additionally, [the California Fair Housing Task Force](#) has identified that this census tract is at risk of further segregation and concentration of poverty.

On October 5, 2020, the City Council conducted a [Study Session](#) regarding Opportunity Zones and Eviction Assistance. During this Study Session, City Council directed staff to prioritize work on potential renter relocation assistance for renters within the Opportunity Zone.

On November 2, 2020, the City Council considered an [informational report](#) to further discuss the potential impacts of increases to renter relocation assistance for the OZ. As part of this informational report, Staff presented a recommendation to return with a draft ordinance amending the San Rafael Municipal Code (SRMC) by adding Chapter 10.111 which would expand renter protections for displaced households in the Opportunity Zone. The City Council unanimously approved accepting this report with staff's recommendation.

On November 17, 2020, this [informational report](#) with updated City Council action was presented to the Planning Commission. The Planning Commission unanimously approved this staff report with staff's recommendation.

**ANALYSIS:**

The proposed amendments to the SRMC would add Chapter 10.111 entitled, “Relocation Assistance in the Opportunity Zone.” These proposed amendments would increase the relocation assistance for qualifying households within the Opportunity Zone census tract area.

A household within the Opportunity Zone would be eligible for relocation assistance if the household will be displaced as a result of a “no-fault” eviction. “No fault” evictions are defined in SRMC Chapter 10.105 and include evictions where:

- Landlord will Permanently Remove Unit from Rental Market;
- Landlord will move in to Dwelling Unit;
- Substantial Rehabilitation for Health and Safety; and,
- Tenant’s Refusal to Execute Lease.

**Table 1. Proposed Renter Relocation Assistance for Opportunity Zone**

	<b>Payments to Renters (per unit)</b>				
	<b>Studio</b>	<b>1-Bedroom</b>	<b>2-Bedroom</b>	<b>3-Bedroom</b>	<b>4-Bedroom</b>
<b>Base Relocation Payment (All Renters)*</b>					
First Month Rent (2021 Fair Market Rent)	\$ 2,350	\$ 2,923	\$ 3,553	\$ 4,567	\$ 4,970
Security Deposit (2x Fair Market Rent)	\$ 4,700	\$ 5,846	\$ 7,106	\$ 9,134	\$ 9,940
Estimated Moving Expenses	\$ 500	\$ 500	\$ 750	\$ 1,000	\$ 1,500
<b>Minimum Total Renter Relocation Payment</b>	<b>\$ 7,550</b>	<b>\$ 9,269</b>	<b>\$ 11,409</b>	<b>\$ 14,701</b>	<b>\$ 16,410</b>
<b>Supplemental Relocation Payments (paid in addition to Base Relocation Payments)</b>					
<u>Temporary Housing</u>					
\$150 per diem, prorated by night until 1st of next month	\$ -	\$ -	\$ -	\$ -	\$ -
<u>Household Characteristics</u>					
Provided if household meets one of the below criteria:	\$ 2,350	\$ 2,923	\$ 3,553	\$ 4,567	\$ 4,970
1) Household with children					
2) Household with individual 65 years or older					
3) Household with individuals with disability					
<b>Estimated Maximum Renter Relocation Payment</b>	<b>\$ 9,900</b>	<b>\$ 12,192</b>	<b>\$ 14,962</b>	<b>\$ 19,268</b>	<b>\$ 21,380</b>
	<b>Payments to City of San Rafael (per unit)**</b>				
	<b>Studio</b>	<b>1-Bedroom</b>	<b>2-Bedroom</b>	<b>3-Bedroom</b>	<b>4-Bedroom</b>
<b>Administrative Fee</b>					
1-10 Units- 10%	\$ 755	\$ 927	\$ 1,141	\$ 1,470	\$ 1,641
11-20 Units- 15%	\$ 1,133	\$ 1,390	\$ 1,711	\$ 2,205	\$ 2,462
21+ Units- 20%	\$ 1,510	\$ 1,854	\$ 2,282	\$ 2,940	\$ 3,282

\* Base Relocation will be calculated using the higher amount between current Fair Market Rent or Leased Rent.

\*\*Note: Current payment to the City of San Rafael are based on base payment amount for illustration. Actual payments to the City of San Rafael would be based on actual Renter Relocation Payment.

For qualifying households, renter relocation assistance would include the following four payments that a household may qualify for (Table 1):

1. Base Payment: ~\$7,500 to \$16,400 for all households covered by the ordinance. The specific payment amount would be based upon unit size and include payments for the first month’s rent, the security deposit (equal to two months’ rent), and moving expenses. Under the proposed amendments, rent would be defined as the higher of the leased rent or the annual [HUD defined Fair Market Rent](#).
2. Temporary Housing: \$150 per diem to households who are displaced before the end of the month. This payment would be intended to cover temporary housing costs related to a partial month move;

3. Supplemental Payment: tenant households would be eligible for one supplemental payment of ~\$2,350 to \$4,900 if the household meets certain characteristics including: a household with children, a household with an individual over 65 years old, a household with an individual with a disability\*;
4. Administrative Fee: ~\$755 to \$4,200 per unit depending on unit and property size, paid to the City. These funds would be used to cover costs associated with hiring a third party to provide legal assistance and rehousing services for displaced tenants.

\* The ordinance places the burden of proof on the tenant household to establish they meet the criteria for eligibility for a supplemental payment.

**Relationship with Other State and Local Laws**

There are various State and local laws which confer upon tenants the right to relocation assistance upon eviction. The proposed ordinance would provide additional relocation assistance protections beyond those already established by law. The interplay between these laws is discussed below.

- Ellis Act. The Ellis Act preempts conflicting local ordinances and permits a landlord, subject to certain restrictions, to evict tenants in order to go out of the rental business. The Ellis Act confers on cities the authority to require that relocation assistance be provided to evicted tenants in order to mitigate adverse impacts of displacement. (Gov. Code § 7060.1(c).) The proposed ordinance is consistent with the Ellis Act because it seeks to ameliorate adverse impacts of displacement.
- Assembly Bill (AB) 1482. AB 1482 establishes statewide rent control and prohibits evictions of many residential tenants by limiting lawful evictions to “just cause evictions.” (Gov. Code § 1946.2 et seq.) AB 1482 also requires landlords to provide relocation assistance in the amount of one month’s rent for no-fault evictions (no fault evictions include evictions stemming from removal of a unit from the rental market, substantial rehabilitation, or owner move-in.)

AB 1482 allows local jurisdictions to adopt ordinances which are more protective than AB 1482; “more protective” specifically includes local ordinances that provide for higher relocation assistance amounts. (Gov. Code § 1946.2(g)(1)(B)). Because the proposed ordinance provides for higher relocation assistance than AB 1482’s one month relocation assistance, it is specifically authorized and not preempted by AB 1482.

AB 1482 also provides that “the relocation assistance or rent waiver required by [AB 1482] shall be credited against any other relocation assistance required by any other law.” This means that if a local ordinance, such as the one proposed, provides for higher relocation assistance amounts, a tenant would not also be entitled to AB 1482’s one month’s relocation assistance; instead that one month would be credited to the higher payment amount authorized by local ordinance, and the remaining provisions of AB 1482 would remain in effect.

- SRMC §14.16.279. SRMC Section 14.16.279 requires relocation assistance be paid to tenants who are evicted due to rehabilitation of a dwelling unit. The relocation assistance amount is equal to the sum of two months’ rent. SRMC Section 14.16.279 is consistent with AB 1482 because it provides for higher relocation assistance than AB 1482’s one month’s relocation assistance.

The proposed ordinance provides that if a tenant is eligible for relocation assistance under the ordinance, they are ineligible for relocation assistance under SRMC Section 14.16.279. This means that if a tenant in Census Tract 1122.01 is evicted due to rehabilitation of their dwelling unit, they are only entitled to relocation assistance pursuant to the proposed ordinance and would not also be eligible for an additional two months' relocation assistance under SRMC Section 14.16.279.

**ENVIRONMENTAL DETERMINATION:**

This project qualifies for exemption from the provisions of the California Environmental Quality Act Guidelines pursuant to Sections 15183(a) because it entails a project that can be found consistent with the General Plan policies and pursuant to 15061(b)(3), which states that as a 'general rule' the California Environmental Quality Act (CEQA) applies only to projects which have the potential to cause a significant, physical environmental effect, which this ordinance does not.

**COMMUNITY OUTREACH:**

The Background section of this staff report notes the prior public meetings on this topic. In addition, notice of hearing for the project was conducted in accordance with noticing requirements contained in Chapter 14.29 of the San Rafael Municipal Code. A Notice of Public Hearing was mailed to neighborhood associations and neighborhood advocates, housing advocates, local developers and other stakeholders at least 15 days prior to meeting. In addition, notice of the meeting was published in the *Marin IJ*.

**FISCAL IMPACT:**

There is no direct fiscal impact to the City for adopting this ordinance. In the event of a renter relocation assistance payment under Chapter 10.111, the landlord would be required to pay the City an administrative fee equal to between 10% to 20% of the renter relocation assistance payment to the Tenant. As discussed earlier, these funds would be used to cover costs associated with implementation of the program including hiring a third party to provide administration services on behalf of the City.

**OPTIONS:**

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

1. Pass the ordinance to print.
2. Act on the ordinance with modifications.
3. Direct staff to return with more information.
4. Take no action.

**RECOMMENDED ACTION:**

Pass to print the attached Ordinance adding Chapter 10.111 to the San Rafael Municipal Code.

**ATTACHMENTS:**

- 1) Ordinance Adding Chapter 10.111 to the San Rafael Municipal Code, Entitled "Relocation Assistance In Opportunity Zones"

## ORDINANCE NO.

### AN ORDINANCE OF THE CITY OF SAN RAFAEL CITY COUNCIL ADDING CHAPTER 10.111 TO THE SAN RAFAEL MUNICIPAL CODE, ENTITLED “RELOCATION ASSISTANCE IN OPPORTUNITY ZONES”

#### **Section 1.** Findings.

**WHEREAS**, the Marin Housing Authority estimates there is a shortage of 9,465 affordable rental homes to accommodate low-income renters in Marin County; and

**WHEREAS**, the Marin Housing Authority estimates that rents in Marin County have been steadily increasing since 2009; and

**WHEREAS**, increasing rents combined with a housing shortage places substantial pressure on residents of the City of San Rafael who rent housing; and

**WHEREAS**, there are 23,929<sup>i</sup> residential units in San Rafael. Of those, approximately forty-eight percent (48%) are owner occupied and fifty percent (50%) are renter occupied; and

**WHEREAS**, a portion of San Rafael is located in U.S. Census Tract 1122.01, which is the sole U.S. Census Tract designated a “Qualified Opportunity Zone” by the 2017 Tax Cuts and Jobs Act (the “Act”), within Marin County; and

**WHEREAS**, in San Rafael’s Qualified Opportunity Zone, there are approximately 1,813<sup>ii</sup> residential units. Of those, eight percent (8%) are owner occupied and ninety-two percent (92%) are tenant occupied; and

**WHEREAS**, the estimated median gross monthly income of residents living in Census Tract 1121.01 is \$3,533<sup>iii</sup>; and

**WHEREAS**, Census Tract 1122.01 has been identified as a High Segregation and Poverty opportunity category (<https://belonging.berkeley.edu/2021-tcac-opportunity-map>); and

**WHEREAS**, the Healthy Places Index (HPI), developed by the Public Health Alliance of Southern California, tracks 25 separate indicators of community health and wellbeing, including five indicators related to housing; and

**WHEREAS**, according to the HPI, Census Tract 1122.01 is in the bottom 10<sup>th</sup> percentile of census tracts statewide in terms of renters who spend more than 50% of their income on housing costs, while the City of San Rafael as a whole is in the 29<sup>th</sup> percentile; and

**WHEREAS**, Qualified Opportunity Zones are designed to spur economic development in distressed communities throughout the country and U.S. possessions by providing tax benefits to investors who invest eligible capital into opportunity zones; and

**WHEREAS**, in order for taxpayers to defer tax on eligible capital gains under the Act, taxpayers must own and substantially improve property in a Qualified Opportunity Zone; and

**WHEREAS**, sale of residential properties in San Rafael's Qualified Opportunity Zone and substantial improvements to said properties are likely to result in displacement of residential tenants in the Canal neighborhood due to no fault terminations; and

**WHEREAS**, the residents living in San Rafael's Qualified Opportunity Zone therefore face a high risk of displacement which displacement could have severe health, safety and economic impacts on these residents; and

**WHEREAS**, tenants who do not have adequate funds to move and who are forced to move pursuant to a no-fault eviction notice face displacement and great hardship; and

**WHEREAS**, tenants who find acceptable new housing commonly find themselves required to pay substantial costs related to new housing including, but not limited to, move-in costs to a new home, moving costs, new utility hook-ups, payments for temporary housing, lost work time seeking housing, and increased rent; and

**WHEREAS**, tenants who find acceptable new housing commonly find themselves required to pay substantial move-in costs of first and last month's rent plus a security deposit equal to one month's rent; and

**WHEREAS**, tenants evicted in San Rafael are forced to incur substantial costs related to new housing including, but not limited to, move-in costs to a new home, moving costs, new utility hook-ups, payments for temporary housing, and lost work time seeking housing;

**WHEREAS**, mothers who are evicted experience higher levels of material hardship and parenting stress and are more likely to suffer from depression and to report their health and that of their children as being poor, and the impacts of eviction can endure for years with research showing in some families at least two years after their eviction mothers experienced significantly higher rates of material hardship and depression than their peers<sup>iv</sup>; and

**WHEREAS**, evictions of long-term residents can lead to significant decreased credit scores for individuals ages 65 years or older compared to their counterparts who are able to stay, with an average credit score 14.6 points lower<sup>v</sup>; and

**WHEREAS**, by 2035, the number of older households with a disability nationwide will increase by 76 percent to reach 31.2 million, placing tremendous pressure on the supply of ADA-compliant rental housing, making it increasingly difficult for renters with disabilities to find suitable housing after a no-fault eviction<sup>vi</sup>; and

**WHEREAS**, numerous California jurisdictions have recognized the impacts of these no-fault evictions are particularly significant on elderly, disabled, and low-income tenants and tenants with minor children, justifying additional payments for households with these tenants; and

**WHEREAS**, this action is exempt from the California Environmental Quality Act ("CEQA") pursuant to, but not limited to, the following CEQA Guidelines: § 15061 (b)(3) (no significant environmental impact), and § 15183 (consistent with the general plan and zoning); and

**WHEREAS**, this Ordinance is expressly authorized by State law because the Ordinance provides for higher relocation assistance amounts than section 1946.2 of the California Civil Code, which was adopted pursuant to the Tenant Protection Act of 2019 and is therefore more protective than the Act, and because this Ordinance provides tenant protections that are neither prohibited by nor established by other provisions of applicable law;

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

**Section 2: Addition of Chapter 10.111 to the San Rafael Municipal Code.**

Title 10 of the San Rafael Municipal Code, entitled "Businesses, Professions, Occupations, Industries and Trades" is hereby amended by adding a new Chapter, 10.111 entitled "Relocation Assistance in Opportunity Zones" to read in its entirety as follows:

**10.111.010 Purpose and Intent**

It is the purpose and intent of this chapter to help mitigate the adverse health, safety and economic impacts experienced by residents of rental housing who are displaced from their residences due to no fault terminations of their tenancies. This chapter requires a property owner to mitigate the impact on these residents by providing relocation assistance benefits to residents located within U.S. Census Tract 1122.01, which has been designated a "Qualified Opportunity Zone" by the 2017 Tax Cuts and Jobs Act.

## 10.111.020. Definitions

For purposes of this chapter, unless the context clearly requires a different meaning, the words, terms, and phrases set forth in this section shall either have the meanings set forth in section 10.105.030 of this Code, or below, as applicable:

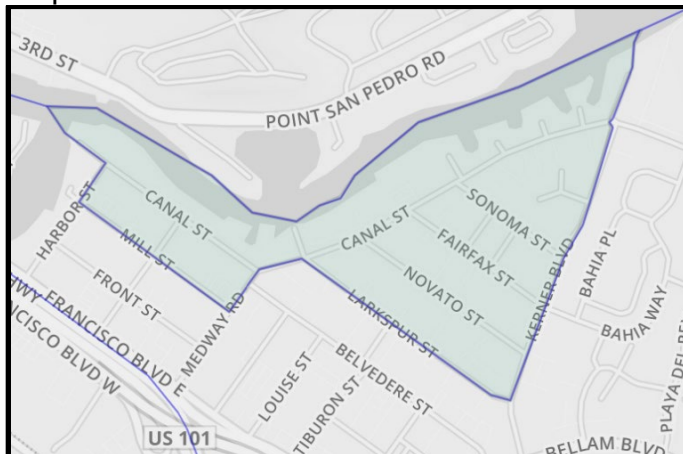
- A. “Disabled” means a person with a disability, as defined in Section 12955.3 of the Government Code.
- B. “Elderly” means a person sixty-two (62) years or older.
- C. “Lease” means any contract between a tenant household and a landlord or property owner for a specified time, in return for a periodic payment.
- D. “Minor child(ren)” means a person(s) who is eighteen (18) years or younger at the time the Notice of Relocation Assistance is provided to the tenant household.
- E. “No fault termination” shall have the meaning set forth in section 10.105.040(C) of this Code.
- F. “Relocation assistance” means the payment issued to a tenant household which household will be evicted from a dwelling unit pursuant to a “no fault termination.”
- G. “Tenancy” means the use or occupancy of a dwelling unit by a tenant.

## 10.111.030 Eligibility for Relocation Assistance

A. A tenant household shall be eligible for Relocation Assistance pursuant to this Chapter if:

- (1) The tenant household has continually occupied a dwelling unit for a period of thirty (30) days or more; and
- (2) The tenant household occupies a dwelling unit located within U.S. Census Tract 1122.01, and shown in the shaded areas of Map 10.111.030.

Map 10.111.030



B. A tenant household shall not be eligible to receive relocation assistance pursuant to this Chapter if the tenant household is subject to a “for cause termination” pursuant to subsection (B) of section 10.105.040 of this Code.

C. A tenant household that is eligible to receive relocation assistance pursuant to this Chapter shall not be eligible to receive relocation assistance pursuant to the provisions of section 14.16.279 of this Code.

#### **10.111.040 Requirement to Provide Relocation Assistance**

If the termination of a tenancy subject to this Chapter qualifies as a “no fault termination” pursuant to subsection (C) of section 10.105.040 of this Code, the landlord of the dwelling unit subject to the no fault termination shall, regardless of the tenant household’s income, provide relocation assistance in accordance with the provisions of this Chapter.

#### **10.111.050 Relocation Assistance Calculation and Procedures**

Relocation assistance shall be subject to the following:

##### **A. Calculation of Relocation Assistance**

A tenant household that is eligible to receive relocation assistance pursuant to this Chapter shall be entitled to a relocation assistance payment equal to the sum of the following:

(1) First and Last Month’s Rent. Payment for first and last month’s rent shall be equal to two times the greater of (1) the rent established by a lease between the landlord and the tenant household, or (2) the current Fair Market Rent published annually by the U.S. Department of Housing and Urban Development for the San Francisco, CA HUD Metro FMR Area, corresponding to the number of bedrooms in the subject dwelling unit; and

(2) Security Deposit. Payment for a security deposit shall be established by City Council Resolution and based upon the number of bedrooms in the property; and

(3) Moving Expenses. Payment for moving expenses shall be established by City Council Resolution and based on the number of bedrooms in the property; and

(4) Per Diem. A per diem payment for each day remaining in the calendar month in which the tenancy is terminated. The per diem amount shall be established by City Council Resolution, to compensate for costs such as short-term rental accommodations, meals, and other related costs, and based upon tenant household size; and

(5) Supplemental Payments. Tenant households that qualify for the Supplemental Payment Categories set forth in this subsection shall receive up to one supplemental payment. Supplemental payments shall be equal to one month’s rent calculated using the greater of (1) the monthly rent established by a lease between the landlord and the tenant household; or (2) the current Fair Market Rent published

annually by the U.S. Department of Housing and Urban Development for the San Francisco, CA HUD Metro FMR Area, corresponding to the number of bedrooms in the subject dwelling unit.

Supplemental Payment Categories include:

- a. Tenant households with Minor Child(ren). Households with at least one minor child(ren).
- b. Tenant households with Elderly Individual. Households with at least one elderly individual.
- c. Tenant households with Disabled Individual. Households with at least one disabled individual.

**B. Notice of Relocation Assistance**

(1) Not less than sixty (60) days before a tenancy is terminated pursuant to subsection (C) of section 10.105.040, the landlord shall provide a Notice of Relocation Assistance to the tenant household whose tenancy will be terminated.

(2) The Notice of Relocation Assistance may be provided along with or incorporated within the Notice of Termination required pursuant to section 10.105.050.

(3) The Notice of Relocation Assistance shall be in the same language and/or dialect as the rental agreement was negotiated.

(4) The Notice of Relocation Assistance shall contain the following:

- a. the amount of the relocation assistance payment itemized in the manner set forth in subsections (1) through (4) of subsection (A) of section 10.111.050 regarding calculation of relocation assistance;

- b. a statement informing the tenant household that it may submit evidence of eligibility for a Supplemental Payment pursuant to subsection (5) of subsection (A) of section 10.111.050 of this Code within twenty-one (21) days of receipt of the Notice of Relocation Assistance.

- c. the date by which the relocation assistance payment will be delivered to the tenant household; and

- d. a copy of San Rafael Municipal Code Chapter 10.111.

**C. Certification of Relocation Assistance and Administrative Fee**

Within ten (10) days of issuance of a Notice of Relocation Assistance pursuant to subsection (B) of section 10.111.050 of this Chapter, the landlord shall submit to the City's Community Development Department, a completed Certification of Relocation Assistance on a form approved by the City along with an administrative fee in an amount set forth by separate resolution of the City Council, which fee shall offset the costs in administering this Chapter.

The Certification of Relocation Assistance shall include the following information:

- (1) The address of each dwelling unit in the rental property that is subject to the no-fault termination;
- (2) The monthly rent for each of those dwelling units; and
- (3) The name of every person the landlord considers to be a resident under an oral lease, written lease, or other rental agreement.

**D. Payment of Relocation Assistance**

(1) Not less than thirty (30) days before the final date of the terminated tenancy, the landlord shall deliver, via certified mail or personal service, to the address of the terminated tenancy, the relocation assistance required by this Chapter.

(2) The relocation assistance payment shall be equal to the sum of the amounts required by subsections (1) through (4) of subsection (A) of section 10.111.050, and shall include the amount set forth in subsection (5) of subsection (A) of section 10.111.050 if the tenant household has provided timely evidence of eligibility for a supplemental payment. The owner must keep all such evidence and documents submitted by the tenant household confidential.

(3) Relocation assistance shall be paid per tenant household, not per tenant.

(4) Relocation assistance shall be paid via check or cashier's check made out to the person(s) who are named on the lease for the terminated tenancy.

**E. Verification of Payment of Relocation Assistance.**

Before issuance of demolition permits, building permits or other City permits and/or entitlements that would result in No Fault Termination subject to Chapter 10.105 of this Code, the City must receive verification from the landlord of the property seeking said permits and/or entitlements that all relocation assistance required pursuant to this Chapter has been paid. This verification shall be submitted in a form approved by the Community Development Department.

**10.111.060 Notices.**

Whenever any notice or other communication is required by this Chapter to be served on, provided, given or delivered to, or filed with, any person, that notice or communication may be communicated by personal delivery, certified mail, first class mail, e-mail, or any other similar method that will provide a written record of the notice or communication.

**10.111.080 Failure to Comply – Private Right of Action.**

Any attempt to recover possession of a rental unit in violation of this Chapter shall render a landlord liable to the tenant for damages permitted by law in a civil action for wrongful eviction. A tenant may also seek injunctive relief and money damages for wrongful eviction and/or failure to pay relocation assistance, including failure to pay a supplemental payment where the tenant household has timely submitted evidence of

eligibility for a supplemental payment pursuant to subsection (5) of subsection (A) of section 10.111.050 of this Code. The prevailing party in an action for wrongful eviction shall recover costs and reasonable attorneys' fees.

#### **10.111.090 Expiration on Termination of Federal Opportunity Zone Designation**

This Chapter is intended to provide assistance to renters experiencing higher risks of displacement and renters affected by the Opportunity Zone designation authorized by the 2017 Tax Cuts and Jobs Act. At such time as the Opportunity Zone designation is lifted from Census Tract 1122.01 or the Act is amended so as to not provide its stated tax benefits to investments within Census Tract 1122.01, the provisions of this Chapter shall expire and become null and void. The City Council shall repeal this Chapter should it expire by the terms of this section.

**Section 3. Severability.** If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

**Section 4. Compliance with CEQA.** The City Council hereby finds that the action to adopt this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines, because it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment, and pursuant to CEQA Guidelines section 15183 (consistent with the general plan and zoning).

**Section 5. 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.

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Kate Colin, Mayor

ATTEST:

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LINDSAY LARA, City Clerk

The foregoing Ordinance No. \_\_\_\_\_ was read and introduced at a regular meeting of the City Council of the City of San Rafael on \_\_\_\_\_, the \_\_\_\_ day of \_\_\_\_\_ 2021, and was 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 \_\_\_\_ day of \_\_\_\_\_, 2021.

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LINDSAY LARA, City Clerk

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<sup>i</sup> Total Housing Units (+/-235 Margin of Error)(Occupied - +/-542 Margin of Error)

<sup>ii</sup> Total Housing Units (+/-117 Margin of Error)

<sup>iii</sup> ACS 2018 5-year

<sup>iv</sup> Desmond, Matthew & Kimbro, Rachel. (2015). Eviction's Fallout: Housing, Hardship, and Health. Social Forces. 94. 10.1093/sf/sov044.

<sup>v</sup> Ding, L., & Hwang, J. (2016). The Consequences of Gentrification: A Focus on Residents' Financial Health in Philadelphia. *Cityscape*, 18(3), 27-56.

<sup>vi</sup> Joint Center for Housing Studies of Harvard University. (2016). Projections and Implications for Housing a Growing Population: Older Households 2015-2035. <https://www.jchs.harvard.edu/research-areas/reports/projections-and-implications-housing-growing-population-older-households-2015>

**Marin Independent Journal**

4000 Civic Center Drive, Suite 301

San Rafael, CA 94903

415-382-7335

legals@marinij.com

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

.....

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*Customer's Reference* PUBLIC HEARING- ONLINE PUB DATE 2/14/2021  
*/ PO Number:*

*Publication:* Marin Independent Journal

*Publication Dates:* 02/14/2021

*Amount:*           \$158.24

**Invoice Text: CITY OF SAN RAFAEL  
NOTICE OF ONLINE PUBLIC HEARING**

You are invited to attend an online City Council hearing on the following project:

**DATE/TIME/PLACE: Monday, March 1, 2021  
at 7:00 P.M.**

**COVID-19 ADVISORY NOTICE:** 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 March 16, 2020 Shelter in Place Order, the San Rafael City Council hearing WILL NOT be physically open to the public and the meeting will be streamed live to YouTube at: [www.youtube.com/cityofsanrafael](http://www.youtube.com/cityofsanrafael). Instructions on how to participate online, will be available on the YouTube channel.

**PROJECT:**

The City Council will consider amendments to San Rafael Municipal Code (SRMC) Title 10. These potential amendments would add a new code section that would introduce requirements for renter relocation assistance for households displaced as a result of a no-fault eviction within the federally designated Opportunity Zone in the Canal Neighborhood of San Rafael (US Census Tract 1122.01). These amendments are the result of community feedback including informational reports presented to the City Council on November 2, 2020 and the Planning Commission November 17, 2020. Staff was directed to draft proposed code amendments to address this relocation assistance and return to the City Council for review and action on the amendments; File No.: P21-004

State law (California Environmental Quality Act) requires that this project be reviewed to determine if a study of potential environmental effects is required. This project qualifies for exemption from the provisions of the California Environmental Quality Act Guidelines pursuant to Section 15061(b)(3), which states that as a 'general rule' the California Environmental Quality Act (CEQA) applies only to projects which have the potential to cause a significant, physical environmental effects.

**WHAT WILL HAPPEN:**

You can comment on the project. City Staff will present the proposed SRMC Amendments to the City Council. The City Council will conduct a public hearing to allow for public comments and may take action to approve, deny, or continue a decision on the proposed SRMC Amendments.

**IF YOU CANNOT ATTEND:**

You can send written correspondence by email to the address below, or by mail/hand delivery to the Office of the City Clerk, City of San Rafael, 1400 5th Avenue, San Rafael, CA 94901 (Drop box located outside city hall entry doors on Mission Ave side).

**FOR MORE INFORMATION:**

Contact Ethan Guy, Principal Analyst at [Ethan.guy@cityofsanrafael.org](mailto:Ethan.guy@cityofsanrafael.org). Please note that City offices are currently closed to public walk-in, but you may contact staff for more information. You may also view the staff report after 5:00 p.m. on the Friday before the meeting at <http://www.cityofsanrafael.org/meetings>.

**SAN RAFAEL CITY COUNCIL**

/s/ Lindsay Lara  
Lindsay Lara  
CITY CLERK

Feb. 14, 2021

# Marin Independent Journal

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2070419

CITY OF SAN RAFAEL  
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## PROOF OF PUBLICATION (2015.5 C.C.P.)

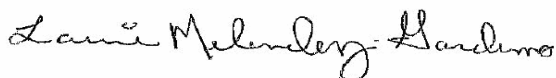
### STATE OF CALIFORNIA County of Marin

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

02/14/2021

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

Dated this 15th day of February, 2021.



Signature

## PROOF OF PUBLICATION

Legal No. **0006553202**

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#### SAN RAFAEL CITY COUNCIL

/s/ Lindsay Lara  
Lindsay Lara  
CITY CLERK

Feb. 14, 2021

# City Council Appointments 2021

Position	2021
Vice Mayor, City Council	Maribeth Bushey
San Rafael Sanitation District	Kate Colin (C) Maribeth Bushey Rachel Kertz (Alt)
Central Marin Sanitation Agency (informational only- appointed by SRSD)	Maribeth Bushey
City Rep. to Association of Bay Area Government (ABAG)	<del>Rachel Kertz</del> <u>Eli Hill</u>
<del>Joint Powers Authority Oversight Committee</del>	<del>Kate Colin</del>
League of California Cities, North Bay Division	Maika Llorens Gulati Maribeth Bushey (Alt)
Sonoma/Marin Area Rail Transit (SMART) (informational only- appointed by TAM)	Kate Colin <del>Eli Hill</del> <u>Maribeth Bushey</u> (Alt)
County Priority-Setting Committee (re Community Development Block Grant Funds)	Eli Hill Rachel Kertz (Alt)
Marin Clean Energy (MCE)	Maika Llorens Gulati <del>Eli Hill (Alt)</del> <u>Rachel Kertz (Alt)</u>
Transportation Authority of Marin (TAM) Board of Commissioners	Kate Colin Maribeth Bushey (Alt)
Transportation Authority of Marin (TAM) - Safe Routes to Schools Program	Maika Llorens Gulati
<del>County of Marin - Las Gallinas Watershed Program</del>	<del>Rachel Kertz</del>
<u>Micro Grid Task Force</u>	<u>Eli Hill</u>
<u>BayWAVE</u>	<u>Kate Colin</u>
<b>City Council Standing Committees</b> (Noticed public meetings)	
Climate Change Action Plan Quarterly Update Forum	Maika Llorens Gulati
City/School Liaison Committee (Noticed Joint City Council /Schools meeting)	Kate Colin Eli Hill
Economic Development Subcommittee	Kate Colin Rachel Kertz
General Plan 2040 Steering Committee	Maribeth Bushey Maika Llorens Gulati (Alt)
Library Foundation Board	Maribeth Bushey

<b>Council Liaisons to Boards, Commissions and Committees</b> (Open, noticed meetings)	
ADA Access Advisory Committee	Eli Hill
Bicycle and Pedestrian Advisory Committee	Maika Llorens Gulati
Board of Library Trustees	Maribeth Bushey
Business Improvement District Advisory Group	Rachel Kertz
Cannabis Industry Tax Oversight Committee (Measure G)	Maribeth Bushey
Citizens Advisory Committee "CAC" on Economic Development and Affordable Housing	Eli Hill
Design Review Board	Kate Colin
Fire Commission	<del>Maika Llorens Gulati</del> <a href="#">Eli Hill</a>
Measure E Transaction and Use Tax Oversight Committee	Rachel Kertz
Special Library Parcel Tax Committee (Measure D)	Maribeth Bushey
Pickleweed Advisory Committee	Maika Llorens Gulati
Park and Recreation Commission	Eli Hill
Planning Commission	Kate Colin
<b>Joint Powers Agreement (JPA)</b>	
Marin County Animal Control	Jim Schutz
Marin County Hazardous and Solid Waste Joint Powers Authority Board and Executive Committee	Jim Schutz Cristine Alilovich (Alt)
Marin Emergency Radio Authority (MERA) Governing Board	Dave Spiller Glenn McElderry (Alt) Robert Sinnott (Alt)
Marin Emergency Radio Authority (MERA) Executive Board	Darin White
Marin General Services Authority	Jim Schutz Cristine Alilovich (Alt)
Marin Wildfire Prevention Authority	Rachel Kertz Eli Hill (Alt)

<b>Marin County Council of Mayors &amp; Councilmembers (MCCMC)</b>	
Legislative Committee	Rachel Kertz
Marin Transit District <i>(MCCMC appointment; non-City appointment)</i>	Kate Colin
Homelessness Policy Maker Group	Kate Colin (C) Rachel Kertz
Climate Mitigation Committee	Maika Llorens Gulati
Disaster Preparedness	Eli Hill Maribeth Bushey (Alt)
MCCMC Economic Recovery	Kate Colin <del>Rachel Kertz</del> <u>Maika Llorens</u> <u>Gulati</u>