



MINUTES

SAN RAFAEL CITY COUNCIL – MONDAY, AUGUST 2, 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 held virtually using Zoom and is being streamed to YouTube at www.youtube.com/cityofsanrafael.

How to participate in the meeting:

- Submit public comment in writing before 4:00 p.m. the day of the meeting to city.clerk@cityofsanrafael.org.
- Join the Zoom webinar and use the 'raise hand' feature to provide verbal public comment.
- Dial-in to Zoom's telephone number using the meeting ID and provide verbal public comment.

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

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

Absent: None

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

CLOSED SESSION AT 6:30 P.M.

Watch on Webinar: <https://tinyurl.com/CS-2021-08-02>

Listen by phone: (669) 900-9128

ID: 874-3622-7711#

OPEN SESSION

1. Mayor Kate to announce Closed Session items.

CLOSED SESSION

2. Closed Session:
 - a. Conference with Legal Counsel—Existing Litigation
Government Code Section 54956.9(d)(1)
Claim of J. Kelly Howard

REGULAR MEETING AT 7:00 P.M.
Watch on Webinar: <https://tinyurl.com/cc-2021-08-02>
Watch on YouTube: www.youtube.com/cityofsanrafael
Listen by phone: (669) 900-9128
ID: 817-3692-0337#

Mayor Kate called the meeting to order at 7:03 p.m. and invited City Clerk Lindsay Lara to call the roll. All members of the City Council were present.

City Attorney Robert Epstein announced that no reportable action was taken in the Closed Session held prior to the meeting.

Mayor Kate provided opening remarks, which included a recent downtown shooting and a land acknowledgment.

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

OPEN TIME FOR PUBLIC EXPRESSION

Correspondence in real-time through Zoom or on telephone

- Eva Chrysanthe, addressed the City Council regarding restroom use at a Community Center.

CITY MANAGER'S REPORT:

3. City Manager's Report:

City Manager Jim Schutz announced:

- National Night Out starting Tuesday, August 3 at 6 p.m.
- COVID-19 Update
- Service Support Area Update

COUNCILMEMBER REPORTS:

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

4. Councilmember Reports:

- Councilmember Bushey reported on working with the Loch Lomond Oversight Development Committee.
- Councilmember Hill reported on a filming of a flume (water sensor) install.
- Councilmember Kertz reported on her flume install, Mulch Madness, housing vouchers and a Public Art Advisory Committee meeting.
- Councilmember Llorens Gulati reported on a 101/580 Direct Connector field trip and a clean-up day in the Canal with Alcohol Justice.
- Mayor Kate reported on SMART, TAM and Marin Transit meetings and a tour at 3301 Kerner Blvd (Project Homekey site).

CONSENT CALENDAR:

Mayor Kate invited public comment.

Speaker: Eva Chrysanthe

Councilmember Kertz moved and Councilmember Bushey seconded to approve the Consent Calendar.

5. Consent Calendar Items:

a. **Approval of Minutes**

Approve Minutes of City Council / Successor Agency Regular Meeting of Monday, July 19, 2021 and Special Meeting of Thursday, July 15, 2021 (CC)

Approved minutes as submitted

b. **Temporary Street Closure to Support Vaccination Efforts in the Canal Neighborhood Resolution Authorizing Saturday Street Closures to Support Canal Alliance's Effort to Provide COVID-19 Vaccinations (PW)**

Resolution 14957 - Resolution Authorizing Saturday Street Closures to Support Canal Alliance's Effort to Provide COVID-19 Vaccinations

c. **Designation of Voting Delegate for the League of California Cities Annual Conference & Expo**

Designation of Councilmember Eli Hill as Voting Delegate for the 2021 League of California Cities Annual Conference & Expo in Sacramento – September 22-24, 2021 (CC)

Approved the designation of Councilmember Eli Hill as voting delegate

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

PUBLIC HEARINGS

6. Public Hearings:

a. **[San Rafael General Plan 2040, Downtown Precise Plan and Zoning Ordinances](#)**

Alicia Giudice, Community Development Director introduced Barry Miller, General Plan 2040 Consultant who presented the Staff Report.

Recess during Staff Report Presentation: 7:50 to 7:55 p.m.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Jeff Rhoads, San Rafael Heritage, Linzy Klumpp, San Rafael Heritage, John Reynolds

Recess: 8:11 to 8:16 p.m.

Speakers: Bill Carney, Sustainable San Rafael, Eva Chrysanthe

Staff responded to public comment.

Staff responded to comments and questions from Councilmembers.

i. Resolution Adopting Findings of Fact and a Statement of Overriding Consideration for General Plan 2040 and the Downtown Precise Plan (CD)

Councilmember Bushey moved and Councilmember Hill seconded to adopt the resolution.

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

Resolution 14958 - Resolution Adopting Findings of Fact and a Statement of Overriding Consideration for General Plan 2040 and the Downtown Precise Plan

ii. Resolution Adopting San Rafael General Plan 2040 (CD)

Councilmember Bushey moved and Councilmember Kertz seconded to adopt the resolution.

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

Resolution 14959 - Resolution Adopting San Rafael General Plan 2040

iii. Resolution Adopting Downtown Precise Plan (CD)

Councilmember Bushey moved and Councilmember Kertz seconded to adopt the resolution.

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

Resolution 14960 - Resolution Adopting Downtown Precise Plan

- iv. **Consideration of An Ordinance Amending the San Rafael Municipal Code Amending Title 14 (Zoning Ordinance) and Amending the Zoning Map of the San Rafael Municipal Code to: A) Repeal the Existing Downtown Zoning Districts, and Replace with Downtown Mixed-Use (DMU) District; B) Amend, Delete and Replace Certain Zoning Provisions Applicable to Downtown San Rafael; and C) Amend, Delete and Replace Other Zoning Regulations to Comply with State Law and Incorporate Other Minor Changes, Corrections and Updates (CD)**

Councilmember Bushey moved and Councilmember Hill seconded to pass Ordinance to print.

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

Passed Ordinance No. 1996 to print

- v. **Consideration of An Ordinance Adopting the Downtown San Rafael Precise Plan – Chapter 9 Downtown Form-Based Code to Serve as the Primary Regulatory City Zoning Code for Downtown San Rafael (CD)**

Councilmember Bushey moved and Councilmember Kertz seconded to pass Ordinance to print.

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

Passed Ordinance No. 1997 to print

- b. [Amendments to the San Rafael Municipal Code Regarding Parks and Recreation, Parades, Assemblies, Expressive Activity and Other Activity on Public Property](#)

Consideration of An Ordinance Amending the San Rafael Municipal Code to Change the Name of Title 19 from “Open Space” to “Public Parks, Property, and Open Space”; to Repeal Chapter 8.10 (Parks and Recreation) and Add a New Chapter 19.20 (Parks and Recreation) to Title 19; to Repeal Chapter 5.70 (Meetings Assemblies and Parades In Public Places) of Title 5 and Add a New Chapter 19.30 (Assemblies and Parades In Public Streets and Rights-Of-Way) to Title 19; to Add New Chapter 19.40 (Expressive Activities In Public Places) to Title 19; to Add New Section 5.60.054 to Chapter 5.60 (Parking Regulations); and Finding the Ordinance Exempt from the California Environmental Quality Act (CA/LR)

Lisa Goldfien, Assistant City Attorney introduced Nira Doherty, Deputy City Attorney and Susan Andrade-Wax, Library & Recreation Director who presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speaker: Eva Chrysanthe

Councilmembers provided comments.

Councilmember Hill moved and Councilmember Llorens Gulati seconded to pass Ordinance to print.

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

Passed Ordinance No. 1998 to print

c. **[Spinnaker Point Drive Parking Modification Project](#)
Resolution Adopting the Mitigated Negative Declaration and Associated Mitigation Monitoring and Reporting Program for the Spinnaker Point Drive Parking Modification Project, City Project No. 11363 (PW)**

Bill Guerin, Public Works Director and Geoff Reilly, Consultant from WRA presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: John Reynolds, Kate Powers, Eva Chrysanthe

Staff responded to public comment.

Councilmembers provided comments.

Councilmember Llorens Gulati moved and Councilmember Bushey seconded to adopt the resolution.

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

Resolution 14961 - Resolution Adopting the Mitigated Negative Declaration and Associated Mitigation Monitoring and Reporting Program for the Spinnaker Point Drive Parking Modification Project, City Project No. 11363

Councilmember Bushey moved and Councilmember Llorens Gulati seconded to direct staff to proceed with the final design and submittal of regulatory environmental permits.

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

Directed staff to proceed with the final design and submittal of regulatory environmental permits

SAN RAFAEL SUCCESSOR AGENCY:

1. Consent Calendar: - None.

ADJOURNMENT:

Mayor Kate adjourned the meeting at 10:02 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2021

KATE COLIN, Mayor

DRAFT