



## AGENDA

SAN RAFAEL CITY COUNCIL – MONDAY, DECEMBER 6, 2021

REGULAR MEETING AT 7:00 P.M.

Watch on Webinar: <https://tinyurl.com/cc-2021-12-06>

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

Listen by phone: (669) 900-9128

ID: 817-3692-0337#

One Tap Mobile: US: +16699009128,,81736920337#

### 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](http://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](mailto: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](mailto: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.

### OPEN SESSION

1. Mayor Kate to announced Closed Session item.

### CLOSED SESSION – (669) 900-9128 ID: 815-5125-5972#- 5:30 PM

2. Closed Session:
  - a. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant Government Code Section 54956.9(d)(2)  
(One potential case)
  - b. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION  
Government Code Section 54956.6(d)(1)  
In Re National Prescription Opiate Litigation  
United States District Court for the Northern District of Ohio Eastern Division  
Case No. 17-MD-2804

### 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. **Use of Teleconferencing for Public Meetings During State of Emergency**  
Resolution Pursuant to Assembly Bill 361 Making Findings and Confirming the Need for Continued Use of Teleconferencing to Hold Public Meetings of the San Rafael City Council and City Boards and Commissions During the Continuing State of Emergency Relating to the COVID-19 Pandemic (CA)  
*Recommended Action - Adopt Resolution*
- b. **Agency Report of Public Officials 2021**  
Adoption of Agency Report of Public Official Appointments (FPPC Form 806) (CA)  
*Recommended Action - Adopt Form 806*
- c. **Job Classification and Compensation Adjustments in the Human Resources Department**  
Resolution Approving the New Classification and Compensation of Administrative Services Director (HR)  
*Recommended Action - Adopt Resolution*
- d. **Accessory Dwelling Unit Regulations Ordinance Adoption**  
Final Approval of Ordinance 2002: An Ordinance Amending Title 1 (General Provisions), Title 4 (Fire), Title 12 (Building Regulations), and Title 14 (Zoning Ordinance) of the San Rafael Municipal Code Related to Regulations for Accessory Dwelling Units, and Report Issued Pursuant to Government Code § 65858(d) (CD)  
*Recommended Action - Approve final adoption of Ordinance 2002*
- e. **Citizens Advisory Committee on Economic Development and Affordable Housing Dissolution**  
Resolution Dissolving the Citizen Advisory Committee (CAC) on Economic Development and Affordable Housing (ED)  
*Recommended Action - Adopt Resolution*
- f. **Traffic Mitigation Fees**  
Annual Traffic Mitigation Fee Report - FY 2021-22 (PW)  
*Recommended Action - Accept report*

- g. **Annual CalRecycle Grant**  
Resolution Authorizing Submittal of An Application for All CalRecycle Grants for Which the City of San Rafael is Eligible (PW)  
*Recommended Action – Adopt Resolution*
- h. **Memorandum of Agreement with the County of Marin to Maintain Bayside Park**  
Resolution Approving and Authorizing the Mayor to Sign a Memorandum of Agreement with Marin County Defining Maintenance Responsibilities for Bayside Park (PW)  
*Recommended Action – Adopt Resolution*
- i. **Umbrella Dredging Permit in San Rafael Consulting Services Agreement**  
Resolution Approving and Authorizing the City Manager to Sign a First Amendment to the Professional Services Agreement with Haley & Aldrich, Inc. for Additional Services in Coordinating the Development of an Umbrella Permit for Private Dock Dredging in the San Rafael Canal, in an Amount Not to Exceed \$16,200 (PW)  
*Recommended Action – Adopt Resolution*
- j. **Southern Heights Bridge Replacement**  
Resolution Approving and Authorizing the City Manager to Execute a Fourth Amendment to the Agreement with Mark Thomas & Company, Inc. for Slope Stability Analysis, in an Additional Contract Amount Not to Exceed \$51,789 (PW)  
*Recommended Action – Adopt Resolution*

## **PUBLIC HEARINGS**

### 6. Public Hearings:

- a. **Marin Sanitary Service Rates and Contract for 2022**  
Resolutions of the City Council of the City of San Rafael:
  - i. Resolution Establishing Maximum Rates Collected by Marin Sanitary Service for Refuse and Recyclable Material Collection and Disposal Services, to be Effective January 1, 2022  
*Recommended Action – Adopt Resolution*
  - ii. Resolution Approving a Fourth Amendment to the Amendment and Restatement of Collection Agreement of the City of San Rafael with Marin Sanitary Service (CM)  
*Recommended Action – Adopt Resolution*
- b. **Downtown Business Improvement District (BID) Assessment Annual Renewal**  
Resolution Approving the Downtown San Rafael Business Improvement District Assessment for Calendar Year 2022 (ED)  
*Recommended Action – Adopt Resolution*

## **OTHER AGENDA ITEMS**

### 7. Other Agenda Items:

- a. **Resident Appeal of an AT&T Encroachment Permit**  
Consideration of a Resident Appeal from the Issuance of an Encroachment Permit to AT&T to Install a Utility Cabinet in the Public Right-of-way Alongside Property Located at 109 Bayview Street, San Rafael (PW)  
*Recommended Action – Adopt Resolution Denying Appeal*

**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.*



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: City Attorney**

**Prepared by: Lisa Goldfien,  
Assistant City Attorney**

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

**TOPIC: USE OF TELECONFERENCING FOR PUBLIC MEETINGS DURING STATE OF EMERGENCY**

**SUBJECT: RESOLUTION PURSUANT TO ASSEMBLY BILL 361 MAKING FINDINGS AND CONFIRMING THE NEED FOR CONTINUED USE OF TELECONFERENCING TO HOLD PUBLIC MEETINGS OF THE SAN RAFAEL CITY COUNCIL AND CITY BOARDS AND COMMISSIONS DURING THE CONTINUING STATE OF EMERGENCY RELATING TO THE COVID-19 PANDEMIC**

**RECOMMENDATION:**

Adopt the resolution pursuant to Assembly Bill 361 making findings and confirming the need for continued use of teleconferencing to hold public meetings of the San Rafael City Council and City boards and commissions during the continuing state of emergency relating to the COVID-19 pandemic

**BACKGROUND:**

The Ralph M. Brown Act (“Brown Act”) requires that except as specifically provided, “meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body”. (Gov. Code §54953(a).) For many years, the Brown Act has authorized members of a local agency’s legislative body to attend a public meeting by teleconference in compliance with strict procedural requirements. Under Government Code section 54953(b)(3), to use teleconferencing, at least a quorum of the legislative body must participate from locations within agency’s boundaries, and the agency must give notice of each teleconference location, post an agenda at each teleconference location, provide for public access to each teleconference location, and allow members of the public to address the Council at each teleconference location.

On March 4, 2020, Governor Newsom declared a statewide state of emergency in connection with the COVID-19 pandemic. Subsequently, on March 18, 2020, the Governor issued Executive Order [No. N-29-20](#) suspending the Brown Act’s requirements for in-person meetings and facilitating the use of teleconferencing for public meetings during the state of emergency. The Executive Order authorized public meetings to be held by teleconference only, provided that notice and accessibility requirements are met, members of the public are allowed to observe and address the legislative body at the meeting, and there is a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities. This order has allowed the City Council and the City’s other formal boards

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**FOR CITY CLERK ONLY**

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

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

and commissions to hold their public meetings using teleconferencing technologies, with the requisite notice and public participation; however, the order was due to expire on September 30, 2021, and without legislative action, in-person meetings and the strict teleconferencing procedures of the Brown Act would again be required.

Because the statewide state of emergency continues and the COVID-19 pandemic still poses a health risk for public meetings, on September 16, 2021, Governor Newsom signed into law as an urgency measure Assembly Bill (AB) 361. [AB 361](#) amends the Brown Act provisions governing the use of teleconferencing for public meetings of a local agency's legislative bodies, allowing more liberal teleconferencing requirements to continue during the current and future state-declared emergencies.

**ANALYSIS:**

Executive Order N-29-20 has now expired, but AB 361 is now in effect, and its amendments to the Brown Act will allow the City to continue to hold its meetings using teleconferencing technology after September 30. Government Code section 54953, as amended by AB 361, now provides in new subsection (e)(1), that during the current and any future state-declared state of emergency, the legislative body of a local agency may use teleconferencing without complying with the procedural requirements of Government Code section 54953(b)(3) in any of three circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Certain additional requirements would apply under the new law, however, including specific requirements as to how public comment must be allowed and heard, with which the City already complies. In addition:

- In the event of a disruption which prevents the City from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the City's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.
- If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:
  - The legislative body has reconsidered the circumstances of the state of emergency.
  - Any of the following circumstances exist:

- (i) The state of emergency continues to directly impact the ability of the members to meet safely in person.
- (ii) State or local officials continue to impose or recommend measures to promote social distancing.

The resolution before the City Council is intended to comply with the requirement to make specified findings every 30 days. The resolution finds that the state of emergency continues in effect, that measures to promote social distancing are still being imposed by the state and county, and that the state of emergency directly impacts the ability of the public and the members of the City's Council, boards, and commissions to meet safely in person. The proposed resolution confirms the City Council's determination that all public meetings of the City's legislative bodies (the Council and all formal boards and commissions) should continue to be held using only teleconferencing technology.

Staff plans to agendize the same type of resolution at each regular City Council meeting during the pendency of the statewide state of emergency, so that the Council may continue to reconsider these findings at least every 30 days.

The Brown Act amendments adopted by AB 361 will be operative until January 1, 2024, and will then expire unless extended by new legislation.

**FISCAL IMPACT:**

There is no fiscal impact associated with the adoption of the attached resolution.

**OPTIONS:**

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

1. Adopt the resolution as proposed.
2. Adopt a modified resolution.
3. Direct staff to return with more information.
4. Take no action.

**RECOMMENDED ACTION:**

Adopt the resolution pursuant to Assembly Bill 361 making findings and confirming the need for continued use of teleconferencing to hold public meetings of the San Rafael City Council and City boards and commissions during the continuing state of emergency relating to the COVID-19 pandemic.

**ATTACHMENTS:**

1. Resolution

**RESOLUTION NO.**

**RESOLUTION OF THE SAN RAFAEL CITY COUNCIL PURSUANT TO ASSEMBLY BILL 361  
MAKING FINDINGS AND CONFIRMING THE NEED FOR CONTINUED USE OF  
TELECONFERENCING TO HOLD PUBLIC MEETINGS OF THE SAN RAFAEL CITY COUNCIL  
AND CITY BOARDS AND COMMISSIONS DURING THE CONTINUING STATE OF  
EMERGENCY RELATING TO THE COVID-19 PANDEMIC**

**WHEREAS**, on March 4, 2020 Governor Newsom issued a proclamation pursuant to Government Code Section 8625 declaring a state of emergency in California due to the COVID-19 pandemic; and

**WHEREAS**, the Ralph M. Brown Act (Gov. Code §§ 54950 et seq.) (hereafter, the “Brown Act”) provides in Government Code section 54953 that “all meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided by this chapter”; and

**WHEREAS**, Government Code section 54953(b)(3) permits the legislative body of a local agency to use teleconferencing for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law, subject to specified procedural requirements including, but not limited to, the posting of agendas at all teleconference locations, the opportunity for members of the public to address the legislative body directly at each teleconference location, and that at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the legislative body exercises jurisdiction; and

**WHEREAS**, Government Code section 54953(e), added by Assembly Bill 361 effective September 16, 2021, provides, in section 54953(e)(1), that during a state of emergency proclaimed pursuant to Government Code section 8625, the legislative body of a local agency may hold a meeting using teleconferencing without complying with the procedural requirements of section 54953(b)(3), provided that the legislative body complies with the requirements of section 54953(e)(2); and

**WHEREAS**, pursuant to Government Code section 54953(e)(3), if a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, then in order to continue to teleconference without compliance with the requirements of section 54953(b)(3), the legislative body shall make specified findings at least every 30 days; and

**WHEREAS**, the City Council has reconsidered the circumstances of the proclaimed COVID-19-related state of emergency and finds that it remains active; and

**WHEREAS**, the City Council finds that state and/or local officials continue to impose or recommend measures to promote social distancing, as follows:

- a. The July 28, 2021 California Department of Public Health Guidance for the Use of Face Coverings recommending universal masking indoors statewide to promote social distancing is still in effect; and



- b. The August 2, 2021 Marin County Department of Public Health order requiring all people to wear masks in public indoor settings to promote social distancing is still in effect; and

**WHEREAS**, the City Council finds that the state of emergency continues to directly impact the ability of the members of the City Council and other City boards and commissions to meet safely in person;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of San Rafael that in order to protect the safety of the members of the public, the City Council and all City boards and commissions, for the 30 days following adoption of this resolution, public meetings of the City's legislative bodies shall continue to be held using teleconferencing technology in compliance with the requirements of Government Code section 54953(e)(2) and all other applicable laws.

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 the City of San Rafael, held on Monday, the 6<sup>th</sup> day of December 2021, by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

\_\_\_\_\_  
Lindsay Lara, City Clerk



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: City Attorney**

**Prepared by: Lisa Goldfien, Assistant City Attorney**

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

**TOPIC: AGENCY REPORT OF PUBLIC OFFICIALS 2021**

**SUBJECT: ADOPTION OF AGENCY REPORT OF PUBLIC OFFICIAL APPOINTMENTS (FPPC FORM 806)**

**RECOMMENDATION:**

Adopt Form 806, Agency Report of Public Official Appointments, and direct staff to publish it to the City website.

**BACKGROUND:**

In 2011, the Fair Political Practices Commission (FPPC) initiated enforcement actions in some cities against certain City Councilmembers who had participated in City Council decisions to appoint themselves to paid positions on the boards of external entities (e.g., a Joint Powers Authority governing board), where the compensation they received as a result of their appointment equaled or exceeded \$250 (now \$500) within a 12-month period. Under then-existing FPPC Regulation 18702.5, these decisions resulted in a material financial effect on the personal finances of the appointees and the councilmembers should not have participated in the votes.

To avoid this type of inadvertent violation of conflict of interest rules in the future, a number of cities petitioned the FPPC to amend Regulation 18702.5 to provide a mechanism that would provide disclosure of such interests to the public while still allowing councilmembers to participate in the vote on appointments.

In March 2012, the FPPC amended the regulation to state that councilmembers may participate in a decision to appoint themselves to a position on a public agency board, commission or JPA that will result in additional compensation to them, subject to conditions stated in the regulation. One of these conditions is that the City Council must first have adopted and posted on the city's website a form, now designated as Form 806 (Attachment 1).

**ANALYSIS:**

Under the current regulation, City Council adoption and posting of a proper Form 806 will avoid possible conflicts of interest for City Councilmembers when they participate in appointing themselves to board positions for which a stipend is paid that will equal or exceed \$500 within any 12-month period. If the form is properly approved and published, all City Councilmembers can participate in the appointment, even those who are being appointed and will receive the stipend.

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

Form 806 identifies each position the City Council appoints for which compensation is paid, the salary or stipend for each position, and the name of each official who has been appointed as the agency's representative, or alternate. Because the purpose of the new regulation is to address the issue of councilmembers voting to give themselves additional compensation, Form 806 is intended to include only those appointments to boards and commissions that are made by the City Council itself.

There is only one board appointment the San Rafael City Council makes for which a stipend is paid that will equal or exceed \$500 within any 12-month period. The appointees to the San Rafael Sanitation District Board each receive a stipend of \$100 per meeting attended, for meetings scheduled 12 times per year. Staff has prepared the attached Form 806 showing the City Council appointees and alternate.

Form 806 must be posted on the City's website and would have to be amended and reposted if there is any change in the compensation or number of meetings, or if a new appointment is made to the San Rafael Sanitation District Board, or to any other board or commission position for which qualifying compensation is to be paid. When a new appointment is made that would require Form 806 to be amended, members of the City Council notify the City Clerk's Office of the change, and the City Clerk's office amends and reposts the Form 806 on the City's website.

**FISCAL IMPACT:**

There is no fiscal impact associated with this item.

**RECOMMENDED ACTION:**

Adopt Form 806, Agency Report of Public Official Appointments, and direct staff to publish it to the City's website.

**ATTACHMENTS:**

1. Form 806

# Agency Report of: Public Official Appointments

**A Public Document**

<b>1. Agency Name</b>			<b>California Form 806</b> For Official Use Only
Division, Department, or Region <i>(If Applicable)</i>			Date Posted:  <i>(Month, Day, Year)</i>
Designated Agency Contact <i>(Name, Title)</i>			
Area Code/Phone Number	E-mail	Page _____ of _____	

## 2. Appointments

Agency Boards and Commissions	Name of Appointed Person	Appt Date and Length of Term	Per Meeting/Annual Salary/Stipend
	▶ Name _____ <i>(Last, First)</i>  Alternate, if any _____ <i>(Last, First)</i>	▶ _____/_____/_____ <i>Appt Date</i>  ▶ _____ <i>Length of Term</i>	▶ Per Meeting: \$ _____  ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i>
	▶ Name _____ <i>(Last, First)</i>  Alternate, if any _____ <i>(Last, First)</i>	▶ _____/_____/_____ <i>Appt Date</i>  ▶ _____ <i>Length of Term</i>	▶ Per Meeting: \$ _____  ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i>
	▶ Name _____ <i>(Last, First)</i>  Alternate, if any _____ <i>(Last, First)</i>	▶ _____/_____/_____ <i>Appt Date</i>  ▶ _____ <i>Length of Term</i>	▶ Per Meeting: \$ _____  ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i>
	▶ Name _____ <i>(Last, First)</i>  Alternate, if any _____ <i>(Last, First)</i>	▶ _____/_____/_____ <i>Appt Date</i>  ▶ _____ <i>Length of Term</i>	▶ Per Meeting: \$ _____  ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i>

## 3. Verification

*I have read and understand FPPC Regulation 18702.5. I have verified that the appointment and information identified above is true to the best of my information and belief.*

\_\_\_\_\_  
Signature of Agency Head or Designee                      Print Name                      Title                      (Month, Day, Year)

Comment: \_\_\_\_\_

**Background**

This form is used to report additional compensation that officials receive when appointing themselves to positions on committees, boards, or commissions of another public agency or to a committee or position of the agency of which the public official is a member.

This form is required pursuant to FPPC Regulation 18702.5. Each agency must post on its website a single Form 806 which lists all the paid appointed positions to which an official will vote to appoint themselves. When there is a change in compensation or a new appointment, the Form 806 is updated to reflect the change. The form must be updated promptly as changes occur.

**Instructions**

This form must be posted prior to a vote (or consent item) to appoint a governing board member if the appointee will participate in the decision and the appointment results in additional compensation to the appointee.

FPPC Regulation 18702.5 provides that as long as the public is informed prior to a vote, an official may vote to hold another position even when the vote results in additional compensation.

**Part 1. Agency Identification**

Identify the agency name and information on who should be contacted for information.

**Part 2. Appointments**

Identify the name of the other agency, board or commission. List the name of the official, and an alternate, if any.

List the appointment date and the length of term the agency official will serve. Disclose the stipend provided per meeting and the estimated annual payment. The annual salary is an estimate as it will likely vary depending upon the number of meetings. It is not necessary to revise the estimate at the end of the calendar year.

**Part 3. Verification**

The agency head or his/her designee must sign the verification.

**Frequently Asked Questions (FAQs)**

1. When does an agency need to complete the Form 806?

A Form 806 is required when an agency's board members vote to appoint a board member to serve on another governmental agency or position of the agency of which the official is a member and will receive additional compensation.

2. The city council votes to serve as the city's housing authority, a separate entity. Will the Form 806 be required?

If the council members receive additional compensation for serving on the housing authority, the Form 806 is required.

3. Are appointments made by a governing board to appoint one of its members to serve as an officer of that board for additional pay (e.g., mayor) required to be disclosed on Form 806?

No. FPPC Regulation 18702.5(b)(6) exempts from this requirement decisions to fill a position on the body of which the official is a member (such as a councilmember being appointed as mayor) despite an increase in compensation.

4. In determining the income, must the agency include mileage reimbursements, travel payments, health benefits, and other compensation?

No. FPPC Regulation 18702.5 requires only the amount of the stipend or salary to be reported.

5. Which agency must post the Form 806?

The agency that is voting to appoint a public official must post the Form 806 on its website. The agency that the official will serve as a member is not required to post the Form 806. The form is not sent to the FPPC.

6. When must the Form 806 be updated?

The Form 806 should be amended promptly upon any of the following circumstances: (1) the number of scheduled meetings is changed, (2) there is a change in the compensation paid to the members, (3) there is a change in membership on the board or commission, or (4) there is a new appointment to a new agency.

7. If officials choose to recuse themselves from the decision and leave the room when a vote is taken to make an appointment, must the Form 806 be completed?

No. The Form 806 is only required to identify those officials that will vote on an appointment in which the official will also receive additional compensation.

**Privacy Information Notice**

Information requested by the FPPC is used to administer and enforce the Political Reform Act. Failure to provide information may be a violation subject to penalties. All reports are public records available for inspection and reproduction. Direct questions to FPPC's General Counsel, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, CA 95811.

**Agency Report of:  
Public Official Appointments  
Continuation Sheet**

**1. Agency Name**

Date Posted: \_\_\_\_\_  
(Month, Day, Year)

**2. Appointments**

Agency Boards and Commissions	Name of Appointed Person	Appt Date and Length of Term	Per Meeting/Annual Salary/Stipend
	▶ Name _____ <i>(Last, First)</i>  Alternate, if any _____ <i>(Last, First)</i>	▶ _____/_____/_____ <i>Appt Date</i>  ▶ _____ <i>Length of Term</i>	▶ Per Meeting: \$ _____ ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i>
	▶ Name _____ <i>(Last, First)</i>  Alternate, if any _____ <i>(Last, First)</i>	▶ _____/_____/_____ <i>Appt Date</i>  ▶ _____ <i>Length of Term</i>	▶ Per Meeting: \$ _____ ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i>
	▶ Name _____ <i>(Last, First)</i>  Alternate, if any _____ <i>(Last, First)</i>	▶ _____/_____/_____ <i>Appt Date</i>  ▶ _____ <i>Length of Term</i>	▶ Per Meeting: \$ _____ ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i>
	▶ Name _____ <i>(Last, First)</i>  Alternate, if any _____ <i>(Last, First)</i>	▶ _____/_____/_____ <i>Appt Date</i>  ▶ _____ <i>Length of Term</i>	▶ Per Meeting: \$ _____ ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i>
	▶ Name _____ <i>(Last, First)</i>  Alternate, if any _____ <i>(Last, First)</i>	▶ _____/_____/_____ <i>Appt Date</i>  ▶ _____ <i>Length of Term</i>	▶ Per Meeting: \$ _____ ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i>
	▶ Name _____ <i>(Last, First)</i>  Alternate, if any _____ <i>(Last, First)</i>	▶ _____/_____/_____ <i>Appt Date</i>  ▶ _____ <i>Length of Term</i>	▶ Per Meeting: \$ _____ ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i>



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: Human Resources

Prepared by: Cristine Alilovich, Assistant City Manager

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

A handwritten signature in blue ink, appearing to be 'AS', written over a horizontal line.

**TOPIC: JOB CLASSIFICATION AND COMPENSATION ADJUSTMENTS IN THE HUMAN RESOURCES DEPARTMENT**

**SUBJECT: ADOPT RESOLUTION APPROVING THE NEW CLASSIFICATION AND COMPENSATION OF ADMINISTRATIVE SERVICES DIRECTOR**

**RECOMMENDATION:**

Adopt the Resolution deleting the Human Resources Director position and approving the creation of an Administrative Services Director classification.

**BACKGROUND:**

The Human Resources (HR) Director position has been filled with an interim experienced consultant and former municipal HR Director whose contract will expire at the end of 2021. Prior to refilling the HR director position, staff conducted a needs assessment to determine the ideal organization design/structure to provide the best services to other City departments and the community.

**ANALYSIS:**

During the organizational assessment, one of the key challenges identified in both the HR and Finance departments is having the capacity to strategically redesign and the implement best practice improvements to the services both departments provide. The world of traditional government human resources has evolved from focusing on compliance and "hire to retire" processing, to a focus on employee engagement, diversity, equity and inclusion, and supporting a learning organization. The HR director level position has proven extremely difficult to recruit for and other local government agencies are facing the same challenge.

Additionally, there is significant overlap between the functions of the HR and Finance departments, therefore having an executive level position that will work on integrating the two departments will increase collaboration and efficiencies.

---

**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

Staff recommends creating an Administrative Services Director position to provide strategic oversight for both the Finance and Human Resources departments. All relevant attachments including the job description and updated salary schedule can be found in the attachments to this staff report.

**FISCAL IMPACT:**

By deleting the Human Resources Director position and adding an Administrative Service Director, the headcount remains the same and the proposed position would have a total compensation cost increase of approximately \$23,000. The increase in cost would be offset by budget reductions in other areas such as temp help and consultant fees, thus requiring no changes to the budget.

**OPTIONS:**

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

- Approve the Resolution as submitted.
- Request changes to the recommendations.
- Direct staff to develop alternatives to the recommendation.

**RECOMMENDED ACTION:**

Adopt the Resolution approving the creation of an Administrative Services Director classification and salary range.

**ATTACHMENTS:**

1. Resolution Approving a New Classification and Compensation of Administrative Services Director
2. Administrative Services Director Job Specification
3. Executive Management Salary Schedule



**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL  
APPROVING THE NEW CLASSIFICATION AND COMPENSATION  
OF ADMINISTRATIVE SERVICES DIRECTOR**

**WHEREAS**, the City must, from time to time, add or otherwise adjust job classifications, job specifications and/or compensation in order to satisfy the changing needs and demands of the workforce and to more closely match the tasks which need to be performed by employees in the City's various departments; and

**WHEREAS**, staff recommends reclassifying the HR Director classification to an Administrative Services Director classification to provide strategic oversight to both the HR And Finance departments; and

**WHEREAS**, the proposed class specification for the Administrative Services Director position was created and is attached hereto; and

**WHEREAS**, the Administrative Services Director will oversee both the Human Resources and Finance departments;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of San Rafael hereby approves the recommended personnel compensation and classification changes per the Executive Management Salary Schedule included with the Staff Report for this Resolution.

**I, Lindsay Lara**, Clerk of the City of San Rafael, hereby certify foregoing resolution was duly and regularly introduced and adopted at a regular meeting on the City Council of said City held on Monday, the 6<sup>th</sup> day of December 2021, by the following vote to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

---

LINDSAY LARA, City Clerk

**City of San Rafael  
Job Class Specification**

## **Job Title: Administrative Services Director**

### **SUMMARY**

Plan, direct, manage, and oversee the activities and operations of the Administrative Services Department including functions such as financial reporting, general accounting, payroll, budget preparation, debt administration, treasury function, business licensing, human resources, recruiting, employee training and professional development, performance management, risk management, equal employment opportunity, employee benefits, payroll processing, employee engagement and labor relations. This position will provide complex professional assistance to the Assistant City Manager and the City Manager for assigned areas of responsibilities, and will perform additional related duties as assigned, and act as a member of the City Manager's management team.

The Administrative Services Director will be well versed in all aspects of municipal finance and display a solid working knowledge of sound public sector human resource policies and practices.

### **DISTINGUISHING CHARACTERISTICS**

This is an exempt, executive level position in the Administrative Services Department. Administrative direction is provided by the Assistant City Manager and City Manager; responsibilities include the direct supervision over professional, management, technical and administrative support personnel.

Serves as a member of the City executive team with responsibilities for establishing and overseeing programs and policies that affect multiple departments and the City as a whole. Approves and has final responsibility for all written and other types of presentations to the City Council. Demonstrates professional competence while working as a team member and exercises independent judgment in a number of confidential and sensitive areas. Duties and responsibilities are performed in accordance with municipal codes, ordinances, City policy, federal, and state regulating entities.

**ESSENTIAL DUTIES AND RESPONSIBILITIES:** may include, but are not limited to, the following:

- Assume full management responsibility for all Administrative Services Department services and activities including financial reporting, general accounting, payroll, budget preparation, revenue management, debt administration, treasury function, business licensing, recruiting, employee training and professional development, performance management, risk management, equal employment opportunity, employee benefits, payroll processing, employee engagement and labor relations.
- Make presentations before various groups, including City Council, Commissions, and professional and public meetings, as needed.

- Build and maintain respectful and positive working relationships with staff, supervisors, outside agencies and the public using principles of good customer service; provide effective conflict resolution.
- Direct, oversee and participate in the development of the Department's work plan, assigns work activities, projects and programs, monitors workflow, reviews and evaluates work products, methods and procedures; meet with key staff to identify and resolve problems.
- Recommends and supports the implementation of administrative, organizational and policy improvements with departments that have City-wide implications.
- Directs the preparation and assembly of the budget documents, financial reports (including the Comprehensive Annual Financial Report (CAFR)), and analyses for accounting and operational management purposes, including periodic budget status reports.
- Oversee the City's cash management and investment program in accordance with applicable State law and the City's investment policies.
- Provide advice and recommendations regarding City financial affairs to the City Council and executive management.
- Directs the administration of human resource policies, practices, and procedures; advise employees, supervisors, and managers in their interpretation; recommend new or revised policies and procedures to department directors, City Manager's Office, and employee associations.
- Oversee risk management functions, including workers' compensation and liability programs, recommending policy and funding changes related to claims administration, claims management, reserving practices, and significant settlements.
- Oversee the employee benefits program; recommend and negotiate changes; consult with brokers and actuaries; recommend funding options to the City Manager.
- Oversee recruiting, testing, selection, classification, and compensation activities; review and negotiate changes.
- Oversee the equal opportunity program and diversity, equity and inclusion initiatives of the City, in collaboration with the City Manager's Office.
- Develop employee professional development programs for the purpose of improving employee performance and engagement.
- Achieve and maintain mutually beneficial labor/management partnerships, and collaborate with employee associations, their leadership, business representatives, and legal counsel to resolve employee and labor relations issues, including contract interpretation, problem solving, and complaint and grievance resolution.
- Lead the City's labor negotiating team and oversee the administration of resulting collective bargaining agreements.
- Model appropriate professional management conduct; maintain appropriate confidentiality of sensitive information; comply with and support City policies and procedures, labor laws, and MOU provisions.

## **KNOWLEDGE AND ABILITIES:**

- Principles and practices of government finance, including financial reporting, general accounting, payroll, budget preparation, revenue management, debt administration, treasury function, business licensing and purchasing.
- Principles and practices of public human resources administration, including methods and techniques used in labor relations, negotiations, recruitment and selection, testing, classification and pay, salary and benefits administration, training, and equal employment opportunity.
- Administrative principles and practices, including strategic goal setting and program development, implementation, and evaluation, and supervision of staff.
- Public agency budget development, contract administration, City-wide administrative practices, and general principles of risk management related to the functions of the assigned area.
- Organizational and management practices as applied to the analysis and evaluation of projects, programs, policies, procedures, and operational needs, principles, and practices of municipal government administration.
- Applicable Federal, State and local laws, regulatory codes, ordinances, and procedures relevant to assigned areas of responsibility.
- Principles and practices of employee supervision, including work planning, assignment, review and evaluation, and the training of staff in work procedures.
- Methods and techniques for the development of presentations, contract negotiations, business correspondence, and information distribution; research and reporting methods, techniques, and procedures.
- Modern office practices, methods, and computer equipment and computer applications.
- English usage, grammar, spelling, vocabulary, and punctuation.
- Techniques for providing a high level of customer service using human centered design principles.

## **ABILITY TO:**

- Develop and implement strategic goals, objectives, policies, procedures, work standards, and internal controls for the department and assigned areas program areas.
- Provide administrative and professional leadership and direction for the department and the City.
- Prepare and administer complex budgets; allocate limited resources in a cost-effective manner.
- Interpret, apply, explain, and ensure compliance with Federal, State, and local policies, procedures, laws, and regulations.
- Plan, organize, direct and coordinates the work of management, supervisory, professional, and technical personnel, delegate authority and responsibility.
- Select, train, motivate and evaluate the work of staff and train staff in work procedures.
- Research, analyze and evaluate new service delivery methods, procedures, and techniques.
- Conduct effective negotiations and effectively represent the City and the department in meetings and governmental agencies, contractors, vendors, and various businesses, professional, regulatory, and legislative organizations.

- Prepare clear and concise reports, correspondence, policies, procedures, and other written materials.
- Conduct complex research project, evaluate alternatives, make sound recommendations, and prepare effective technical staff reports.
- Use tact, initiative, prudence and independent judgement within general policy, procedural and legal guidelines.
- Establish, maintain, and foster positive and effective working relationships with those contacted in the course of work.

## **EDUCATION AND/OR EXPERIENCE**

Any combination of experience and education that would likely provide the required knowledge and abilities. A typical way to obtain the knowledge and abilities would be:

Education - Equivalent to a bachelor's degree from an accredited college or university with major course work in directly related fields such as business or public administration. A Master's Degree in public administration or public policy is preferred. Possession of a CPA is desirable.

Experience - Seven years of increasingly responsible experience in finance, accounting, human resources; including five years of management level responsibility. Experience working for or consulting with a municipal or public agency is highly desirable.

License or Certificate – Possession of a valid California driver's license and a satisfactory driving record.

## **SPECIAL REQUIREMENTS:**

- Possession of a valid California Driver's License

## **WORK ENVIRONMENT:**

- Work in an office environment; sustained posture in a seated position for prolonged periods of time.

FLSA Status: Exempt

Prepared By: HR Department

Prepared Date: November 2021

Approved By: City Council

Approved Date: Approved \_\_\_\_\_

**SAN RAFAEL UNREPRESENTED EXECUTIVE MANAGEMENT  
SALARY SCHEDULE**  
**Effective December 6, 2021**

Grade	Position	A	B	C	D	E
TBD	Administrative Services Director	\$ 13,910	\$ 14,606	\$ 15,336	\$ 16,103	\$ 16,908
2501	Assistant City Attorney	\$ 12,035	\$ 12,637	\$ 13,268	\$ 13,932	\$ 14,628
2001	Assistant City Manager	\$ 14,305	\$ 15,020	\$ 15,771	\$ 16,560	\$ 17,387
2300	Community Development Director	\$ 13,888	\$ 14,583	\$ 15,312	\$ 16,078	\$ 16,881
4205	Director of Digital Service & Open Government	\$ 12,646	\$ 13,278	\$ 13,942	\$ 14,639	\$ 15,371
2801	Director of Economic Development & Innovation	\$ 12,646	\$ 13,278	\$ 13,942	\$ 14,639	\$ 15,371
2205	District Manager/Engineer (SRSD)	\$ 12,585	\$ 13,214	\$ 13,875	\$ 14,568	\$ 15,297
2140	Finance Director	\$ 12,646	\$ 13,278	\$ 13,942	\$ 14,639	\$ 15,371
7101	Fire Chief	\$ 14,235	\$ 14,946	\$ 15,694	\$ 16,478	\$ 17,302
1106	Human Resources Director	\$ 12,646	\$ 13,278	\$ 13,942	\$ 14,639	\$ 15,371
2406	Library and Recreation Director	\$ 13,283	\$ 13,947	\$ 14,644	\$ 15,376	\$ 16,145
6101	Police Chief	\$ 14,235	\$ 14,946	\$ 15,694	\$ 16,478	\$ 17,302
2201	Public Works Director	\$ 13,956	\$ 14,653	\$ 15,386	\$ 16,155	\$ 16,963

Position	Monthly Salary
City Manager (Appointed)	\$ 20,987

**SAN RAFAEL UNREPRESENTED EXECUTIVE MANAGEMENT  
SALARY SCHEDULE  
Effective July 1, 2022**

Grade	Position	A	B	C	D	E
TBD	Administrative Services Director	\$ 14,467	\$ 15,190	\$ 15,949	\$ 16,747	\$ 17,584
2501	Assistant City Attorney	\$ 12,456	\$ 13,079	\$ 13,733	\$ 14,419	\$ 15,140
2001	Assistant City Manager	\$ 14,877	\$ 15,621	\$ 16,402	\$ 17,222	\$ 18,083
2300	Community Development Director	\$ 14,375	\$ 15,093	\$ 15,848	\$ 16,640	\$ 17,472
4205	Director of Digital Service & Open Government	\$ 13,152	\$ 13,809	\$ 14,500	\$ 15,225	\$ 15,986
2801	Director of Economic Development & Innovation	\$ 13,151	\$ 13,809	\$ 14,499	\$ 15,224	\$ 15,986
2205	District Manager/Engineer (SRSD)	\$ 13,025	\$ 13,676	\$ 14,360	\$ 15,078	\$ 15,832
2140	Finance Director	\$ 13,151	\$ 13,809	\$ 14,499	\$ 15,224	\$ 15,986
7101	Fire Chief	\$ 14,804	\$ 15,544	\$ 16,321	\$ 17,137	\$ 17,994
1106	Human Resources Director	\$ 13,151	\$ 13,809	\$ 14,499	\$ 15,224	\$ 15,986
2406	Library and Recreation Director	\$ 13,814	\$ 14,505	\$ 15,230	\$ 15,991	\$ 16,791
6101	Police Chief	\$ 14,804	\$ 15,544	\$ 16,321	\$ 17,137	\$ 17,994
2201	Public Works Director	\$ 14,514	\$ 15,239	\$ 16,001	\$ 16,801	\$ 17,642

Position	Monthly Salary
City Manager (Appointed)	\$ 21,721

**SAN RAFAEL UNREPRESENTED EXECUTIVE MANAGEMENT  
SALARY SCHEDULE  
Effective July 1, 2023**

Grade	Position	A	B	C	D	E
TBD	Administrative Services Director	\$ 15,045	\$ 15,798	\$ 16,587	\$ 17,417	\$ 18,288
2501	Assistant City Attorney	\$ 12,892	\$ 13,537	\$ 14,214	\$ 14,924	\$ 15,670
2001	Assistant City Manager	\$ 15,472	\$ 16,246	\$ 17,058	\$ 17,911	\$ 18,806
2300	Community Development Director	\$ 14,878	\$ 15,621	\$ 16,403	\$ 17,223	\$ 18,084
4205	Director of Digital Service & Open Government	\$ 13,678	\$ 14,362	\$ 15,080	\$ 15,834	\$ 16,625
2801	Director of Economic Development & Innovation	\$ 13,677	\$ 14,361	\$ 15,079	\$ 15,833	\$ 16,625
2205	District Manager/Engineer (SRSD)	\$ 13,481	\$ 14,155	\$ 14,863	\$ 15,606	\$ 16,386
2140	Finance Director	\$ 13,677	\$ 14,361	\$ 15,079	\$ 15,833	\$ 16,625
7101	Fire Chief	\$ 15,396	\$ 16,166	\$ 16,974	\$ 17,823	\$ 18,714
1106	Human Resources Director	\$ 13,677	\$ 14,361	\$ 15,079	\$ 15,833	\$ 16,625
2406	Library and Recreation Director	\$ 14,366	\$ 15,085	\$ 15,839	\$ 16,631	\$ 17,462
6101	Police Chief	\$ 15,396	\$ 16,166	\$ 16,974	\$ 17,823	\$ 18,714
2201	Public Works Director	\$ 15,094	\$ 15,849	\$ 16,641	\$ 17,474	\$ 18,347

Position	Monthly Salary
City Manager (Appointed)	\$ 22,482



**ORDINANCE NO. 2002**

**ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING TITLE 1 (GENERAL PROVISIONS), TITLE 4 (FIRE), TITLE 12 (BUILDING REGULATIONS), AND TITLE 14 (ZONING ORDINANCE) OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO REGULATIONS FOR ACCESSORY DWELLING UNITS**

**WHEREAS**, regulations governing accessory dwelling units in the City of San Rafael are located in the San Rafael Municipal Code (SRMC) Sections 14.16.285 (Accessory Dwelling Units) and 14.16.286 (Junior Accessory Dwelling Units); and

**WHEREAS**, in 2016 the State of California Legislature, adopted changes to state law regulating such units effective January 1, 2017, causing the City's existing regulations to be deemed null and void and requiring the City to process accessory dwelling unit and junior accessory dwelling unit applications under state law; and

**WHEREAS**, in 2019 and 2020, the State of California Legislature adopted additional changes to accessory dwelling unit and junior accessory dwelling unit regulations imposing further limitations on a local jurisdiction's ability to establish location standards, development standards, parking requirements, review procedures, or enforcement procedures; and

**WHEREAS**, there is a need for rental housing, and accessory dwelling units contribute to providing additional rental housing; and

**WHEREAS**, providing opportunities for residential property owners to develop accessory dwelling units contributes to the mix of housing types in San Rafael and increases opportunities for diversity and inclusion; and

**WHEREAS**, the amendments effected by this ordinance to the SRMC Title 1 (General Provisions), Title 4 (Fire), Title 12 (Building Regulations), and Title 14 (Zoning Ordinance) relate to regulations for accessory dwelling units required to implement the provisions of Section 65852.1 (Accessory Dwelling Units) or Section 65852.2 (Junior Accessory Dwelling Units) of the California Government Code; and

**WHEREAS**, on March 23, 2021, the Planning Commission held a duly-noticed public hearing on the proposed amendments, accepted all public testimony and the written report of the Community Development Department, and recommended the City Council approve the amendments; and

**WHEREAS**, the proposed amendments reviewed by the Planning Commission included a proposed prohibition of accessory dwelling units and junior accessory dwelling units on properties accessed solely from certain narrow hillside streets within the City of San Rafael; and

**WHEREAS**, after the Planning Commission made its recommendation, on October 18, 2021 the City Council adopted Ordinance No. 2001, an urgency ordinance establishing a temporary moratorium on issuance of permits for accessory dwelling units and junior accessory dwelling units on properties accessed solely from certain hillside streets within the City of San Rafael, in order to further study the proposed permanent regulations and

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determine whether the prohibition included in the Planning Commission recommendation was necessary for public safety and permissible under state law; and

**WHEREAS**, on November 15, 2021 a report pursuant to California Government Code § 65858(d) on the status of actions following adoption of Ordinance No. 2001 was included in the staff report accompanying this ordinance in the City Council agenda packet; and

**WHEREAS**, on November 15, 2021, the City Council held a duly-noticed public hearing on the ordinance and accepted all public testimony and the written report of the Community Development Department, including the report on the status of actions following adoption of the urgency ordinance; and

**WHEREAS**, the City Council, pursuant to SRMC section 14.27.060, finds the amendments in this ordinance consistent in principle with the General Plan, and that the public health, safety and general welfare are served by adopting the amendments. The amendments comply with and implement Government Code Sections 65852.1 (Accessory Dwelling Units) and 65852.2 (Junior Accessory Dwelling Units). The General Plan Program LU-23a (Zoning Ordinance Amendments) and Policy NH-2a (Zoning Ordinance) encourage updates to the Zoning Ordinance to maintain a current and consistent Municipal Code. Additionally, General Plan Programs H-16a (New Second Units) and H-11b (Junior Second Units) support creation of accessory dwelling units and junior accessory dwelling units as a method for diversifying housing options and Program H-17c (Waiver or Reduction of Fees) supports traffic mitigation fee waivers for accessory dwelling units. The public health, safety and general welfare are served by replacing null and void regulations in the Municipal Code with regulations complying with state law; and

**WHEREAS**, adoption of the amendments to Title 1 (General Provisions), Title 4 (Fire), Title 12 (Building Regulations), and Title 14 (Zoning Ordinance) of the SRMC regulating accessory dwelling units are statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resource Code 21080.17 providing that CEQA does not apply to the adoption of an ordinance implementing the provisions of Section 65852.1 (Accessory Dwelling Units) or Section 65852.2 (Junior Accessory Dwelling Units) of the California Government Code;

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

**Division 1.**

Section 1.40.070 of Title 1 of the San Rafael Municipal Code (SRMC) is hereby amended to read as follows. Additions are shown in underline, and deletions are shown in ~~strikethrough~~.

**1.40.070 – Remedy for repeat zoning violations involving illegal dwelling units or illegal ~~second dwelling~~ Accessory Dwelling Unit.**

If a property owner violates the city's zoning ordinance by maintaining an illegal dwelling unit or illegal ~~second dwelling~~ Accessory Dwelling Unit, after having been previously required by the city to abate such a violation on the same property, the city may require, in addition to any other remedies permitted by law,

Agenda Item No: 5.d

the removal of such facilities as may be necessary to eliminate the existence of a kitchen in the area of the illegal dwelling unit or illegal ~~second dwelling unit~~ Accessory Dwelling Unit. Pursuant to Government Code section 65852.2 subd. (n), as that section may be amended, a property owner may request delay of enforcement of a building standard related to an Accessory Dwelling Unit, and the City shall delay enforcement of said building standard, subject to compliance with section 17980.12 of the Health and Safety Code if:

- A. The Accessory Dwelling Unit was built before January 1, 2020.
- B. The Accessory Dwelling Unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the Accessory Dwelling Unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

**Division 2.**

Subsection 903.2(2) of Subsection 903.2 "Where Required; All Occupancies and Facilities" of Section 4.08.120 "Amendments to the fire code" of Title 4 of the SRMC is hereby amended to read as follows. Additions are shown in underline, and deletions are shown in ~~striketrough~~.

**4.08.120 - Amendments to the fire code.**

[...]

**903.2 Where Required; All Occupancies and Facilities.**

[...]

- 2. Newly created, attached, ~~second dwelling units~~ Accessory Dwelling Units which meet the definition of a substantial remodel.

[...]

**Division 3.**

Subsection 903.2(2) of Subsection 903.2 "Where Required." of Section 12.200.020 "Amendments" of Title 12 of the SRMC is amended to read as follows. Additions are shown in underline, and deletions are shown in ~~striketrough~~.

**12.200.020 - Amendments.**

[...]

**903.2 Where Required.**

[...]

- 2. Newly created, attached, ~~second dwelling units~~ Accessory Dwelling Units which meet the definition of a substantial remodel.

[...]

**Division 4.**

Section 14.03.030 "Definitions" of Title 14 of the SRMC is hereby amended to add/amend/delete certain definitions as follows. Additions are shown in underline, and deletions are shown in ~~strikethrough~~.

**14.03.030 - Definitions.**

[...]

"Accessory Dwelling Unit" ("ADU") means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. The ADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An ADU also includes the following: an efficiency unit, a manufactured home, as defined in Section 18007 of the Health and Safety Code. A Junior Accessory Dwelling Unit is considered an ADU subject to additional defined standards. An ADU is not considered to exceed the allowable density for the lot upon which it is located. An ADU is considered a residential use consistent with the general plan and zoning designation for the lot.

"Accessory structure" means a structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building and use that requires a foundation or structural support on the ground. Accessory structures include, but are not limited to, garages/carports, gazebos, greenhouses, storage sheds, freestanding solar panel arrays, small wind energy systems, cabanas, studios, sport courts, spas, hot tubs and pools. Accessory structure would not include a "tree house" that does not have a foundation support on the ground or require a building permit. See also "Accessory dwelling unit".

[...]

"ADU" see definition for "Accessory Dwelling Unit."

"Caretaker's residence" means ~~an accessory~~ a dwelling unit on the site of a commercial, industrial, public or semi-public use, occupied by a guard or caretaker.

[...]

"JADU" see definition for "Junior Accessory Dwelling Unit."

[...]

~~"Junior second unit." Junior second unit means an additional, independent living unit created through the conversion of an existing bedroom in a single-family dwelling subject to defined standards, as specified in Section 14.16.286 of this title. Junior second units are distinguished from second dwelling units in that they: (a) must include the conversion of an existing bedroom(s) within a single-family dwelling (no new or additional building area); (b) are smaller in size (maximum size of five hundred (500) square feet); (c)~~

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~~contain either independent or shared bathroom facilities; and (d) are subject to unique standards that are not applicable to second dwelling units~~

"Junior Accessory Dwelling Unit" ("JADU") means an Accessory Dwelling Unit that is no more than 500 square feet in size and contained entirely within the walls of a proposed or existing single-family residential space and meets the additional standards provided in section 14.16.285 C.2.

[...]

"Residential development project" means a project for the construction or placement of a dwelling unit or ~~a second dwelling unit~~ an Accessory Dwelling Unit, manufactured home, or a mixed-use development as defined in this section or the subdivision of land for a residential development project or a mixed use project.

[...]

"Residential, single-family" means low density residential development containing one (1) primary residential "dwelling unit" for use by a single household on a single parcel. This definition includes use of a single-family dwelling and/or ~~second~~ Accessory Dwelling Unit as a household for "transitional housing" or "supportive housing" as defined under the California Health and Safety Code.

[...]

**Division 5.**

Table 14.04.020 of Section 14.04.020 "Land use regulations" of Title 14 of the SRMC is hereby amended as follows. Additions are shown in underline, and deletions are shown in ~~strikethrough~~.

**14.04.020 - Land use regulations (R, DR, MR, HR, PD).**

[...]

**Table 14.04.020**

Type of Land Use	R	DR	MR	HR	PD	Additional Use Regulations
Residential Uses						
Single-family residential	P	P	P	P	C	
Duplex residential		P	P	P	C	
Multifamily residential			P	P	C	
<u>Accessory Dwelling Unit (ADU)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See standards, Section 14.16.285</u>
<u>Junior Accessory Dwelling Unit (JADU)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See standards, Section 14.16.285</u>

[...]

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Second dwelling units (800 square feet in size or less)	P	P	P	P	P	See standards, <a href="#">Chapter 14.16</a>
Second dwelling units (greater than 800 square feet in size or in a separate building not meeting required setback or height requirements)	€	€	€	€	€	See standards, <a href="#">Chapter 14.16</a>
Junior Second Units	P	P	P	P	P	See standards, <a href="#">Chapter 14.16</a>

[...]

**Division 6.**

Table 14.04.030 of Section 14.04.030 “Property development standards (R).” of Title 14 of the SRMC is amended as follows. Additions are shown in underline, and deletions are shown in ~~strike through~~.

**14.04.030 - Property development standards (R).**

[...]

**Table 14.04.030**

	R2a	R1a	R20	R10	R7.5	R5	<u>Additional Standards</u>
Minimum lot area (sq. ft.)	2 acres	1 acre	20,000	10,000	7,500	5,000/6,000 (corner)	(A)
Minimum lot width (ft.)	150	150	100	75	60	50/60 (corner)	
Minimum yards							
Front (ft.)	20	20	20	20	15	15	<u>(A)</u> , (B)- (C)
Side/street side (ft.)	15	15	12'6"	10	6	10% of lot width, min. 3', max. 5'	<u>(C)</u> , (D) <del>(E)</del>
Rear (ft.)	25	25	10	10	10	10	

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	R2a	R1a	R20	R10	R7.5	R5	<u>Additional Standards</u>
Maximum height of structure (ft.)	30	30	30	30	30	30	<del>(E)</del> (F)
Maximum lot coverage	20%	25%	30%	40%	40%	40%	
Maximum upper story floor size	50%/75% of lot coverage calculation	50%/75% of lot coverage calculation	50%/75% of lot coverage calculation	50%/75% of lot coverage calculation	50%/75% of lot coverage calculation	50%/75% of lot coverage calculation	<del>(E)</del> , (F), <del>(G)</del> , <del>(H)</del>
Private yard area	NR	NR	NR	NR	NR	NR	
Parking	*	*	*	*	*	*	* <u>Based on use. See <a href="#">14.18.040</a>.</u>

~~(A)~~ Second dwelling units shall not be added if the lot is less than five thousand (5,000) square feet. See Section 14.16.300, Small lots.

~~(B)~~(A) Where two (2) or more lots in a block have been improved with buildings, the minimum required shall be the average of improved lots on both sides of the street for the length of the block. For purposes of determining average front setback on developed lots, setback should be measured from the property line to closest wall of any principal structure.

~~(C)~~(B) Where there is a driveway perpendicular to the street, any garage built after January 1, 1992, or carport built after January 1, 2006, shall be set back twenty feet (20').

~~(D)~~(C) On a reverse corner lot, the rear twenty feet (20') of the street side yard shall have a fifteen-foot (15') setback.

~~(E)~~(D) In the R7.5, R10 and R20 districts, where two (2) or more lots in a block have been improved with buildings, the minimum required shall be the average of improved lots within the same district on both sides of the street for the length of the block.

~~(F)~~(E) In the -EA Combining District, maximum height of seventeen feet (17') to peak, and one habitable floor.

~~(G)~~(F) For design criteria for upper-story construction, see Section 14.25.050(F)(6), Upper-Story Additions.

~~(H)~~(G) For lots less than five thousand (5,000) square feet, the maximum upper story shall be fifty percent (50%) of the maximum lot coverage calculation; for lots five thousand (5,000) square feet or larger, maximum upper story size shall be seventy-five percent (75%) of maximum lot coverage calculation.

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**Division 7.**

Table 14.05.020 of Section 14.05.020 “Land use regulations” of Title 14 of the SRMC is amended to insert “Accessory dwelling units” and “Junior accessory dwelling units” after “Multifamily residential” and before “Animal keeping” under “Residential Uses” as follows. Additions are shown in underline, and deletions are shown in ~~strikethrough~~.

**14.05.020 - Land use regulations (GC, NC, O, C/O, R/O, FBWC).**

[...]

**Table 14.05.020**

Type of Land Use	GC	NC	O	C/O	R/O	FBWC*	Additional Use Regulations
------------------	----	----	---	-----	-----	-------	----------------------------

[...]

<b>Residential Uses</b>		*		*	*		*See Chapter 14.17 standards.
Single-family residential		C			C		
Duplex residential					C		
Multifamily residential	A(3)	A(3)	P	A(3)	P	A(3)	
<u>Accessory Dwelling Units</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See standards, Section 14.16.285</u>
<u>Junior Accessory Dwelling Units</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See standards, Section 14.16.285</u>
Animal keeping	CZ	CZ	CZ	CZ	CZ	CZ	See <a href="#">Chapter 14.17</a> standards.

[...]

**Division 8.**

Table 14.05.022 of Section 14.05.022 “Land use regulations” of Title 14 of the SRMC is hereby amended as follows. Additions are shown in underline, and deletions are shown in ~~strikethrough~~.

**14.05.022 - Land use regulations (4SRC, CSMU, HO, 2/3 MUE, 2/3 MUW, WEV, 5/M R/O).**

[...]

**Table 14.05.022**

Type of Land Use	4SRC	HO	CSMU	2/3 MUE	2/3 MUW	WEV	5/M R/O
------------------	------	----	------	---------	---------	-----	---------

[...]

<b>Residential Uses</b>							
-------------------------	--	--	--	--	--	--	--



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Single-family residential							
Duplex residential					P		P
Multifamily residential (19)	A	A(29)	A	A(20)	A	A	P
<u>Accessory Dwelling Unit (ADU) (32)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Junior Accessory Dwelling Unit (JADU) (32)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Animal Keeping	A	A	A	A	A	A	A

[...]

(32) See standards, Section 14.16.285.

**Division 9.**

Subsection 14.16.020(E)(2)(e) of Section 14.16.020 “Accessory structures” of Title 14 of the SRMC is hereby amended to read as follows. Additions are shown in underline, and deletions are shown in ~~strikethrough~~.

**14.16.020 - Accessory structures.**

[...]

E. Residential Accessory Structures. The following standards shall apply to accessory structures in residential districts:

[...]

2. Interior Side and Rear Yard Setbacks.

[...]

~~e. Accessory Structure with Sanitary Facilities. A residential accessory structure that exceeds one hundred twenty (120) square feet in size and includes sanitary facilities shall require (prior to issuance of a building permit) recordation of a deed restriction with the county of Marin to reflect that the detached accessory structure cannot be utilized as a second dwelling unit, unless it complies with the requirements of Section 14.16.285~~

f.e. Mechanical equipment shall be subject to additional screening and setback requirements, as specified in [Section 14.16.320](#).

**Division 10.**

Subsection B.2. of Section 14.16.240 “Manufactured homes.” of Title 14 of the SRMC is hereby amended to read as follows. Additions are shown in underline, and deletions are shown in ~~strikethrough~~.

**14.16.240 - Manufactured homes.**

[...]

B. Compatibility Standards.

[...]

2. The home is to be used as the principal or ~~second dwelling unit~~ Accessory Dwelling Unit.

[...]

**Division 11.**

Section 14.16.285 "Second dwelling units." of Title 14 of the SRMC is hereby repealed in its entirety and replaced with the following new section 14.16.285. Additions are shown in underline, and deletions are shown in ~~strikethrough~~.

**~~14.16.285 – Second dwelling units.~~**

14.16.285 – Accessory Dwelling Units (ADUs).

- A. Purpose. The purposes of the ADU regulations are to:
  1. Implement policies of the housing element of the San Rafael general plan encouraging the provision of Accessory Dwelling Units as a source of affordable housing;
  2. Establish a streamlined process for reviewing applications for ADUs;
  3. Establish a list of development standards for ADUs; and
  4. Comply with provisions of state law as they relate to the development of ADUs;
- B. Applicability. An ADU as defined in Chapter 14.03 is permitted in any zoning district that allows the development of single-family or multifamily dwelling residential uses. ADUs may be permitted on any lot with a legal nonconforming residential structure. The following are the four types of Accessory Dwelling Units permitted within the City:
  1. Attached ADU. An Accessory Dwelling Unit that shares at least one common wall with an existing primary dwelling and is not fully contained within the existing space of the primary dwelling or an Accessory Structure. An attached ADU also includes an ADU which is proposed to be constructed concurrently with a proposed primary dwelling unit and which is attached to or constructed within said primary dwelling unit.
  2. Detached ADU. An Accessory Dwelling Unit that does not share a common wall with the existing or proposed primary dwelling and is not fully contained within the existing space of an accessory structure.

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3. Internal ADU. An Accessory Dwelling Unit that is fully contained within the existing space of an existing primary dwelling or contained within the existing space of an existing Accessory Structure.
  4. Junior Accessory Dwelling Unit (“JADU”). As defined in section 14.03.030 “Definitions.”
- C. Ministerial Review. A proposed ADU or JADU that complies with the following Development Standards (subsections C.1 and C.2.), Objective Design Standards (subsection C.3) and General Standards (subsection C.1.d), shall be approved ministerially within the time frames established by subsection D of this section, and shall only be subject to issuance of a building permit. No discretionary review or public hearing shall be required.
1. Except as permitted by subsection E of this section, Development Standards applicable to all Accessory Dwelling Units shall be as set forth in Table 14.16.285:

<b><u>TABLE 14.16.285</u></b>					
	<b><u>Attached ADU</u></b>	<b><u>Detached ADU</u></b>	<b><u>Internal Conversion ADU</u></b>	<b><u>JADU*</u></b>	<b><u>NOTES</u></b>
<u>Minimum Floor Area</u>	<u>150 square feet</u>	<u>150 square feet</u>	<u>150 square feet</u>	<u>150 square feet</u>	
<u>Maximum Floor Area</u>	<u>1,000 sq. ft. or 50% of the floor area of an existing primary dwelling unit, whichever is less</u>	<u>1,000 square feet</u>	<u>N/A</u>	<u>500 square Feet</u>	
<u>Lot Coverage Limits</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>	
<u>Setbacks</u>	<u>(Minimum)</u>				
	<u>Front</u>	<u>Same as primary dwelling</u>	<u>Same as primary dwelling</u>	<u>N/A</u>	
	<u>Side</u>	<u>4 feet</u>	<u>4 feet</u>	<u>N/A</u>	<u>(A)</u>
	<u>Rear</u>	<u>4 feet</u>	<u>4 feet</u>	<u>N/A</u>	<u>(A)</u>
	<u>Front Entry</u>	<u>10 feet from any right-of-way</u>	<u>10 feet from any right-of-way</u>	<u>N/A</u>	
<u>Maximum Height</u>	<u>16 feet</u>	<u>16 feet</u>	<u>N/A</u>	<u>N/A</u>	<u>(B), (C)</u>

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<u>Parking</u>	<u>1 space</u>	<u>1 space</u>	<u>None</u>	<u>None</u>	<u>(D)</u>
<u>Separate independent entrance required?</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	
<u>Interior access allowed?</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Yes</u>	
<u>Separate sanitary facility required</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>(E)</u>
<u>Kitchen required</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>(F)</u>

\* See subsection C.2 for additional requirements for Junior Accessory Dwelling Units

- (A) Decks, Balconies and Platforms greater than 12” attached to or associated with a detached or attached accessory dwelling unit shall be located at least four (4) feet from a rear or side property line.
- (B) Height measurement shall be as defined by SRMC section 14.03.030 except as follows:
  - 1. Height measurement shall exclude flagpoles not exceeding a height of twenty-four feet (24’), aboveground utility distribution facilities including communications towers and public water tanks, windmills, monuments, mechanical appurtenances, satellite dishes in multifamily and nonresidential districts and architectural features such as screening for mechanical equipment, chimneys, steeples and cupolas.
- (C) EA-Overlay District Exception to Height Standard: See section 14.16.285 C.3.b. for exception to height standard in Eichler-Alliance Overlay District.
- (D) Parking see Parking subsection C.5. for exclusions to the parking requirements.
- (E) A JADU may include separate sanitary facilities or share sanitary facilities with the primary residence.
- (F) A JADU shall include a kitchen as defined in SRMC Chapter 12.255 “California Residential Code Amendments”.

- 2. JADU Additional Standards. In addition to the Development Standards in Table 14.16.285 and Objective Design Standards in section C.3, a JADU shall comply with all provisions of this subsection unless expressly indicated otherwise:
  - a. Maximum Number per Lot. Not more than one JADU shall be permitted per legal lot.
  - b. Rental. A JADU may be rented but shall not be sold or otherwise conveyed separately from the primary dwelling.
  - c. Owner-occupancy shall be required in the single-family residence in which the JADU will be permitted. The owner may reside in either the remaining portion of the structure or the newly created JADU. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
  - d. A deed restriction shall be recorded, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

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- (1) A prohibition on the sale of the JADU separate from the sale of the single-family residence, including a provision that the deed restriction may be enforced against future purchasers.
  - (2) A restriction on the size and attributes of the JADU that conforms with this subsection.
3. Objective Design Standards. Except as provided in subsection E of this section (Units Subject to Limited Standards), an ADU shall comply with the following design standards:
  - a. Foundation. An accessory dwelling unit shall be constructed on a permanent foundation.
  - b. In Eichler Alliance (EA) District, an ADU shall not exceed the height of the existing residence or a maximum height of seventeen (17) feet, whichever is less.
4. General Standards. Except as provided in subsection E of this section (Units Subject to Limited Standards), an ADU shall comply with the following general standards:
  - a. Maximum Number per Lot. Not more than one ADU shall be permitted per legal lot.
  - b. Rental. An ADU may be rented but shall not be sold or otherwise conveyed separately from the primary dwelling, except as provided in California Government Code Section 65852.26, as that section may be amended.
5. Parking.
  - a. One parking space shall be provided per ADU except where the proposed ADU meets any criteria of subsection b. of this subsection. This parking space may be permitted anywhere on the lot, may be tandem parking on a driveway, and may be covered or uncovered.
  - b. No Parking shall be required for the following:
    - (1) The ADU is located within one-half mile walking distance of public transit as defined in Government Code 65852.2(j)(9), as that section may be amended, at the time the application is filed with the Community Development Department.
    - (2) The ADU is located within an architecturally and historically significant historic district.
    - (3) The ADU is part of the proposed or existing primary residence or an existing accessory structure.
    - (4) When on-street parking permits are required but not offered to the occupant of the ADU.
    - (5) When there is a car share vehicle located within one block of the ADU at the time the application is filed with the Department.

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- c. When a garage, carport, or covered parking structure is demolished in conjunction with the constructions of an ADU or converted to an ADU, those off-street parking spaces need not be replaced.
  6. Nonconforming Conditions. The City shall not require, as a condition for approval of an ADU application, the correction of nonconforming zoning conditions.
  7. Building Code and Housing Code. A new or expanded ADU shall comply with the Uniform Building Code and Uniform Housing Code in addition to the requirements of this section.
- D. Timeline for Review
1. The City shall act on the ADU application within 60 days from the date the City receives a completed application if there is an existing single-family or multifamily dwelling on the lot.
  2. If the ADU application is submitted together with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the ADU permit application until the City acts on the permit application to create the new single-family dwelling.
  3. When Dependent on Separate Construction. When a proposed Attached ADU or Detached ADU is dependent on the construction of a new building or new portion of a building that is not a part of the ADU ("separate construction"), the City shall either:
    - a. Accept and begin processing the ADU application only after acting on an application for the proposed separate construction; or
    - b. Upon written request from the applicant, review and act on the ADU together with the separate construction as part of a single application. In this case the ADU is subject to the same review procedures and requirements as the separate construction.
  4. If the applicant requests a delay in the processing of an ADU application, the 60-day time period set forth in subsection D.1 of this section shall be tolled for the period of the delay.
  5. The City shall be deemed to have acted on the application if the City:
    - a. Approves a building permit for the ADU; or
    - b. Denies a building permit for the ADU; or
    - c. Determines that the ADU does not qualify for ministerial approval.
- E. Units Subject to Limited Standards. Without regard to subsections C.1 and C.2 (Development Standards), subsection C.3 (Objective Design Standards) and subsection C.4 (General Standards) of this section, the City shall ministerially approve an application for a building permit within a residential or mixed-use district to create any of the four types of ADUs described below. The below

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categories of ADUs shall not be combined (only one of the four categories of ADUs shall be approved pursuant to this section, per lot). For each type of ADU, the City shall require compliance only with the standards in this subsection:

1. Internal ADU. One ADU and one JADU as follows:
  - a. The ADU and JADU are within the proposed space of a single-family dwelling or existing space of a single-family dwelling or existing Accessory Structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing Accessory Structure. An expansion beyond the physical dimensions of the existing Accessory Structure shall be limited to accommodating ingress and egress.
  - b. The space has exterior access from the proposed or existing single-family dwelling.
  - c. The side and rear setbacks are sufficient for fire and safety.
  - d. The JADU complies with the definition in section 14.03.030 of this code and the requirements of subsection C of this section.
2. New Construction. One Detached or one Attached, new construction ADU per lot with an existing single-family dwelling. The ADU may be combined with a JADU as defined in section 14.03.030 (Junior accessory dwelling units) and described in subsection C of this section (JADU). The ADU must comply with the following:
  - a. Maximum floor area: 800 square feet.
  - b. Maximum height: 16 feet.
  - c. Minimum rear and side setbacks: four feet.
3. Conversion of Non-Livable Multifamily Space. Multiple ADUs within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, subject to the following:
  - a. At least one ADU is allowed within an existing multifamily dwelling up to a maximum of 25 percent of the existing multifamily dwelling units; and
  - b. Each ADU shall comply with building code standards for dwellings.
4. Detached ADUs on a Multifamily Lot. Not more than two ADUs that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to the following:
  - a. Maximum height: 16 feet
  - b. Minimum rear and side setbacks: four feet.
5. An ADU permitted under this subsection E shall not be rented for less than 30 days.

**Division 12.**

Section 14.16.286 “Junior second units.” of Title 14 of the SRMC is repealed in its entirety.

**Division 13.**

Table 14.18.040 of Section 14.18.040 “Parking requirements.” of Title 14 of the SRMC is hereby amended as follows. Additions are shown in underline, and deletions are shown in ~~strikethrough~~.

**14.18.040 - Parking requirements.**

[...]

**Table 14.18.040**

Use Classification	Off-Street Parking Required
--------------------	-----------------------------

[...]

<del>Second dwelling units:</del>	
<del>Studio or one bedroom unit</del>	<del>1 space.</del>
<del>Two or more bedroom unit</del>	<del>2 spaces.</del>

<u>Accessory dwelling unit (ADU):</u>	<u>See Section 14.16.285</u>
---------------------------------------	------------------------------

[...]

**Division 14.**

Subsection 14.25.040(A)(2) of Section 14.25.040 “Improvements subject to review.” of Title 14 of the SRMC is amended to delete subsection (d) in its entirety as follows. Additions are shown in underline, and deletions are shown in ~~strikethrough~~.

**14.25.040 - Improvements subject to review.**

[...]

- A. Major Physical Improvements.



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[...]

2. Modifications to existing structures, including, but not limited to:

[...]

d. ~~Second dwelling units, as prescribed by Section 14.16.285.C.9;~~

[...]

**Division 15. Severability.**

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

**Division 16. CEQA Determination.**

This ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) under Public Resources Code Section 21080.17, which provides that CEQA does not apply to the adoption of an ordinance to implement the provisions of Government Code Section 65852.2 pertaining to Accessory Dwelling Units.

**Division 17. 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

Agenda Item No: 5.d

The foregoing Ordinance No. 2002 was introduced at a Regular Meeting of the City Council of the City of San Rafael, held on the 15<sup>th</sup> day of November 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 6<sup>th</sup> day of December 2021.



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LINDSAY LARA, City Clerk

## **SUMMARY OF ORDINANCE NO. 2002**

### **AN ORDINANCE OF THE CITY OF SAN RAFAEL CITY COUNCIL AMENDING TITLE 1 (GENERAL PROVISIONS), TITLE 4 (FIRE), TITLE 12 (BUILDING REGULATIONS), AND TITLE 14 (ZONING ORDINANCE) OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO REGULATIONS FOR ACCESSORY DWELLING UNITS**

This Summary concerns a proposed ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 2002, which will amend the San Rafael Municipal Code to establish local regulations consistent with changes in state law regarding Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). Ordinance No. 2002 is scheduled for adoption by the San Rafael City Council at its regular meeting of December 6, 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 California Legislature has found and declared that ADUs and JADUs can add needed housing units in single and multifamily zoned areas, and thus play an essential role in addressing California's housing needs. Accordingly, the State Legislature has modified state law governing ADUs and JADUs to reduce barriers, streamline the approval process, and expand production throughout California. Adopted changes to state law regulating such units became effective January 1, 2017, causing the City of San Rafael's existing regulations to be deemed null and void and requiring the City to process ADU and JADU applications under state law. Additional changes to state law have been enacted since 2017.

Based on these changes and the need in San Rafael for rental housing and a mix of housing types to encourage diversity and inclusion, the San Rafael City Council has adopted amendments to Titles 1, 4, 12, and 14 of the San Rafael Municipal Code. The amendments update, among other things, the number of ADUs and JADUs allowed on a lot, owner occupancy requirements, and enforcement of building standard compliance. Within the Zoning Ordinance (Title 14), use and development standards of ADUs and JADUs have been updated including, among other things, size of unit (floor area), required setbacks, maximum height, and provision of parking. The proposed ordinance complies with state law and would replace current San Rafael Municipal Code ADU regulations.

Copies of Ordinance No. 2002 will be available for public review as of Wednesday, November 24, 2021 at the San Rafael City Clerk's Office, 1400 Fifth Avenue, Room 209 during regular business hours, 9:00 a.m. to 4:00 p.m., and on the City's website: <https://www.cityofsanrafael.org>. You may also contact Leslie Mendez, Planning Manager, at 415-485-3095 or [leslie.mendez@cityofsanrafael.org](mailto:leslie.mendez@cityofsanrafael.org) for information.

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LINDSAY LARA  
San Rafael City Clerk  
Dated: 11/22/2021



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: Economic Development**

**Prepared by: Danielle O’Leary, Economic  
Development Director**

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

A handwritten signature in blue ink, appearing to be 'AS', written over a horizontal line.

**TOPIC: CITIZENS ADVISORY COMMITTEE ON ECONOMIC DEVELOPMENT AND AFFORDABLE HOUSING DISSOLUTION**

**SUBJECT: RESOLUTION DISSOLVING THE CITIZEN ADVISORY COMMITTEE (CAC) ON ECONOMIC DEVELOPMENT AND AFFORDABLE HOUSING**

**RECOMMENDATION:**

Accept report and adopt resolution to dissolve the Citizens Advisory Committee (CAC) on Economic Development and Affordable Housing.

**BACKGROUND:**

California Redevelopment Agencies started in the 1940s and continued until the State of California terminated Redevelopment effective February 1, 2012. Many Redevelopment Agencies had Citizens Advisory Committees (CACs) that provided feedback on how funds were being allocated. CACs were typically discontinued when Redevelopment Agencies were dissolved in 2012. The City of San Rafael’s Redevelopment Agency started in 1974 and also had a CAC. In January 2012, with the end of Redevelopment, the City of San Rafael reconstituted its CAC into the Citizens Advisory Committee on Economic Development and Affordable Housing with [Resolution 13287](#). The goal of the CAC was to provide resident and business feedback on economic development and affordable housing projects and policies.

Prior to the COVID-19 pandemic, the CAC met monthly to provide input on proposed housing and commercial development projects. As the pandemic continued, CAC monthly meetings were put on hiatus due to the public health emergency and staffing constraints.

In March of 2021, the city began surveying its established boards and commissions to re-examine committee roles, with the goal of improving representation and inclusion on city boards and commissions. The online survey was disseminated to all current and past city commissioners to receive feedback on their experience serving as a city commissioner, as well as receiving feedback on inclusion and community representation opportunities.

**ANALYSIS:**

After reviewing stakeholder feedback, staff’s recommendation is to retire the Citizens Advisory Committee (CAC) on Economic Development and Affordable Housing because other bodies now exist that focus on the same topics. As an advisory committee, the CAC is not required for

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

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

development review. Current CAC members wanting to provide feedback on housing and commercial projects are encouraged to participate as members of the public in monthly Planning Commission and/or City Council meetings.

In addition, CAC members are also encouraged to participate in the development of San Rafael's Housing Element led by the Community Development Department. More information can be found at [www.sanrafaelhousing.org](http://www.sanrafaelhousing.org).

CAC commissioners interested in ongoing city economic development efforts can participate as members of the public in the City Council's monthly Economic Development Subcommittee that meets the second Thursday of every month. More information on City Council subcommittees can be found [here](#).

### **FISCAL IMPACT:**

There is no fiscal impact to the City if the resolution to dissolve the Citizens Advisory Committee on Economic Development and Affordable Housing is approved.

### **OPTIONS:**

1. Adopt the resolution.
2. Request further information.

### **RECOMMENDED ACTION:**

Adopt the resolution approving the dissolution of the Citizens Advisory Committee on Economic Development and Affordable Housing.

### **ATTACHMENTS:**

1. Resolution Dissolving the Citizens Advisory Committee (CAC) on Economic Development and Affordable Housing

**RESOLUTION NO.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL  
DISSOLVING THE CITIZENS ADVISORY COMMITTEE (CAC) ON  
ECONOMIC DEVELOPMENT AND AFFORDABLE HOUSING**

**WHEREAS**, the City Council originally established the Redevelopment Citizens Advisory Committee to oversee city redevelopment programming efforts; and

**WHEREAS**, in January of 2012, the City Council reconstituted the Redevelopment Citizens Advisory Committee as the Citizens Advisory Committee on Economic Development and Affordable Housing to provide input on commercial and housing development activities; and

**WHEREAS**, in March 2020, the COVID-19 Pandemic created a public health emergency and staffing constraints that put the Citizens Advisory Committee on Economic Development and Affordable Housing on hiatus pending further review; and

**WHEREAS**, in March 2021, the city conducted outreach through an online survey to all city boards and commissions to receive feedback on commissioner experience and to look for opportunities to improve community representation and inclusion; and

**WHEREAS**, the culmination of survey responses and stakeholder feedback, lead to a staff recommendation to dissolve and retire the Citizens Advisory Committee on Economic Development and Affordable Housing and encourage commissioners to participate in alternative public forums as a member of the public, including Planning Commission, City Council meetings, Economic Development Subcommittee meetings, and the City's development of a new San Rafael Housing Element;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the City Council dissolves the Citizens Advisory Committee on Economic Development and Affordable Housing, effective immediately. The Council further extends its gratitude to the Committee members for their dedication and service.

**I, LINDSAY LARA**, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was regularly introduced and adopted at a regular meeting of the City Council held on Monday, the 6<sup>th</sup> day of December 2021, by the following vote, to wit:

AYES:            COUNCILMEMBERS:

NOES:            COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

Lindsay Lara, City Clerk



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: Public Works**

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

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

A handwritten signature in black ink, appearing to be the initials 'JS' or similar, written over a horizontal line.

**TOPIC: TRAFFIC MITIGATION FEES**

**SUBJECT: ANNUAL TRAFFIC MITIGATION FEE REPORT - FY 2021-22**

**RECOMMENDATION:** Accept the Annual Traffic Mitigation Fee Report.

**BACKGROUND:** Traffic mitigation fees are a type of development impact or public facility fee. They are charged by a local governmental agency to an applicant in connection with the approval of a development project. They are not a tax or special assessment. Rather, their purpose is to offset the cost of public facilities made necessary by the development project. Traffic Mitigation Fees are collected to provide funds for increasing street capacity to accommodate additional traffic generated by new development. [Assembly Bill \(AB\) 1600](#) (California Government Codes §66000 – 66025) established requirements for how cities collect, maintain, and spend impact fees.

Impact fees must demonstrate a reasonable connection between the fee charged and the cost of the improvements for which they are collected, must be deposited in a separate account, segregated from the City's general fund, and used only for the identified improvements. AB 1600 requires cities to spend or commit the fees within five years of collection or return them to the developer unless a finding can be made that a reasonable relationship continues to exist between the current need for the fee and the purpose for which it was originally collected (Gov. Code §66001(d)).

Following the direction of the General Plan 2040, the Traffic Impact Fee was updated by the City Council by Resolution No. 14983 adopted on October 4, 2021. The update was based on a nexus study conducted by Fehr and Peers Consultants. The nexus report justified the increase of the trip rate to \$6,909. The City Council directed that this fee be implemented gradually over a five-year period starting in January 2022 and provided for an annual adjustment of the fee according to the Lee Saylor Construction Cost Index.

Of the City's various development fees, the Traffic Mitigation Fee is the only such fee subject to AB 1600 reporting. Pursuant to Government Code Section §66006, cities must publish annual reports on these fees, which are to be available to the public.

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**



**ANALYSIS:** The Traffic Mitigation Fee report consists of the following required seven elements pursuant to Government Code Section §66006:

1. *Fee description:* The Traffic Mitigation Fee is charged to new development projects. It is intended to pay for those circulation system improvements identified in General Plan 2040 needed to accommodate the proposed development, including additional improvements that may become necessary in the long-term and are desirable to enhance San Rafael’s circulation system.
2. *Amount of the fee:* Following the City Council’s October 4, 2021 increase of the fees, each new A.M. and P.M. peak hour trip generated by a development is charged a fee according to the following schedule:

	<b>5 Year Option</b>
Year 1 – January 1, 2022	\$4,779
Year 2 – January 1, 2023	\$5,312*
Year 3 – January 1, 2024	\$5,845*
Year 4 – January 1, 2025	\$6,378*
Year 5 – January 1, 2026	\$6,909*

\*This amount does not include the approved Construction Cost Index annual adjustment.

Fees are calculated based on land use types and their estimated trips generated.

3. *The following is a table summarizing the beginning and ending year fund balance, as well as specific revenues and expenditures for Traffic Mitigation Fund #246 for FY 21.*

<b>Fund 246 (Traffic Mitigation Fund) balance July 1, 2020</b>	<b>\$2,150,944</b>
<b>Revenue (20/21)</b>	
• Interest income	\$3,582
• Traffic Mitigation Fees	\$1,870,288
<b>Total Revenue</b>	<b>\$1,873,870</b>
<b>Expenditures (20/21)</b>	
• <i>Capital Projects</i>	
2 <sup>nd</sup> and 3 <sup>rd</sup> Street Queue Cutters #11335	\$7,640.00
Innovative Deployment of Enhanced Arterials (IDEA) #11348	\$987,684.55
Second Street Intersection Improvement #11369	\$157,609.90
C & D Street Two-Way Conversion #11378	\$83,284.26
TAM Safe Pathways to Schools Program #11379	\$52,259.97
Grand Avenue Protected Two-Way Cycle Track #11393	\$24,660.00
Miscellaneous Traffic Signal Improvements (Operational)	\$120,191.70
<b>Total Expenditures</b>	<b>\$1,433,330</b>
<b>Net Change Fund Activity</b>	<b>\$440,540</b>
<b>Fund Balance June 30, 2021</b>	<b>\$2,591,484</b>

4. *List of improvements on which fees were expended, amount of expenditure and total percentage of cost covered by fee:* A list of all major planned circulation improvements identified in the

General Plan is provided in Attachment 1 of this report. Following are the projects for which Traffic Mitigation Fees were used during the 2020-21 fiscal year:

- a. 2nd and 3rd Street Queue Cutters (#11335) – In preparation for the extension of SMART to Larkspur, which includes rail line crossing Second and Third Streets, the City needed to make signalization improvements. Design was started in FY 2017-18, and construction was awarded by the City Council on [December 3, 2018](#). There is limited remaining signal work to improve safety.
- b. Innovative Deployment of Enhanced Arterials (IDEA) Grant (#11348) – San Rafael is a successful recipient of the [Innovative Deployment of Enhanced Arterials \(IDEA\)](#) grant, funded by the Metropolitan Transportation Commission (MTC). On January 10, 2018, MTC awarded the City \$830,000 to develop and implement an [Automated Traffic Signal Performance Measures \(ATSPM\) system](#), with \$365,856 in matching local funds, for a total project budget of \$1,195,856. This system consists of a network of cameras at intersections in combination with an analytic program that measures traffic volumes, provides approach delay per vehicle, reports arrivals on red, pedestrian delay, and highly sophisticated coordination data. Once installed, data collected from the ATSPM can be used to more accurately program and time the traffic signals based on historical traffic patterns in Central San Rafael. The ATSPM system benefits all users, including vehicles, bicyclists, and pedestrians. [On June 1, 2020](#), the City Council authorized the execution of an agreement with Mike Brown Electric for work on this project.
- c. Second Street Intersection Improvements (#11369) – Second Street is a major thoroughfare through Downtown San Rafael. This project rehabilitated critical intersections and includes pavement resurfacing, wheelchair ramps, and traffic signal upgrades with new communication equipment.
- d. C & D Street Two-Way Conversion (#11378) – This project involved the conversion of C and D Streets from one-way streets to two-way streets between Fifth Avenue and First Street/Second Street to improve access for emergency vehicles and greatly help with emergency response time, especially for vehicles located at the Public Safety Center. The contract for construction was awarded at the regular [June 15, 2020 City Council meeting](#). This project was partially funded (\$45,000) by Traffic Mitigation fees, as the traffic signal upgrades that are a part of the project are improvements identified in Exhibit 21 of the 2020 General Plan.
- e. TAM Safe Pathways to Schools Program (#11379) – San Rafael was successful in receiving Safe Pathways grant funding through the Transportation Authority of Marin (TAM) for improvements at locations within school zones. TAM administers the Safe Routes to Schools Program, which works to relieve traffic congestion around schools by promoting alternatives to commuting to school, such as walking, biking, taking the bus and carpooling.
- f. Grand Avenue Protected Two-Way Cycle Track (#11393) – The City plans to construct a protected two-way cycle track and widened sidewalk on the east side of Grand Avenue from Second Street to Fourth Street. This would achieve the goal of getting bicyclists and pedestrians to and from Fourth Street, the main east-west multi-modal route through town. This segment is also a project in the [Bicycle and Pedestrian Master Plan, 2018 Update](#).

5. *Approximate date by which construction will commence when City has determined that sufficient funds have been collected:* See No. 4 above. Projects identified in General Plan 2040 are major infrastructure improvements which often require substantial state and federal funding in addition to Traffic Mitigation resources. Scheduling of those projects therefore depends upon the availability of these supplemental funds.
6. *Any interfund loan or transfer, including the public improvement where it will be spent:* No transfers were made.
7. *Refunds made due to sufficient funds being collected:* No refunds were made.

An analysis of the accumulated fund balance follows. A first in, first out (FIFO) accounting method assumes the first revenue collected is the first spent. Staff analyzed the annual balances for the past 5 fiscal years and determined that no funds have been held for more than 5 years, as shown in the following table:

**Traffic Mitigation Fund #246**

**Revenues only:**

0-1 Year	1-2 Years	2-3 Years	3-4 Years	4-5 Years	5+ Years
Unspent & received in FY 20-21	Unspent & received in FY 19/20	Unspent & received in FY 18-19	Unspent & received in FY 17-18	Unspent & received in FY 16-17	Unspent & received 1/1/89 to 6/30/16
1,873,870	573,818	2,438,253	896,147	382,554	(3,573,158)

As evidenced by the projects described above, current traffic improvement projects underscore the connection between the current need for the fees and the purpose for which they were originally collected. The City anticipates the following projects will continue to incur Traffic Mitigation Funds expenses in FY 2021-22:

- TAM Safe Pathways to Schools Program (#11379)
- IDEA Grant (#11348)
- Grand Avenue Protected Two-Way Cycle Track (#11393)

While these are the projects currently under construction, it is worth noting that the total cost of the Citywide Project List eligible for Traffic Mitigation Fees is estimated at \$85.66 million of which (28%) would come from traffic mitigation fees.

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

**OPTIONS:**

- Accept the report as recommended.
- Do not accept the report.

**RECOMMENDED ACTION:** Accept the Traffic Mitigation Fee Report.

**ATTACHMENTS:**

1. City of San Rafael Transportation Fee Nexus Report. June 2021
2. Exhibit 21 General Plan 2020

*Draft Report*

# City of San Rafael Transportation Fee Nexus Report



June 2021

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# 1. Introduction

## Background and Purpose

The Traffic Mitigation Fee (TMF) on development projects in San Rafael was last updated by the City Council on November 15, 2004. The fee was updated in conjunction with the San Rafael General Plan 2020 that was also adopted by the City Council in 2004, with the purpose of providing funds to support implementation of improvements identified in the Circulation Element due to the potential impacts of projected future development.

The purpose of this report is to serve as the necessary documentation to allow the City to update the existing citywide TMF program in conjunction with the current update to the General Plan and preparation of a Downtown Precise Plan. The City of San Rafael TMF is based on multiplying the number of net new peak hour trips (AM plus PM peak hours) for a project by the fee of \$4,246 per trip. The fee of \$4,246 per trip has not changed since 2004.

Impact fees are established under a state law known as Assembly Bill (AB) 1600, the Mitigation Fee Act. Fees charged pursuant to this legislation are used to build capital facilities needed to offset the impacts generated by new development. It is common practice throughout California for local jurisdictions to establish impact fee programs to fund the construction of several types of public infrastructure and facilities; one common type of fee program is a transportation impact or mitigation fee, which generates funds that are used to construct infrastructure and provide facilities that support the transportation needs of new residents and businesses.

Per the requirements of AB 1600, each impact fee program must be supported by a “nexus” analysis, which is a rational and documented set of procedures by which the agency establishes that there is a reasonable relationship (or “nexus”) between anticipated future development in the jurisdiction, the need for new infrastructure to support that development, and the fees that will be charged to help fund that infrastructure. Thus, the technical reports (such as this report) that are prepared to support a fee program are commonly called nexus studies.

## Study Area

This nexus study addresses anticipated future development in the incorporated City of San Rafael as well as in the sphere of influence (SOI) area that immediately surrounds the incorporated city.

## Organization of the Report

After this introductory section, the report contains four additional sections:

- *Section 2* – Project List describes the list of capital improvement projects that would be included in the program.
- *Section 3* – Growth Projections documents the amount of growth anticipated over the next twenty years in the geographic areas that would be covered by the Citywide TMF.
- *Section 4* – Nexus Analysis and Fee Calculations describes the results of the nexus analysis and calculates the fee amounts using the information presented in the report.
- *Section 5* – Summary of Required Program Elements summarizes how the information in this report satisfies the requirements of the Mitigation Fee Act (AB 1600).



## 2. Project List

The General Plan Update team comprised of City staff collaborated to develop a list of capital improvement projects for inclusion as part of the Citywide TMF. The projects reflect the goals and objectives in the General Plan Circulation Element, with particular emphasis on improving traffic flow and reducing conflicts for vehicles, bicyclists and pedestrians through the application of intersection improvements such as constructing roundabouts, additional turn and merge lanes, and other facilities that would smooth traffic flow and reduce exposure of more vulnerable road users. Priority was given to projects that are located on the City's arterial and collector streets, defined as existing roadways that serve as primary travel routes to and through the City.

**Table 1** contains a description of each project along with its estimated cost. The projects in Table 1 are broken down into the following six categories.

- Interchange Projects
- Downtown Area Improvements
- Active Transportation (Pedestrian/Bicycle) Improvements
- Complete Streets & Corridors
- Intersection Improvements
- Smart Infrastructure (Technology)

A total of 16 projects or programs are listed within the six categories listed above. As noted in Table 1, 12 of the 16 projects or programs are included in the current Citywide TMF.

The four projects that are added to the current Citywide TMF are as follows.

- Downtown San Rafael Remaining One-Way Street Conversions – as described in Downtown Precise Plan, convert one-way segment of B Street to two-way operation
- US 101/Downtown San Rafael Interchange – improvements to local road segments and intersections along Irwin Street, Hetherton Avenue, 2<sup>nd</sup> Street, and 3<sup>rd</sup> Street in the vicinity of the Downtown northbound and southbound ramps to US 101
- Fourth Street (West End) Intersection Realignment – realignment of Fourth Street/Second Street/Marquard Avenue intersection per alternatives developed for the 3<sup>rd</sup> Street
- Fourth Street Multimodal Improvements – as described in Downtown Precise Plan, improve pedestrian and bicycle connections while maintaining high quality transit route along 4<sup>th</sup> Street

The above four improvements are identified to serve planned residential and employment growth in Downtown San Rafael as identified in both the General Plan Update and Downtown Precise Plan. PM peak hour volumes on the segments of 2<sup>nd</sup> Street, 3<sup>rd</sup> Street, 4<sup>th</sup> Street, Irwin Street, and Hetherton Avenue that are part of the four new above projects are forecast to increase from 16 percent to 29 percent from existing to 2040 conditions due to planned growth.

**Table 1: City of San Rafael Citywide TMF Project List**

#	DESCRIPTION	COST (\$M)
<b>1. INTERCHANGE PROJECTS</b>		
Includes modifications to interchanges for capacity, safety, access, and improved circulation		
1A <sup>1</sup>	<b>US 101/Freitas Parkway Interchange West.</b> Reconfigure the US 101 off-ramp / Freitas Parkway (Del Presidio) and Northgate Rd/ Freitas Parkway intersection to address safety, circulation, and capacity issues. Improvements would be coordinated with ongoing development plans and anticipated Northgate Specific Plan/ Precise Plan process where appropriate.	\$15
1B <sup>1</sup>	<b>US 101/ Freitas Parkway Interchange East.</b> Reconfigure the US-101 NB off-ramp/Civic Center Drive intersection to address safety, circulation, and capacity issues. Improvements would be coordinated with ongoing development plans and Northgate PDA, and future planning process where appropriate.	\$15
1C <sup>1</sup>	<b>Smith Ranch Road/Lucas Valley Road Multimodal Improvements at US 101.</b> Road widening and additional lane capacity from Los Gamos to Redwood Highway. Improve pedestrian and bicycle access across the US-101 underpass by reconstructing the bridge to provide dedicated bicycle facilities and wider pedestrian sidewalks.	\$6
<b>Category 1 Subtotal</b>		<b>\$36</b>
<b>2. DOWNTOWN AREA IMPROVEMENTS</b>		
Includes improvements in the downtown area as defined by the Downtown Precise Plan area. Projects and improvements may include projects from other adopted City plans but is intended to include improvements to meet the vision, goals, and objectives of the Downtown Precise Plan.		
2A	<b>Downtown roadway and intersection improvements</b> (traffic signals, roundabouts, pedestrian/bicycle, ADA, and/or turn lane modifications) and improvements to gateway streets to Downtown, including: <ul style="list-style-type: none"> <li>▪ Downtown San Rafael Remaining One-Way Street Conversions, per Downtown Precise Plan</li> <li>▪ New traffic control devices<sup>1</sup> (e.g., traffic signal, roundabout, or other devices) at Fifth Ave/H St, First St/C St, First St/D St, Fourth St/Union St, and Mission Ave/Court St</li> </ul>	\$4
2B	<b>US 101/ Downtown San Rafael Interchange.</b> Improvements to Irwin St, Hetherton Ave, 2nd St, and 3rd St in the vicinity of the NB off-ramp and SB on-ramp.	\$10
2C	<b>Fourth Street (West End) Intersection Realignment.</b> Re-align Fourth Street/Second Street/Marquard Avenue intersection.	\$6
2D <sup>1</sup>	<b>Second Street Multimodal Improvements.</b> Improve Second Street corridor operations while addressing pedestrian and bicycle safety at crossing locations, and widen sidewalks and remove parking where feasible	\$6
2E	<b>Fourth Street Multimodal Improvements.</b> Improve pedestrian and bicycle connections while maintaining high quality transit route along 4th Street. Improvements include converting parking to loading, widening sidewalks, and improving the bus and bike experience. Also Includes 4th Street signal and ADA upgrades.	\$13
<b>Category 2 Subtotal</b>		<b>\$43</b>
<b>3. ACTIVE TRANSPORTATION (PEDESTRIAN/BICYCLE) IMPROVEMENTS</b>		
Includes multimodal improvements and programs with a focus on pedestrian and bicycle improvements identified in the Bicycle & Pedestrian Master Plan.		

**Table 1: City of San Rafael Citywide TMF Project List**

#	DESCRIPTION	COST (\$M)
3A <sup>1</sup>	Includes various projects identified in the 2018 BPMP, consistent with the priorities expressed in that Plan.	\$9.6
<b>Category 3 Subtotal</b>		<b>\$9.6</b>
<b>4. COMPLETE STREETS &amp; CORRIDORS</b>		
Corridor level improvements including reconstruction of sidewalks, streets, pavement, signing, striping, and crossing improvements, with the objective of improving peak hour traffic flows and accommodate modes other than just motorized vehicles.		
4A <sup>1</sup>	<b>Lincoln Avenue Peak Period Lanes/Parking Restrictions.</b> Extend the existing PM peak period parking restrictions, to allow for two lanes in each direction during both AM and PM peak periods, from Hammondale Court/SB US 101 ramps to Mission Ave. Provide additional parking in corridor. Include ADA upgrades, crossing improvements, and other multimodal improvements/accommodations.	\$4.6
4B <sup>1</sup>	<b>Northgate Area Intersection and Complete Streets Improvements.</b> Includes Las Gallinas/Northgate and Las Gallinas/Del Presidio intersections. Also includes improvements to Las Gallinas Avenue and Los Ranchitos Road, Northgate Drive, and Del Presidio Blvd, and continued development of North San Rafael Promenade. Additional improvements to be identified through future PDA planning process.	\$2.3
4C <sup>1</sup>	<b>Francisco Boulevard East Corridor Improvements.</b> Increase capacity from Bellam to Grand Avenue bridge and install signal, ADA, and pedestrian improvements at Harbor St. Additional improvements to be identified through future PDA planning process.	\$10.2
<b>Category 4 Subtotal</b>		<b>\$17.1</b>
<b>5. INTERSECTION IMPROVEMENTS</b>		
Intersection improvements including new traffic signals, intersection realignments/reconfigurations, and other major changes to spot locations that are outside the Downtown Precise Plan area.		
5A <sup>1</sup>	<b>Fourth Street (Miracle Mile) Intersection Improvement.</b> Improve performance of Fourth Street signal at Ross Valley Dr and Santa Margarita Dr, including ADA upgrades.	\$0.5
5B <sup>1</sup>	<b>Lincoln/DuBois/Irwin.</b> New signal, roundabout, or other intersection improvement to improve safety and traffic flow.	\$2.5
<b>Category 5 Subtotal</b>		<b>\$3.0</b>
<b>6. SMART INFRASTRUCTURE (TECHNOLOGY)</b>		
Traffic signal and communication infrastructure upgrades, including monitoring equipment, fiber optic/communication systems, and other technology enhancements to facilitate smart management of transportation system.		
6A <sup>1</sup>	<b>Intersection Technology.</b> Traffic signal equipment, cameras, modems, wireless, Bluetooth, automated data collection, etc.	\$4.0
6B <sup>1</sup>	<b>Corridor Communication System.</b> Fiber optic cable and conduit along major arterials and central City system upgrades.	\$2.0
<b>Category 6 Subtotal</b>		<b>\$6.0</b>
<b>TOTAL</b>		<b>\$114.7</b>

<sup>1</sup> Project in current transportation mitigation fee program.

## 3. Growth Projections

An important element of every fee calculation is the estimate of future growth in the fee area. The growth forecasts that are used in this nexus study are based on the existing and 2040 forecasts from the preferred land use alternative for San Rafael General Plan 2040, as shown in **Table 2**.

The land use data shown in Table 2 was incorporated into the Transportation Authority of Marin Travel Demand Model (TAMDM) and forecasts of person trips and vehicle trips prepared for both the base year and 2040 scenarios. The forecast growth in the number of net new AM and PM peak vehicle hour trips was extracted from the model, as the current City of San Rafael TMF is based on multiplying the number of net new peak hour vehicle trips (AM plus PM peak hours) for a project by the fee of \$4,246 per vehicle trip. As shown in Table 1, a total of 3,513 net new vehicle trips are forecast to be added to the street network for a typical weekday based on growth in the City of San Rafael over the next 20 years. This represents the total number of net new peak hour vehicle trips estimated to occur because of new development in San Rafael and will be the basis for calculating the updated fee.

**Table 2: Projected Growth in San Rafael**

	INCORPORATED CITY	SOI AREA	TOTAL CITY + SOI
<b>POPULATION</b>			
Existing	61,230	14,521	75,751
2040	69,240	15,421	84,661
Growth	8,010	900	8,910
<b>EMPLOYMENT</b>			
Existing	42,050	2,150	44,200
2040	46,100	2,215	48,315
Growth	4,050	65	4,115
<b>SERVICE POPULATION (POPULATION + EMPLOYMENT)</b>			
Existing	103,280	16,671	119,951
2040	115,340	17,636	132,976
Growth	12,060	965	13,025
<b>Projected Growth in New AM Peak Hour plus PM Peak Hour Trips for a Typical Weekday (2020-2040)</b>			<b>3,513</b>

Source: Trip growth from TAM Marin County Travel Demand Model (TAMDM) based on the San Rafael Plan 2040 population and employment growth forecasts, Fehr & Peers.

## 4. Nexus Analysis and Fee Calculations

### Analysis of Future Usage

A key part of the nexus study process is to conduct an analysis of the future usage of the TMF facilities to establish a relationship between the travel needs generated by new development in San Rafael and the facilities that are proposed to be improved through application of fee revenues. A common practice in nexus studies is to use a travel demand model for this purpose. Below we present a brief introduction to travel demand models, followed by a description of the process used to conduct this nexus analysis and the results.

### Brief Description of Travel Demand Models

Travel demand models are developed by transportation planners and engineers with specific training in this field. The models are built using specialized software and a wide range of data about the existing transportation system. This data includes Geographic Information Systems (GIS) data about the locations and characteristics of all the streets and highways in the study area, data about the types of land uses (e.g., single-family homes, retail shops, office buildings, etc.) located in the study area, data about the socioeconomic characteristics (such as age, income, and employment status) of the people living in the study area, and survey data about how people with varying characteristics tend to travel. Once the input data is developed and checked, the model is calibrated to reflect existing travel patterns; that is, the mathematical procedures applied within the model are adjusted until the model's outputs (such as traffic volumes and speeds on each road) match reasonably well with actual observations.

At that point, the model is considered ready for use in analyzing future scenarios. Model inputs can be changed to reflect different possible futures, and then the outputs are examined to see how future travel patterns might change in response to those different scenarios. For example, there may be a proposal to build a group of new office and retail buildings on a site that is currently vacant; the model inputs can be adjusted to reflect that proposed new development (size of the new buildings, types of uses, etc.), and then the model will be applied to see how the traffic volumes in that vicinity might be expected to change.

### Modeling in Marin County

The travel model that is currently used for transportation planning purposes in Marin County is developed and maintained by the Transportation Authority of Marin (TAM) and is referred to as the Transportation Authority of Marin Travel Demand Model (TAMDM). TAM has maintained a travel model for many years and applies industry-standard model development and calibration procedures. The TAMDM was most

recently updated in 2019 and the most current available version of the model has been used for this nexus analysis. The horizon year of the model is year 2040.

### Procedure for Analyzing Future Usage

For the purposes of a nexus analysis, a model is used to determine the linkage between traffic coming from the geographic areas subject to the TMF and the usage of the specific facilities that are going to be funded with TMF revenues. In a travel demand model, roads and intersections are represented by a network of “links” and “nodes”; in general, each link represents a road segment and each node (i.e., a location where two links are joined) represents an intersection. For each of the projects included in the Citywide TMF program, the links in the model network that represent that project location were identified. Then, “select link” model runs were conducted for each of the proposed TMF projects. The select link analysis identifies the origins and destinations of each vehicle that is projected to use each selected link; with this information, the fair share of cost associated with each project can be allocated to development in San Rafael and included in the impact fee.

For the fair share calculations for the San Rafael TMF programs, there are four types of trips identified through the select link process:

1. Trips that both start and end in San Rafael;
2. Trips that have an origin in San Rafael and a destination elsewhere;
3. Trips that have a destination in San Rafael and an origin elsewhere; and,
4. Trips that have neither an origin nor a destination in San Rafael but are using roads that pass-through San Rafael (also referred to as “pass-through” trips).

Trips that fall into the final category, “pass-through” trips, should not be included in the fee program because those trips are not related to San Rafael development that is subject to the fee. Trips from the other three categories are attributable to development in San Rafael and thus can be included in the TMF calculations.

### Results of Analyzing Future Usage

The results are shown in **Table 3**. The column titled “Proportion of 2040 Trips from City and SOI Areas” shows the percentage of traffic on each facility that falls within the first three categories described above (i.e., the traffic that is linked to development in San Rafael). That percentage is then applied to the estimated cost for each project to determine the dollar amount that is considered eligible for inclusion in the TMF program.

It should be noted that the intent of this analysis is solely for the purposes of the TMF nexus analysis. The primary result is the percentage of trips projected to use each facility that are linked to development in San Rafael. It is not intended for these results to be used to determine the appropriate size or configuration for any particular facility.

**Table 3: Eligible TMF Costs: Future Trip Allocation for City of San Rafael and SOI Zones**

Number	Category	Total Cost Estimate (2020 \$)	Proportion of 2040 Trips from City and SOI Zones	Cost Eligible for Citywide TMF
1	Interchange Projects	\$36 M	89%	\$32.2 M
2	Downtown Area Improvements	\$43 M	64%	\$28.0 M
3	Active Transportation (Pedestrian/Bicycle)	\$9.6 M	60%	\$ 5.7 M
4	Complete Streets & Corridors	\$17.1 M	84%	\$14.3 M
5	Intersection Improvements	\$3.0 M	75%	\$ 2.2 M
6	SMART Infrastructure (Technology)	\$6.0 M	60%	\$ 3.6 M
<b>TOTAL</b>		<b>\$114.7 M</b>		<b>\$85.66 M</b>

## Fee Amounts

**Table 4** displays the calculated impact fees. These fees have been calculated based on the list of projects as shown in Table 1, and the projected number of new daily trips as shown in Table 2. Based on consultation with City staff, it was determined that \$90 million in revenues (or about 78 percent of the total program cost) would be acquired from other revenue sources such as federal, state, and regional grant programs as well as public benefit contributions from large developments.

The result of the calculations is a fee per new peak hours trip that would be applied to applicants for new building permits in San Rafael. The fee below represents a 63 percent increase in the current fee program that has not been updated since November 2004. The 2004 TMF update included a provision for the traffic mitigation fee to be adjusted annually to account for inflation based on a construction cost index. The National Highway Construction Cost Index (NHCCI) maintained by the Federal Highway Administration (FHWA) indicates that the cost for construction increased 72 percent from 2004 through 2020.

**Table 4: Calculation of San Rafael TMF Fees**

Calculation	Value
Total Estimated TMF Project Costs	\$114,700,000
Total Funds from Other Revenue Sources	\$ 90,430,000
Total Cost of Projects Funded by TMF (note: this represents about 28 percent of the \$85.66 million eligible for Citywide TMF per Table 3 above)	\$ 24,270,000
Divided by Growth in AM and PM Peak Hour Trips (20 years)	3,513
<b>Fee per Net New AM and PM peak Hour Trip</b>	<b>\$6,909</b>

## Fee Update Implementation

Two alternatives for implementing the updated transportation fees are presented in **Table 4** for consideration. Option A would involve a one-time adjustment of the current fee of \$4,246 per AM and PM peak hour trip to \$6,900 as shown in Table 4. This one-time adjustment would result in a fee that would be slightly less than an updated amount adjusted for inflation since the fee was last updated in 2004, which would be approximately \$7,300 based on the National Highway Construction Cost Index (NHCCI) maintained by the Federal Highway Administration (FHWA). Option B would involve pro-rating the one-time adjustment in Option A over three years.

**Table 5: Options for Implementing Updated Transportation Fees**

YEAR	UPDATED FEES WITH IMPLEMENTATION OPTIONS	
	Option A: One-Time Increase	Option B: Increase Pro-rated Over 3 Years
2021	\$6,909	\$5,134
2022	Adjusted each year based on prior year inflation	\$6,021
2023		\$6,909
2024		Adjusted each year based on prior year inflation
2025		
2026		

<sup>1</sup> The average annual inflation rate based on the National Highway Construction Cost Index (NHCCI) maintained by the Federal Highway Administration (FHWA) from 2004 through 2020 was 4.5 percent.



## 5. Summary of Required Program Elements

This report has provided a detailed discussion of the elements of the San Rafael Transportation Mitigation Fee program and explained the analytical techniques used to develop this nexus study. The report addresses all of the fee program elements required by AB 1600, as summarized below.

1. *Identifying the purpose of the fee*

The City of San Rafael TMF program was established for the purpose of supporting public infrastructure improvements and facilities needed to mitigate the traffic-related impacts of new development in the City of San Rafael.

2. *Identifying how the fee will be used and the facilities to be funded through the fee*

The fee will be used to help fund capital improvement projects that will accommodate future transportation needs throughout Sam Rafael. Table 1 identifies the projects to be funded through the fee.

3. *Determining a reasonable relationship between the fee's use and the type of development on which the fee is imposed*

As described in this report, different types of development generate traffic with different characteristics. The calculations presented in Table 2 account for these characteristics by calculating the number of peak trips generated by the different land use types that are assumed to occur over the next 20 years in the San Rafael General Plan 2040. These considerations account for the differential impacts on the local transportation system generated by different development types.

4. *Determining a reasonable relationship between the need for the public facility and the type of development on which the fee is imposed*

The need for the facilities listed in Table 1 has been established through planning processes including the San Rafael General Plan 2040 and Downtown Precise Plan prepared by the City of San Rafael. As described in the report, the facilities included in the TMF currently operate acceptably so there are no existing deficiencies on the facilities included in this program, indicating that the need for improvements is not caused by existing development.

5. *Determining a reasonable relationship between the amount of the fee and the cost of the public facility (or portion of facility) attributable to new development*

Section 4 of this report describes the calculations applied to determine the cost of the public facility that is attributable to new development in San Rafael; this process accounts for the effects of existing deficiencies (of which there are none in this program) and the effects of traffic generated from outside the area that will be subject to the fee. Thus, a reasonable effort has been made to quantitatively establish the relationship between the fees charged in the San Rafael TMF program and the costs of public improvements attributable to new development within the TMF area.

**Exhibit 21****Major Planned Circulation Improvements <sup>a</sup>**

	Proposed Roadway Improvements	Projected Cost	Mitigation Fee	Funding Source		Projected Project Timing (b)
				Redevelopment	State & Federal	
<b>1</b>	<b>Smith Ranch Road/Lucas Valley Road</b> Widen roadway to provide two westbound and two eastbound lanes between Redwood Highway and Los Gamos. Widen northbound 101 off ramp and southbound 101 off ramp for additional right and left turn lanes.	\$4,000,000	\$4,000,000			Depends On Development Timing
<b>2</b>	<b>Lucas Valley/Los Gamos</b> Widen Lucas Valley Road to provide two through lanes for eastbound and westbound, and provide two westbound left turn lanes. Widen southbound Los Gamos to provide 2 lanes for 300 feet and merge back to one lane. Signalize intersection and coordinate with adjacent intersections.	\$2,000,000	\$2,000,000			Depends On Development Timing
<b>3</b>	<b>Las Gallinas Avenue (Merrydale to Del Presidio)</b> Remove parking and widen street to provide four lanes (one southbound, two northbound and one two-way left turn).	\$300,000	\$300,000			Depends On Development Timing
<b>4</b>	<b>Freitas/Las Gallinas</b> Upgrade the traffic signal system and operation. Improve intersection geometry, cover portions of drainage ditch	\$650,000	\$650,000			5-7 years
<b>5</b>	<b>Freitas/Del Presidio</b> Explore feasibility of double northbound right turn and southbound 101 on ramp widening	\$900,000	\$900,000			Depends On Development Timing
<b>6</b>	<b>Freitas/ Northbound 101 Ramps- Redwood-Civic Center widening and signalization.</b> Right of Way Required.	\$7,500,000	\$7,500,000			Depends On Development Timing

	Proposed Roadway Improvements	Projected Cost	Mitigation Fee	Funding Source		Projected Project Timing (b)
				Redevelopment	State & Federal	
<b>7</b>	<b>Grand Avenue (south of Grand Avenue bridge to Fourth Street)</b>					
	Widen north/south, add one lane as required, and upgrade traffic signal system. Requires right of way and major bridge widening.	\$6,500,000	\$3,250,000	\$3,250,000		Depends On Development Timing
	Signalize Grand/ Fifth, and restrict parking to provide turn lanes.	\$200,000	\$200,000			5-7 years
	Signalize Grand/ Mission, and restrict parking to provide turn lanes.	\$200,000	\$200,000			5-7 years
<b>8</b>	<b>Francisco Blvd. East (Bellam to Grand Avenue Bridge)</b>					
	Four lanes required. One southbound, one two-way left turn and two northbound lanes. Major right of way required.	\$10,000,000	\$5,000,000	\$5,000,000		Depends On Development Timing
	Signalize Francisco Blvd. East/Harbor.	\$200,000	\$200,000			5-7 years
<b>9</b>	<b>Lincoln Avenue (Second Street to southbound 101 ramps - Hammondale or as required)</b>					
	Extend the existing PM peak northbound Tow-Away zone for AM peak as well (four lanes may be required). This parking restriction is likely to be extended north toward the southbound 101 ramps.	\$400,000	\$400,000			3-5 years
	Signalize Lincoln/ Grand, and restrict parking to provide turn lanes.	\$200,000	\$200,000			3-5 years
<b>10</b>	<b>Mission/Lincoln</b>	\$4,000,000	\$4,000,000			Depends On Development Timing
	Provide additional lanes for northbound, and westbound; upgrade traffic signal system, requires right of way.					
<b>11</b>	<b>Fourth Street (Miracle Mile)</b>	\$450,000	\$450,000			5-7years
	Re-align Ross Valley and Santa Margarita and re-design intersection operation. LOS may deteriorate but community access will be provided.					
	<b>Additional Signalization</b>					
<b>12</b>	Signalize Fifth & H Street, and restrict parking to provide turn lanes.	\$100,000	\$100,000			3 years

	Proposed Roadway Improvements	Projected Cost	Mitigation Fee	Funding Source		Projected Project Timing (b)
				Redevelopment	State & Federal	
13	Signalize First/C Street, and restrict parking to provide turn lanes.	\$150,000	\$150,000			3 years
14	Signalize First/ D Street, and restrict parking to provide turn lanes.	\$150,000	\$150,000			3 years
15	Signalize Fourth/Union Street, and restrict parking to provide turn lanes.	\$200,000	\$200,000			Depends On Development Timing
16	Signalize or Roundabout Mission/Court Street.	\$200,000	\$100,000	\$100,000		Depends On Development Timing
17	Signalize Merrydale/Southbound 101 Ramps, and provide turn lanes.	\$250,000	\$250,000			5-7years
18	Signalize Lincoln/DuBois/Irwin and re-align intersection. Right of way required.	\$2,500,000		\$2,500,000		Depends On Development Timing
19	<b>Third/Union Street</b> Widen Union Street to provide 4 lanes between Third and Fourth. Fire Station 4 modification required. Reconfigure Third/Union eastbound left turn pocket. Provide westbound right turn pocket. Upgrade the traffic signal system and operation.	\$900,000	\$900,000			2 years
20	<b>Kerner Blvd or Francisco Blvd. East. To Andersen Drive Undercrossing</b> Provide a minimum 3-lane connector near Shoreline Parkway. Signalize at both ends.	\$8,000,000	\$4,000,000	\$4,000,000		Depends On Development Timing
21	<b>Andersen /East Sir Francis Drake-eastbound 580 Ramps</b> Major widening and signalization.	\$2,000,000	\$500,000	\$500,000	\$1,000,000	5-7 years
22	<b>Upgrade traffic signal system.</b>	\$3,000,000	\$1,500,000		\$1,500,000	7 years
23	<b>Install traffic monitoring sensors and camera system.</b>	\$1,000,000	\$500,000		\$500,000	7 years
24	<b>Install Fiber Optic network throughout the traffic system.</b>	\$2,000,000	\$1,000,000		\$1,000,000	7 years
	<b>Sub Total</b>	<b>\$57,950,000</b>	<b>\$38,600,000</b>	<b>\$15,350,000</b>	<b>\$4,000,000</b>	

Proposed Roadway Improvements	Projected Cost	Mitigation Fee	Funding Source		Projected Project Timing (b)
			Redevelopment	State & Federal	
Other Projects	Projected Cost	City Funds	Redevelopment	State & Federal	
25 Implement Bicycle and Pedestrian Master Plan	\$5,300,000	\$2,650,000		\$2,650,000	7-20 years
26 Pedestrian bridge at Third/Hetherton – GGT Transportation Center	\$2,000,000	\$500,000	\$500,000	\$1,000,000	Depends On SMART, 10-20 years
27 Pedestrian bridge to connect Canal to Andersen Drive/Downtown.	\$4,500,000	\$1,125,000	\$1,125,000	\$2,250,000	10-20 years
28 Pedestrian bridge to connect Canal to Montecito Shopping Center.	\$4,000,000	\$1,000,000	\$1,000,000	\$2,000,000	10-20 years
29 Freitas / Northbound 101 Ramps - Redwood-Civic Center or a new flyover from Civic Center Dr. to Freitas.	\$12,000,000	\$6,000,000		\$6,000,000	Depends On Development Timing
30 Second Street (from E Street to east side of A Street). The projected volume requires right turn lanes or through/right lanes be added in the long term. Right of way required.	\$6,000,000	\$1,500,000	\$3,000,000	\$1,500,000	10-20 years
31 Pedestrian bridge over Canal between the Canal and Montecito/Happy Valley neighborhoods.	\$4,000,000	\$1,000,000	\$2,000,000	\$1,000,000	10-20 years
32 North San Rafael Promenade	\$2,000,000	\$1,000,000		\$1,000,000	10-20 years
<b>Sub Total Other Projects</b>	<b>\$39,800,000</b>	<b>\$14,775,000</b>	<b>\$7,625,000</b>	<b>\$17,400,000</b>	
<b>Grand Total Project Cost</b>	<b>\$97,750,000</b>				

(a) Priorities for circulation improvements are set in the Capital Improvements Program. This list may be amended as part of the five-year General Plan update.

(b) The timing for the improvements depends on the size, type and phasing of additional development. Policies LU-2 (Development Timing) requires findings when project-related traffic will not cause the LOS to be exceeded.

Source: San Rafael Public Works Department



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: Public Works**

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

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

A handwritten signature in blue ink, appearing to be 'JG'.

**TOPIC: ANNUAL CALRECYCLE GRANT**

**SUBJECT: RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION FOR ALL CALRECYCLE GRANTS FOR WHICH THE CITY OF SAN RAFAEL IS ELIGIBLE**

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**RECOMMENDATION:** Adopt resolution.

**BACKGROUND:** San Rafael has participated in the California Department of Resources Recycling and Recovery's (CalRecycle) grant program since FY 1999-00. The program seeks to achieve an 80% recycling rate for all California Refund Value (CRV) beverage containers collected from City streets, parks and other public spaces. Operationally, Department of Public Works crews collect debris, which includes beverage containers and related material, for transport to the Marin Resource Recovery Center on Jacoby Street. Recycling center personnel weigh and process the material and determine the percentage that can be recycled.

**ANALYSIS:** CalRecycle now requires the authorization of the City Council to submit the CalRecycle grant applications to the state. The attached resolution would authorize the City to submit grant applications for a period of five years and would authorize the City Manager to execute all grant-related documents for such applications.

**FISCAL IMPACT:** Based on a per capita formula, CalRecycle has paid the City approximately \$15,000 per year since FY 1999-00. For FY 2021-22, the City will receive \$14,900 to support the City's efforts to maximize the recycling of beverage containers and other items collected by Department of Public Works personnel. This annual grant traditionally has been used to augment the General Fund. More recently, however, the City used the funds to contract with the Conservation Corps of the North Bay to collect recyclable material from City parks and to remove litter.

**OPTIONS:**

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

1. Accept the report and adopt the Resolution as recommended;
2. Accept the report with modifications and adopt the Resolution with amended findings; or
3. Reject the report and do not adopt the Resolution.

**RECOMMENDED ACTION:** Adopt resolution.

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

**ATTACHMENTS:**

1. Resolution Authorizing Submittal of an Application for All CalRecycle Grants for Which the City of San Rafael is Eligible



**RESOLUTION NO.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL  
AUTHORIZING SUBMITTAL OF AN APPLICATION FOR ALL CALRECYCLE  
GRANTS FOR WHICH THE CITY OF SAN RAFAEL IS ELIGIBLE**

**WHEREAS**, Public Resources Code sections 48000 et seq. authorize the Department of Resources Recycling and Recovery (CalRecycle) to administer various grant programs (grants) in furtherance of the State of California's (state) efforts to reduce, recycle and reuse solid waste generated in the state, thereby preserving landfill capacity and protecting public health and safety and the environment; and

**WHEREAS**, in furtherance of this authority CalRecycle is required to establish procedures governing the application, awarding, and management of the grants; and

**WHEREAS**, CalRecycle grant application procedures require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of CalRecycle grants;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of San Rafael authorizes the submittal of application(s) to CalRecycle for its Beverage Container Recycling City/County Payment Program; and

**BE IT FURTHER RESOLVED** that the City Manager or his/her designee is hereby authorized and empowered to execute in the name of the City of San Rafael all grant documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure grant funds and implement the approved grant project; and

**BE IT FURTHER RESOLVED** that these authorizations are effective for five (5) years from the date of adoption of this resolution.

**I, Lindsay Lara**, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of said City held on Monday, the 6<sup>th</sup> day of December 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: 5.h

Meeting Date: December 6, 2021

**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: Public Works

Prepared by: Bill Guerin,  
Director of Public Works

City Manager Approval: 

**TOPIC: MEMORANDUM OF AGREEMENT WITH THE COUNTY OF MARIN TO MAINTAIN BAYSIDE PARK**

**SUBJECT: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL APPROVING AND AUTHORIZING THE MAYOR TO SIGN A MEMORANDUM OF AGREEMENT WITH MARIN COUNTY DEFINING MAINTENANCE RESPONSIBILITIES FOR BAYSIDE PARK**

**RECOMMENDATION:** Adopt the resolution.

**BACKGROUND:** The City of San Rafael and the County of Marin share maintenance responsibilities for various portions of the Point San Pedro Road right-of-way because this road travels through both City and County jurisdictions. One portion of the road between Bayview Drive and Main Drive is within the jurisdiction of the County. Bayside Park is at the eastern edge of the County jurisdiction. In past years, both the City and the County have had maintenance responsibility for the park.

**ANALYSIS:** The County recently made a significant capital improvement investment in Bayside Park and the County desires to take over the maintenance of the park to ensure that the investment made is adequately maintained in the future. The County has produced a new Memorandum of Agreement to clearly define the responsibilities of both the City and County as it relates to maintenance. In the agreement, the County will maintain the park in its entirety and the City will allow the submetering of water to support the irrigation of the park. The County will reimburse the City for the water used. City staff supports this clarification of responsibilities and seeks Council approval of the Memorandum of Agreement.

**FISCAL IMPACT:** City Council approval of the Agreement would have a negligible financial impact. Prior to the recent capital investment in the park by the County, the County was providing maintenance of the park. The City is expected to allow access to our meter and staff will provide water cost calculations and will bill the County regularly to pay for the cost of water.

**OPTIONS:**

- Adopt the resolution and authorize the Mayor to sign the Memorandum of Agreement as recommended;

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

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

- Accept the report with modifications and adopt the Resolution with amended findings; or
- Reject the report and do not adopt the Resolution.

**RECOMMENDED ACTION:** Adopt the resolution.

**ATTACHMENT:**

- A. Resolution Approving and Authorizing the Mayor to Sign a Memorandum of Agreement with Marin County Defining Maintenance Responsibilities for Bayside Park
- B. Memorandum of Agreement

**RESOLUTION NO.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL APPROVING AND AUTHORIZING THE MAYOR TO SIGN A MEMORANDUM OF AGREEMENT WITH MARIN COUNTY DEFINING MAINTENANCE RESPONSIBILITIES FOR BAYSIDE PARK**

---

**WHEREAS**, the City of San Rafael (City) and the County of Marin (County) share maintenance responsibilities for various portions of the Point San Pedro Road right of way because this road travels through both City and County jurisdictions: and

**WHEREAS**, one portion of the road between Bayview Drive and Main Drive is within the jurisdiction of the County and Bayside Park is at the eastern edge of the County jurisdiction; and

**WHEREAS**, in past years, both the City and the County have had maintenance responsibility for the park; and

**WHEREAS**, the County recently made a significant capital improvement investment in Bayside Park and the County desires to take over the maintenance of the park to ensure that the investment made by the County is adequately maintained in the future; and

**WHEREAS**, the County has produced a new Memorandum of Agreement to clearly define the responsibilities of both the City and County as it relates to maintenance; and

**WHEREAS**, the agreement states that the County will maintain the park in its entirety and the City will allow the submetering of water to support the irrigation of the park and the County will reimburse the City for the water used; and

**WHEREAS**, City staff supports this clarification of responsibilities and seeks Council approval of the Memorandum of Agreement; and

**WHEREAS**, City Council approval of the Agreement would have a negligible financial impact;

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

1. The Council hereby approves and authorizes the Mayor to execute a Memorandum of Understanding with the County to clearly define the maintenance responsibilities for Bayside Park as defined above in the form included with the staff report supporting this resolution, subject to final approval as to form by the City Attorney.
2. The Director of Public Works is hereby authorized to take any and all such actions and make changes as may be necessary to accomplish the purpose of this resolution.

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 6<sup>th</sup> day of December 2021, by the following vote, to wit:

**AYES:            COUNCILMEMBERS:**

**NOES:            COUNCILMEMBERS:**

**ABSENT:        COUNCILMEMBERS:**

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**LINDSAY LARA, City Clerk**

# MEMORANDUM OF AGREEMENT

BETWEEN

COUNTY OF MARIN

AND

CITY OF SAN RAFAEL

This Memorandum of Agreement (“AGREEMENT”) is made and entered into this 14th day of December 2021, by and between the County of Marin, a political subdivision of the State of California (hereinafter referred to as “COUNTY”), and City of San Rafael, a municipal corporation of the State of California (hereinafter referred to as “CITY”), collectively the “PARTIES.”

## RECITALS

WHEREAS, COUNTY manages and maintains approximately 0.60 acres of public road right-of-way for public enjoyment along Point San Pedro Road in San Rafael, California known as Bayside Park (hereinafter referred to as “PARK AREA”), and further described in Exhibit “A”; and

WHEREAS, COUNTY and CITY entered into an agreement on August 24, 1976 to provide maintenance of landscaping and irrigation for the PARK AREA and other areas located within the right-of-way of Point San Pedro Road (PREVIOUS AGREEMENT); and

WHEREAS, the terms of the PREVIOUS AGREEMENT are no longer relevant; and

WHEREAS, COUNTY and CITY wish to enter into this new agreement to provide maintenance of landscaping and irrigation of the PARK AREA; and

## STATEMENT OF AGREEMENT

NOW, THEREFORE, the PARTIES agree as follows:

1. This AGREEMENT shall supersede and replace the PREVIOUS AGREEMENT made on August 24, 1976 in its entirety.
2. The landscape and irrigation systems to be maintained pursuant to this AGREEMENT are located at Bayside Park, shown on Exhibit A.
3. COUNTY shall be responsible for administering all maintenance of said landscape and irrigation systems and will possess all powers of COUNTY and CITY necessary to effectuate the purposes of this AGREEMENT.
4. COUNTY will perform maintenance work either with its own forces or by contract.
5. Water for irrigation of PARK AREA will be provided by CITY water meter. CITY will pay all costs to provide and maintain water meter including staff time required to fulfill the terms of this AGREEMENT.
6. COUNTY will install and maintain a sub-water meter within the PARK AREA.
7. Costs of maintenance of landscaping and irrigation will be paid for by COUNTY including all water required for irrigation and PARK AREA maintenance downstream of sub-meter.
8. CITY agrees to furnish a bill to COUNTY for water use in PARK AREA semi-annually. Use amounts will be based on readings from the sub-water meter in the PARK AREA. CITY will maintain standard cost accounting records in accordance with accepted accounting principles. Said records will be made available for COUNTY to review upon request.
9. COUNTY will reimburse CITY for water use costs incurred herein specified within thirty (30) days after receipt of bill from CITY.
10. This AGREEMENT will continue in full force and effect from the date it is executed, until such time as terminated by one or both parties. In the event one of the parties wishes to terminate this AGREEMENT they will give ninety (90) days

written notice to the other party.

11. This AGREEMENT shall be administered on behalf of COUNTY by Marin County Parks, whose mailing address is:

Marin County Parks  
3501 Civic Center Drive, Room 260  
San Rafael, CA 94903  
Attn: Superintendent, Central Region

and on behalf of City of San Rafael, whose mailing address is:

City of San Rafael Department of Public Works  
111 Morpew Street  
San Rafael, CA 94901

12. This AGREEMENT may be modified at any time in writing by mutual consent of the PARTIES.

IN WITNESS WHEREOF, this AGREEMENT was executed by the PARTIES hereto as of the date first above written.

COUNTY OF MARIN

\_\_\_\_\_  
Dennis Rodoni, President, Board of Supervisors

ATTEST

Approved as to Form

\_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Chief Deputy County Counsel

CITY OF SAN RAFAEL

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

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
ROBERT F. EPSTEIN, City Attorney





**SAN RAFAEL**  
THE CITY WITH A MISSION

Agenda Item No: 5.i

Meeting Date: December 6, 2021

**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: Public Works

Prepared by: Bill Guerin,  
Director of Public Works

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

**TOPIC: UMBRELLA DREDGING PERMIT IN SAN RAFAEL CONSULTING SERVICES AGREEMENT**

**SUBJECT: RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO SIGN A FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH HALEY & ALDRICH, INC. FOR ADDITIONAL SERVICES IN COORDINATING THE DEVELOPMENT OF AN UMBRELLA PERMIT FOR PRIVATE DOCK DREDGING IN THE SAN RAFAEL CANAL, IN AN AMOUNT NOT TO EXCEED \$16,200**

**RECOMMENDATION:** Adopt the resolution.

**BACKGROUND:** The United States Army Corps of Engineers (the "Corps") has been responsible for maintenance dredging of the Federally Authorized Channel in the San Rafael Canal (Canal) since 1919, when the Canal was declared a federal waterway. The Canal is 2.5 miles long. The Federally Authorized Channel is comprised of an Inner Channel which is 60 feet wide and 1.5 miles long and an Outer Channel, 100 feet wide and 1 mile in length. The balance of the San Rafael Canal along both the north and south sides is mostly privately owned by adjacent property owners. The City of San Rafael also owns portions of the non-Federally Authorized Channel.

The Corps has dredged the Federally Authorized Channel 13 times since 1930, an average of one dredging project every seven years. The most recent partial dredge took place during the winter of 2011-2012. Prior to that, the last full dredge of the Canal took place in 2002. The Corps is preparing again to dredge the Federally Authorized Channel. The Corps has nearly completed the engineering design and is seeking permit approval to dredge the Federally Authorized Channel in summer, 2022.

**ANALYSIS:** The Corps' responsibility is to maintain the Federally Authorized Channel, however they have no responsibility to dredge the more than 160 privately held parcels fronting the San Rafael Creek. In order to efficiently dredge these private parcels, the Corps and the regulatory agencies that approve permits allows the use of an "Umbrella Permit" whereby a single entity (the City of San Rafael) aggregates the individual requests for dredging into a single umbrella permit. The City plans to assemble the individual requests into a single permit and request that the private dredging occur at the same time that the Federal Channel is dredged. It is common

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

to contract with the same dredging company selected by the Corps so that the umbrella permittees benefit from the economies of scale brought by the Corps' Federal Channel contract.

The process of permitting and effecting a dredge is a special expertise and the City contracted with consultants Haley & Aldrich, Inc. in November 2020 to prepare the surveying, exhibits, and engineering work required to seek regulatory approval to permit the dredge. The umbrella permit application makes clear that each participating property will pay for their portion of the dredged materials by volume and will also share the cost of the permit development (Haley & Aldrich's consulting contract) equitably. The City will participate and pay its portion of the consulting contract and materials dredging. The initial contract signed with Haley & Aldrich was within the Authority of the City Manager and he approved the contract. Haley & Aldrich has made great progress in developing the application. They developed a model, created an application platform, issued a request for applications, compiled the results, completed preliminary engineering, and made an initial application request to the regulatory agencies required to approve our permit.

The request for applications for permitting resulted in more applications than was anticipated. Further, in recent conversations held with the regulatory agencies, staff learned that the regulatory approval process has changed, and the regulators require more detailed analysis and up-front design than was previously required or contemplated in the original agreement with Haley & Aldrich. Haley & Aldrich has requested an increase in their "not to exceed" amount to cover the additional efforts required. This new total contract amount has exceeded the City Manager's expenditure authority. Staff is now seeking City Council approval of a First Amendment to the agreement with Haley & Aldrich, Inc. to increase the contract amount to complete the umbrella permitting requirements.

**FISCAL IMPACT:** City Council approval of the amendment to the agreement would result in an increase of \$16,200 above the amount already authorized by the City Manager, bringing the total value of consulting services to \$90,900. However, upon completion of the permit application, the individual property owners will be required to pay for their portion of the umbrella permit and therefore most of the contract amount will be offset by private funding. The City will only be required to pay for a small share of the total permitting cost. The City will also be required to pay for its share of the dredging work as well, but the cost of dredging will be finalized sometime in Spring, 2022.

**OPTIONS:**

- Adopt the resolution and authorize the City Manager to sign the First Amendment to the professional services agreement as recommended;
- Accept the report with modifications and adopt the Resolution with amended findings; or
- Reject the report and do not adopt the Resolution.

**RECOMMENDED ACTION:** Adopt the resolution.

**ATTACHMENT:**

1. Resolution Authorizing the City Manager to Sign a First Amendment to the Professional Services Agreement with Haley & Aldrich, Inc. for Additional Services in Coordinating the Development of an Umbrella Permit for Private Dock Dredging in the San Rafael Canal, in an Amount Not to Exceed \$16,200
2. First Amendment to Professional Services Agreement
3. Exhibit A to First Amendment: Proposal for additional services

## RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL APPROVING AND AUTHORIZING THE CITY MANAGER TO SIGN A FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH HALEY & ALDRICH, INC. FOR ADDITIONAL SERVICES IN COORDINATING THE DEVELOPMENT OF AN UMBRELLA PERMIT FOR PRIVATE DOCK DREDGING IN THE SAN RAFAEL CANAL, IN AN AMOUNT NOT TO EXCEED \$16,200**

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**WHEREAS**, the U. S. Army Corps of Engineers (Corps) is responsible to provide maintenance dredging of the Federally Authorized Channel of the San Rafael Canal, but is not authorized or responsible to dredge privately held property adjacent to the Federally Authorized Channel; and

**WHEREAS**, Canal side property owners, including the City of San Rafael (City), have the responsibility to dredge their in-water property should they desire to have access to the Canal; and

**WHEREAS**, the regulatory agencies with responsibility for water quality in the Canal require that property owners obtain a permit prior to dredging any sediment from the Canal; and

**WHEREAS**, the regulatory agencies allow individual property owners to aggregate their permit requests under one larger “umbrella” permit for ease of application and approval; and

**WHEREAS**, the City issued a request for expressions of interest to assemble an umbrella permit for the private dredging of the San Rafael Canal and received more than 160 responses from individual property owners; and

**WHEREAS**, any property owner who wishes to participate in the umbrella permit will be required to pay for a portion of the management costs to administer the umbrella permit and will be required to pay for the volume of dredged materials removed from their property; and

**WHEREAS**, the City entered into a Professional Services Agreement dated June 28, 2021 with Haley & Aldrich, Inc. for consulting services to administer the umbrella permit to dredge the private properties adjacent to the Federally Authorized Channel,

including the preparation of surveys, exhibits, and engineering work required to seek regulatory approval, for a cost not to exceed \$74,700 (the "Agreement"); and

**WHEREAS**, since the commencement of the Agreement, the regulatory agencies have imposed additional requirements on the umbrella permit applicants; and

**WHEREAS**, the City requires additional consulting services from Haley & Aldrich, Inc. to cover the additional work required by the regulatory agencies; and

**WHEREAS**, staff received a proposal from Haley & Aldrich, Inc. for the additional required services in a total amount not to exceed \$16,200, and staff has reviewed the proposal and found it complete and within industry standards;

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

1. The Council hereby approves and authorizes the City Manager to execute a First Amendment to the Agreement with Haley & Aldrich, Inc for additional consulting services in connection with the umbrella permit required to dredge the privately held portions of the San Rafael Canal, in an additional amount not to exceed \$16,200 and a revised total contract value not to exceed \$90,900, in the form included with the staff report supporting this resolution, subject to final approval as to form by the City Attorney.
2. The Director of Public Works is hereby authorized to take any and all such actions and make changes as may be necessary to accomplish the purpose of this resolution.

**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 6<sup>th</sup> day of December 2021, by the following vote, to wit:

**AYES: COUNCILMEMBERS:**

**NOES: COUNCILMEMBERS:**

**ABSENT: COUNCILMEMBERS:**

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**LINDSAY LARA, City Clerk**

**FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH  
HALEY & ALDRICH, INC. FOR PROFESSIONAL SERVICES FOR UMBRELLA  
PERMITTING COORDINATION FOR PRIVATE PROPERTY SAN RAFAEL CREEK  
DREDGING**

**THIS FIRST AMENDMENT** to the Professional Services Agreement by and between the **CITY OF SAN RAFAEL** (hereinafter “**CITY**”), and **HALEY & ALDRICH, INC.**, (hereinafter “**CONSULTANT**”), is made and entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**RECITALS**

**WHEREAS**, the **CITY** and **CONSULTANT** entered into a Professional Services Agreement dated November 18, 2020 to coordinate the implementation of the umbrella dredge agreement with private property owners for the U.S. Army Corps of Engineers dredging of the Federal Channel along the San Rafael Creek, for an amount not to exceed \$74,700 (the “Agreement”); and

**WHEREAS**, there are more applicants than originally anticipated and the **CITY** requires additional support from the **CONSULTANT**; and

**WHEREAS**, the **CONSULTANT** is willing to provide such services;

**AMENDMENT TO AGREEMENT**

**NOW, THEREFORE**, the parties hereby agree to amend the Agreement as follows:

1. Section 2 of the Agreement, entitled “DUTIES OF CONSULTANT” is hereby amended to include the additional services set forth in **CONSULTANT**’s proposal dated November 12, 2021, attached to this First Amendment as Exhibit A and incorporated herein by reference.
2. Section 4 of the Agreement, entitled “COMPENSATION” is hereby amended to include additional compensation payable to **CONSULTANT** for the services described in Exhibit A to this First Amendment, in accordance with the “Proposed Scope of Services” included in Exhibit A, in a not-to-exceed amount of \$16,200, and to change the total not-to-exceed amount under the Agreement to \$90,900.

3. Except as specifically amended herein, all of the other provisions, terms and obligations of the Agreement between the parties shall remain valid and shall be in full force.

**IN WITNESS WHEREOF**, the parties have executed this First Amendment on the day, month, and year first above written.

**CITY OF SAN RAFAEL**

**CONSULTANT**

\_\_\_\_\_  
JIM SCHUTZ, City Manager

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

[If Contractor is a corporation, add signature of second corporate officer]

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

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
ROBERT F. EPSTEIN, City Attorney

## Exhibit A



Haley & Aldrich, Inc.  
2033 N. Main Street  
Suite 309  
Walnut Creek, CA 94596  
925.949.1012

12 November 2021

City of San Rafael  
Department of Public Works  
VIA EMAIL: bill.guerin@cityofsanrafael.org

Attention: Mr. Bill Guerin  
Director, Department of Public Works, City of San Rafael

Subject: Scope of Work for Additional Services Necessary for the San Rafael Creek Umbrella  
Maintenance Dredging Permit and Approval Process

Dear Mr. Guerin:

Haley & Aldrich, Inc. (Haley & Aldrich) has prepared this proposal for the City of San Rafael (City) to provide additional services necessary for obtaining the umbrella maintenance dredging permits for the non-federal maintenance dredging on San Rafael Creek.

### Proposed Scope of Services

This scope of services includes necessary effort to address new regulatory requirements for obtaining the BCDC permit and the Water Quality Certification from the Water Board. It also includes additional meetings/phone calls and the preparation of previously unscoped updates to the project dredge area map that became necessary with each new participant notification and each individual dock-owner request. Additional effort also required to address BCDC's design level requests for project maps. Cost for each additional task is provided in the table below.

TASK #	TASK ID	COST
1	New Regulatory Requirements & Response to Agencies	\$4,800
2	Meetings and Phone Calls	\$1,200
3	Mapbook Modifications & Additional Participant Correspondence	\$4,500
4	Pre-Design Services	\$5,700
TOTAL		\$16,200

We appreciate the opportunity to submit this proposal and look forward to continuing work with you and the dock owners on this project. Please don't hesitate to contact me if you wish to discuss the proposal or any aspect of the project.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Scott Bodensteiner".

Scott Bodensteiner  
Haley & Aldrich, Inc.







**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: Public Works

Prepared by: Bill Guerin,  
Director of Public Works

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

**TOPIC: SOUTHERN HEIGHTS BRIDGE REPLACEMENT**

**SUBJECT: RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A FOURTH AMENDMENT TO THE AGREEMENT WITH MARK THOMAS & COMPANY, INC. FOR SLOPE STABILITY ANALYSIS, IN AN ADDITIONAL CONTRACT AMOUNT NOT TO EXCEED \$51,789**

**RECOMMENDATION:**

Adopt a resolution approving and authorizing the City Manager to execute a third amendment to the Professional Services Agreement with Mark Thomas and Company, Inc. (Mark Thomas) for slope stability analysis in an amount not to exceed \$51,789, increasing the total not-to-exceed amount under the agreement to \$949,831.

**BACKGROUND:**

During a routine bridge inspection conducted by Caltrans, the Southern Heights Bridge was identified as needing to be reconstructed to meet current design, structural, and safety standards. In [June 2016](#), the City entered into a Professional Services Agreement with Mark Thomas & Company, Inc. to begin preliminary services and public outreach for this project. In December 2017, the City Council approved a first amendment to this agreement to perform final design and right of way services. In February 2019, Council approved a second amendment to this agreement to perform additional final design and right of way services. In June 2020, the City Council approved a third amendment to this agreement for construction support and additional right of way services.

On December 14<sup>th</sup>, 2020 the City's contractor began construction of the Southern Heights Bridge Replacement Project. The project is estimated to be completed in December 2021.

**ANALYSIS:** As a result of this project, construction activities along the steep hillside have disturbed the soil within the bridge footprint. This disturbance was already anticipated as part of the project design which included erosion control measures such as the installation of soil retaining netting, hydroseeding, rip-rap, and new tree plantings. However, several residents have expressed concern whether these measures are sufficient to prevent a future landslide.

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

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

On October 12, 2021, City staff met with design staff from Mark Thomas and their geotechnical subconsultant, Parikh Consultants at the Southern Heights Bridge construction site to discuss the post-construction slope stability of the soils under the bridge deck. The design team recommended that the City have a slope stability analysis prepared of the current conditions to verify whether additional measures may be required to stabilize the slope under the bridge. City staff requested a proposal from Mark Thomas and their subconsultant to amend the existing professional services agreement to include a slope stability analysis.

**FISCAL IMPACT:** The proposed fourth amendment to the professional services agreement will increase the agreement by \$51,789. This amount will be appropriated in the Capital Project Fund 401. City staff will seek reimbursement of these expenses through the Caltrans Highway Bridge Program grant.

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

1. Adopt the resolution as presented.
2. Do not adopt a resolution and provide further direction to staff.

**RECOMMENDED ACTION:** Adopt a resolution approving and authorizing the City Manager to execute a fourth amendment to the agreement with Mark Thomas & Company, Inc. to conduct a slope stability analysis in an amount not to exceed \$51,789.

**ATTACHMENT:**

1. Resolution Approving and Authorizing the City Manager to Execute a Fourth Amendment to the Agreement with Mark Thomas & Company, Inc. for Slope Stability Analysis, in an Additional Contract Amount Not to Exceed \$51,789
2. Fourth Amendment to Professional Services Agreement with Mark Thomas & Company, Inc for the Southern Heights Bridge Replacement Project, and corresponding Exhibit A: Scope of Work

## RESOLUTION NO.

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A FOURTH AMENDMENT TO THE AGREEMENT WITH MARK THOMAS & COMPANY, INC. FOR SLOPE STABILITY ANALYSIS, IN AN ADDITIONAL CONTRACT AMOUNT NOT TO EXCEED \$51,789**

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**WHEREAS**, pursuant to City Council Resolution #14129, the City of San Rafael and Mark Thomas & Company, Inc. ("Mark Thomas & Co.") entered into a Professional Services Agreement on June 7, 2016, for preliminary engineering and public outreach in connection with City's Southern Heights Bridge Replacement project, for an amount not to exceed \$241,568 (the "Agreement"); and

**WHEREAS**, pursuant to City Council Resolution #14439, the City and Mark Thomas & Co. entered into a First Amendment to the Agreement dated December 26, 2017, to perform final design and right of way services for an amount not to exceed \$343,499 and increasing the total not to exceed amount under the Agreement to \$585,067; and

**WHEREAS**, pursuant to City Council Resolution #14634, the City and Mark Thomas & Co. entered into a Second Amendment to the Agreement dated February 8, 2019, to perform additional final design and right of way services for an amount not to exceed \$132,777 and increasing the total not to exceed amount under the Agreement to \$717,844; and

**WHEREAS**, pursuant to City Council Resolution #14826 on June 15, 2020, the City and Mark Thomas & Co. entered into a Third Amendment to the Agreement dated 2020, for construction support and additional right of way services for an amount not to exceed \$180,198 and increasing the total not to exceed amount under the Agreement to \$898,042; and

**WHEREAS**, the City requires a slope stability analysis for the slope under the newly constructed Southern Heights Bridge; and

**WHEREAS**, staff received a proposal from Mark Thomas & Co. for said services in a total amount not to exceed \$51,789 and staff has reviewed the proposal and found it complete and within industry standards;

**WHEREAS**, \$51,789 will be appropriated in Capital Project Fund 401 pending reimbursement from the Caltrans Highway Bridge Program grant;

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

1. The Council hereby approves and authorizes the City Manager to execute a fourth amendment to the Agreement with Mark Thomas & Company, Inc. for slope stability analysis in connection with the Southern Heights Bridge Replacement Project, in the amount of \$51,789 and a revised total contract value not to exceed \$949,831 in the form included with the staff report supporting this resolution, subject to final approval as to form by the City Attorney.
2. The Director of Public Works is hereby authorized to take any and all such actions and make changes as may be necessary to accomplish the purpose of this resolution.

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 6<sup>th</sup> day of December 2021, by the following vote, to wit:

**AYES:            COUNCILMEMBERS:**

**NOES:            COUNCILMEMBERS:**

**ABSENT:        COUNCILMEMBERS:**

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**LINDSAY LARA, City Clerk**

**FOURTH AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH  
MARK THOMAS & COMPANY, INC. FOR PROFESSIONAL SERVICES FOR THE  
SOUTHERN HEIGHTS BRIDGE REPLACEMENT PROJECT**

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**THIS FOURTH AMENDMENT** to the Professional Services Agreement by and between the **CITY OF SAN RAFAEL** (hereinafter “**CITY**”), and **MARK THOMAS & COMPANY, INC.**, (hereinafter “**CONSULTANT**”), is made and entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**RECITALS**

**WHEREAS**, pursuant to City Council Resolution #14129, the **CITY** and **CONSULTANT** entered into a Professional Services Agreement on June 7, 2016, for preliminary engineering and public outreach in connection with **CITY’S** Southern Heights Bridge Replacement project, for an amount not to exceed \$241,568 (the “Agreement”); and

**WHEREAS**, pursuant to City Council Resolution #14439, the **CITY** and **CONSULTANT** entered into a First Amendment to the Agreement dated December 26, 2017, to perform final design and right of way services for an amount not to exceed \$343,499 and increasing the total not to exceed amount under the Agreement to \$585,067; and

**WHEREAS**, pursuant to City Council Resolution #14634, the **CITY** and **CONSULTANT** entered into a Second Amendment to the Agreement dated February 8, 2019, to perform additional final design and right of way services for an amount not to exceed \$132,777 and increasing the total not to exceed amount under the Agreement to \$717,844; and

**WHEREAS**, pursuant to City Council Resolution #14826 on June 15, 2020, the **CITY** and **CONSULTANT** entered into a Third Amendment to the Agreement dated 2020, for construction support and additional right of way services for an amount not to exceed \$180,198 and increasing the total not to exceed amount under the Agreement to \$898,042; and

**WHEREAS**, the City requires a slope stability analysis for the slope under the newly constructed Southern Heights Bridge; and

**WHEREAS**, staff received a proposal from Mark Thomas & Company, Inc. (Exhibit A) for said services in a total amount not to exceed \$51,789 for the fourth amendment and staff has reviewed the proposal and found it complete and within industry standards;

## AMENDMENT TO AGREEMENT

**NOW, THEREFORE**, the parties hereby agree to amend the Agreement as follows:

1. Article II of the Agreement, entitled "STATEMENT OF WORK" is hereby amended to include the additional services set forth in **CONSULTANT's** proposal entitled "Scope of Services" dated November 21, 2021, attached to this Fourth Amendment as "Exhibit A" and incorporated herein by reference.
2. Article V of the Agreement, entitled "ALLOWABLE COSTS AND PAYMENTS" is hereby amended to include additional compensation payable to **CONSULTANT** for the services described in "Exhibit A" to this Fourth Amendment, on a time and materials basis in accordance with the "Scope of Services" included in "Exhibit A", in a not to exceed amount of \$51,789, and to change the total not to exceed amount under the Agreement to \$949,831.
3. Except as specifically amended herein, all the other provisions, terms, and obligations of the Agreement between the parties shall remain valid and shall be in full force.

**IN WITNESS WHEREOF**, the parties have executed this Fourth Amendment on the day, month, and year first above written.

**CITY OF SAN RAFAEL**

**CONSULTANT:**

**MARK THOMAS & COMPANY, INC.**

\_\_\_\_\_  
JIM SCHUTZ, City Manager

By: \_\_\_\_\_

Name: \_\_\_\_\_

ATTEST:

Title: \_\_\_\_\_

and

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

By: \_\_\_\_\_

APPROVED AS TO FORM

Name: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_  
ROBERT F. EPSTEIN, City Attorney



# SCOPE OF WORK

## TASK 1. SLOPE STABILITY ANALYSIS

### Task 1.1. Geotechnical Investigation

Parikh will drill one short boring on the slope to verify the soil / rock condition. This will require portable equipment and preparation of a level pad to setup the tripod and Minuteman drill rig. A long day of drilling work is expected. For the steep slope, the standard jute netting may not be adequate, and Parikh will work with Mark Thomas to consider more heavy-duty erosion control products. Parikh will also evaluate the slope profile and determine if a bench/break in the middle of the slope would be helpful. The possibility of installing short landscape timber walls to terrace the slope may also be considered. Parikh assumes discussion and interaction with the Mark Thomas and the City will be necessary. A geotechnical memo summarizing the geotechnical recommendations will be prepared.

### Task 1.2. Topographic Survey

Mark Thomas will perform a field survey to establish control to facilitate topographic surveys of the site. Inter-visible local project horizontal control (NAD83) and vertical control (NAVD88) will be established to facilitate a terrestrial scan of the slope. Control point coordinates, basis of bearings and coordinates, and benchmark notes will be provided to show on plans. Topographic mapping of the roughly 950 feet of slope will be sufficient to serve as the basis for design of slope stability improvements. This scope of work assumes one day of field work for the control, and one extended day of field work for the topographic survey.


### Task 1.3. Slope Stability/Erosion Control Design

Mark Thomas will prepare erosion control plans including revised planting and irrigation plans. Structure plans will be developed for the landscape timber walls if recommended for slope stability by Parikh. Up to four plan sheets will be prepared based on the post-construction survey and geotechnical recommendations.

### **DELIVERABLES**

- Geotechnical Memo
- Post-construction topographic survey
- Slope Stability/Erosion Control Plans

**COST PROPOSAL FOR PROJECT SCOPE: San Rafael-So Heights Bridge Replacement (AM #4)**

													Subs	TOTAL COST
	Sr. Project Engineer \$181	Project Engineer \$159	Design Engineer II \$138	Survey Manager \$215	Sr. Project Surveyor \$191	Survey Technician \$97	2 Person Field Crew \$319	LAUD Project Manager \$204	Landscape Architect \$144	Sr. Project Coordinator \$140	Total Hours	Total MT Cost	Parikh DBE	
<b>1.0 SLOPE STABILITY ANALYSIS</b>														
1.1 Geotechnical Investigation											0	\$0	13,439	\$13,439
1.2 Topographic Survey				4	12	40	22				78	\$14,054	-	\$14,054
1.3 Slope Stability/Erosion Control Design	16	24	40					4	36	4	124	\$18,796	-	\$18,796
<b>Subtotal Phase 1</b>	<b>16</b>	<b>24</b>	<b>40</b>	<b>4</b>	<b>12</b>	<b>40</b>	<b>22</b>	<b>4</b>	<b>36</b>	<b>4</b>	<b>202</b>	<b>\$32,850</b>	<b>\$13,439</b>	<b>\$46,289</b>
<b>TOTAL HOURS</b>	<b>16</b>	<b>24</b>	<b>40</b>	<b>4</b>	<b>12</b>	<b>40</b>	<b>22</b>	<b>4</b>	<b>36</b>	<b>4</b>	<b>202</b>			
<b>OTHER DIRECT COSTS</b>												\$0	\$5,500	\$5,500
<b>TOTAL COST</b>	<b>\$2,904</b>	<b>\$3,811</b>	<b>\$5,531</b>	<b>\$860</b>	<b>\$2,295</b>	<b>\$3,889</b>	<b>\$7,011</b>	<b>\$817</b>	<b>\$5,172</b>	<b>\$562</b>		<b>\$32,850</b>	<b>\$18,939</b>	<b>\$51,789</b>



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: City Manager's Office**

**Prepared by: Cory Bytof,  
Sustainability Program Manager**

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

**TOPIC            MARIN SANITARY SERVICE RATES AND CONTRACT FOR 2022**

**SUBJECT        RESOLUTIONS OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL:**

**A. ESTABLISHING MAXIMUM RATES COLLECTED BY MARIN SANITARY SERVICE FOR REFUSE AND RECYCLABLE MATERIAL COLLECTION AND DISPOSAL SERVICES, TO BE EFFECTIVE JANUARY 1, 2022, AND**

**B. APPROVING A FOURTH AMENDMENT TO THE AMENDMENT AND RESTATEMENT OF COLLECTION AGREEMENT OF THE CITY OF SAN RAFAEL WITH MARIN SANITARY SERVICE**

**RECOMMENDATION**

1. Adopt a resolution establishing maximum rates collected by Marin Sanitary Service for Refuse and Recyclable Material Collection and Disposal Services with the addition to be effective January 1, 2022; and
2. Adopt a resolution approving a fourth Amendment to the Amendment and Restatement of Collection Agreement of the City of San Rafael with Marin Sanitary Service.

**EXECUTIVE SUMMARY**

This report details the rate adjustment proposal for 2022 necessary for Marin Sanitary Service (MSS) to provide refuse, recycling, and organic materials composting, hauling, and processing for customers ("rate payers") in San Rafael. Rate payers include residential homeowners, apartment owners, commercial property owners, and other businesses and tenants that pay solid waste bills from MSS. In addition, this report proposes to amend the City's Franchise Agreement with MSS to comply with California Senate Bill 1383 (SB 1383), which requires diversion of organic materials such as green waste and food waste from landfill. The proposed rate adjustment would increase rates 2.39% over 2021 levels for all rate payers. It includes adjustments based on the contractually agreed-upon rate-setting methodology the City has with Marin Sanitary Service, a scheduled increase to the City's Refuse Impact Fee of \$345,667 (approved by the Council in December 2020) and also includes an extension of the Illegal Dumping Pilot Program. The proposed rate adjustment is based upon independent third-party reviews of each by R3

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**FOR CITY CLERK ONLY**

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

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

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

Consulting Group, Inc. (R3).

## **BACKGROUND**

Each year, the City Council holds a public hearing to set the maximum collection rates that can be charged by Marin Sanitary Service (MSS) to customers in the City of San Rafael. These rates are based on a specific methodology contained in the Franchise Agreement the City has with MSS. This methodology was changed in 2018 when the Council adopted the [third amendment to the Franchise Agreement](#) with Marin Sanitary Service. The Background section of this report will provide the overall context of the rate-setting process, the services Marin Sanitary Service provides in San Rafael, and relevance to State law.

### Franchise Agreement and Franchisors' Group

Article XI of the California Constitution and the California Public Resources Code allows cities to regulate refuse and recycling services and to collect a franchise fee from any provider of such services. MSS is our sole provider of refuse hauling and recycling services and performs these services in many surrounding communities as well. These services are pursuant to a Franchise Agreement between the City and MSS, which outlines the services that must be provided by MSS as well as a methodology to be followed to set customer rates each year.

All of the jurisdictions in Marin that have similar agreements with MSS work together to share information and reduce costs: the City of San Rafael, City of Larkspur, the Towns of Ross, San Anselmo, and Fairfax, the Las Gallinas Valley Sanitary District, and the County of Marin. This Marin franchisors' group ("franchisors") meets throughout the year to oversee MSS's operations and works together to conduct a single annual rate review analysis rather than each jurisdiction having to conduct and pay for a separate review.

Our current Franchise Agreement is the "Third Amendment to the Amendment and Restatement of Collection Agreement of the City of San Rafael with Marin Sanitary Service" and was [adopted by Council in 2018](#). The amendment was one of several outcomes of a 2-year process of analysis and negotiations with MSS intended to provide more stable and predictable rates, continued verifiable high levels of service, and a simplified and cost-effective rate-setting methodology that also improves accuracy and transparency.

### State Law

In 2016, recognizing the negative impacts of organic materials decomposing in landfills on climate change, the State of California started mandating that businesses with certain thresholds of refuse disposal compost their organic materials (Assembly Bill (AB) 1826 enacted 2014). Beginning in 2022 [Senate Bill \(SB\) 1383](#), enacted in 2017, will require that all residents and businesses divert their organic waste. SB 1383 will also place new requirements on local governments to implement, monitor and enforce participation in organic waste diversion programs, and the California Department of Resources Recycling and Recovery (CalRecycle) will be authorized to fine local governments that don't comply. The franchisors have been working with R3 Consulting Group, Inc. to ensure compliance with SB 1383 and assess opportunities to create economies of scale working together to implement the law.

### Marin Sanitary Service Programs and Services

MSS provides residential, commercial and multi-family refuse services, including garbage, recycling and organics (food waste and green waste diversion) collection and processing. MSS also provides garbage and recycling pick-up for City facilities, parks, and all sidewalk receptacles downtown and throughout San Rafael. MSS is a key partner in the City's environmental goals as well as the City and County's zero waste goals. MSS conducts the majority of the outreach for the City for the State's current Mandatory Commercial Recycling and Mandatory Composting laws

(AB 341, enacted in 2011, and AB 1826), which place requirements on businesses to recycle and divert organic waste and require annual monitoring and notifications to non-compliant businesses. MSS also has a robust community outreach and education program, and conducts numerous programs and community offerings, including an annual free compost giveaway and customer education event. All their services including the "[Where Does it Go, Joe](#)" recycling lookup feature can be found on their website at [MarinSanitaryService.com](http://MarinSanitaryService.com).

## **ANALYSIS**

This section will outline the rationale for the two items under consideration:

- A. The rate adjustment for 2022
- B. The fourth amendment to the Franchise Agreement

### **A. Rate Adjustment for 2022**

#### History of Rate Adjustments

Over the past ten years rate adjustments for San Rafael have ranged from less than one percent to over 9% with an average of 4.95% annually. Last year's adjustment was 5.49% and included some legacy true-ups and recycling losses, an Illegal Dumping Pilot project which is being proposed to continue, and an adjustment to the Refuse Vehicle Impact Fee. Many factors contribute to the fluctuation in rates for refuse haulers, including a growing amount of solid waste, recycling, and organic (compostable) materials generated by residents and businesses, the costs of processing recyclables and organic materials, changes in the value of recyclable materials, landfill fees, increasing costs of labor and insurance, and changes in State laws and government fees.

#### Rate Review and Adjustment

Attachment B is the independent third-party analysis and report of Marin Sanitary Service's 2022 Rate Application, which was conducted by R3 Consulting Group, Inc. (R3). It breaks down the areas impacting the rates as an average for the franchisors as a whole. San Rafael's calculated rate adjustment is 2.39%. As shown in the report, Collector Operations comprised most of the rate adjustment and was calculated using the Consumer Price Index (CPI) for Water, Sewer and Trash Collection. This is also the second year of three of an increase in the City's Refuse Vehicle Impact Fees, which are increasing by \$345,667 over 2021.

Another major impact to the rate adjustment this year had to do with COVID-19 and the annual rate revenue reconciliation. Due to the impacts of the COVID-19 pandemic, MSS experienced an overall shortfall of about \$1.5 million in 2020 billed revenues compared to the annual revenue requirement for San Rafael, resulting from reductions in accounts and service levels. This would have added over 3% to the rates. However, because MSS also received a Paycheck Protection Program (PPP) loan in 2020 – and expects that loan to be forgiven – MSS is waiving the Rate Revenue Reconciliation for 2020, contingent on final determination of the PPP loan forgiveness. MSS is still awaiting news regarding PPP loan forgiveness; if, in the unlikely event the PPP loan is not forgiven, MSS may request the ability to revisit this item in 2022. This was time-limited to the worst portion of the pandemic and is not ongoing at the same levels, therefore staff anticipates some additional unknown, but lesser losses in 2021 that may impact the 2023 rates.

There are also several areas that benefitted this year's rates. Less material was being disposed of in during the first six months of 2021 resulting in a reduction of landfill tipping fees projected for 2022. Recyclable material processing costs similarly decreased due to recycling commodities prices increasing this past year, resulting in additional revenue and net benefit to rate payers.

Also, 2021 was the last year of three for legacy true-ups in fuel and oil, garbage landfilling, and organics processing, which are no longer in the rates.

Other items in the rates this year include some new expenses in 2022 related to SB 1383. MSS will add one new organics recycling collection route (comprised of a truck and driver), one new outreach and education specialist, and additional equipment to process and clean collected organic waste throughout its service area. Staff and R3 anticipate extra funds will be necessary for the City to comply with SB 1383, so this coming year we will assess the anticipated costs for the City to meet the requirements for SB 1383 including requirements for tracking, enforcement, and procurement.

#### Illegal Dumping Pilot Program

The City has done a lot to try to address the problem of illegal dumping. Last year the cross-departmental Together San Rafael Team (“Team”) developed a 5-year plan with a robust goal of 50% reduction in dumping by 2025. The Team has been expanded to include MSS, R3, Gigantic Idea Studios, the Mattress Recycling Council, and Conservation Corps North Bay. Part of the early work of this project was to better understand who is dumping and why, as well as what types of materials are most prevalent. The Team has identified three major types of dumpers with the understanding that each type requires different solutions to achieve success: *Casual Dumpers*, who usually are renters that have no access to free, on-site disposal and set things out on the curb; *Illicit Dumpers*, who know this is illegal, have large amounts of items to dispose of, and seek out-of-the-way locations to dump; and dumpers who are experiencing homelessness. These pilots focus on the first two, while the Team has integrated into the Health and Safety Committee to assist with waste management related to homelessness.

Last year was the second year of pilot projects aimed at understanding the upstream causes of the problem, identifying potential solutions, and conducting activities for different types of dumping based on three key areas of focus:

- Access to inexpensive disposal options
- Education and community engagement
- Targeted enforcement

The rate-funded pilot programs were more focused on disposal options and community engagement. While single family homeowners can have bulky items picked up curbside, renters in multi-family units have no such option and the Team has been conscious about bringing an equity lens to the analysis. Thus, the rate-funded pilots have been primarily focused on providing cost-effective disposal options that adequately address people’s needs.

In 2021, the following pilots and activities were conducted:

1. Six [Bulky item drop-off days](#) at two locations where many multi-family buildings are located
2. Free vouchers for drop-off of bulky items at the MSS transfer station (indoor dump)
3. A “Hot Spot” campaign of data analysis, mapping, and interviews and engagement with apartment managers near locations where dumping is a common occurrence
4. An analysis of multi-family properties that don’t meet minimum refuse service levels
5. Tracking of baseline dumping data to measure pre and post intervention results (including types of material, amounts, and locations) and development of a data [dashboard](#)
6. [Mini-grants](#) and commercial vouchers for businesses that experience dumping on their property

Proposed 2022 pilots and activities can be broadly categorized into the following areas:

1. Expand Bulky Item Days to offer consistent, monthly disposal opportunities and include apartment managers
2. Develop on-call bulky item pickup pilot to address a primary barrier to disposal for low-income tenants: transportation
3. Expand hot spot campaigns, including use of free dump vouchers as well as tools of enforcement to change social norms and encourage proper disposal behavior
4. Policy analysis for potential permanent policy considerations with regard to minimum service levels and bulky item disposal, including community engagement

Analysis by City staff, R3 and our community partners, including MSS, has concluded that the bulky item drop-off days have been the most successful and cost-effective disposal options for renters to date. Community members appreciate the events and have provided input on ways to maximize participation. Additionally, they are helpful for apartment managers trying to do the right thing with limited resources. A major challenge is marketing the events to ensure that they are well known and favorably attended throughout the community. The Team recommends expanding this program to once per month with additional dumpsters on consistent dates, times, and at the same location. This regularity will establish an expected norm that will require less promotion and allow for community knowledge to penetrate more deeply in the community.

In addition, the pilots for 2022 will include additional Hot Spot campaigns, an exploration of policy options regarding minimum service levels, and increased data gathering and mapping to measure progress and uncover additional solutions. Importantly, to address a key barrier for renters, the Team will explore an on-call bulky item collection pilot for tenants who don't have the ability to transport to the bulky item days. Additional enforcement mechanisms will be pursued, including sign installation and surveillance cameras in hot spots, which are separate from these rate-funded pilots.

Business resources will include additional mini-grants for protective measures for private property owners that are being dumped on and a commercial coupon program to be combined with increased enforcement against properties that allow accumulation of dumped materials ("carrot and stick approach"). This year will also expand the Team further to include members of local community groups such as from the Canal Community Resilience Council, Drawdown Ambassadors, Empowered Women Cleaning Marin, and Voces del Canal, among others.

This suite of proposed pilot programs, data gathering, and analysis carries a not-to-exceed cost of \$159,423. Staff will offset some of the costs through use of the City's annual Zero Waste Grant and will apply unspent funds from 2021, reducing the amount to a total \$103,540 in proposed new funds, or .49% impact to the 2022 rate adjustment. The Team will also seek other funding such as through the Mattress Recycling Council in an effort to increase activities and reduce impact to the rates. The 2022 Illegal Dumping Funding Memo with more detail is included as Attachment C.

#### **B. Fourth Amendment to the Franchise Agreement for SB 1383**

Our Franchise Agreement sets the services and standards for MSS to conduct waste management activities and bill customers in San Rafael. It also sets the methodology for determining maximum rates allowable annually for customers. As mentioned, the last amendment establishing a new, streamlined rate setting methodology was adopted in 2018.

SB 1383 establishes specific services and ways to provide those services by waste haulers, and

accordingly requires updates to the Franchise Agreement. The City hired R3 Consulting Group, Inc. (R3) to assist staff with the Franchise Agreement negotiations between the City and Marin Sanitary Service. Fortunately, MSS is and always has been at the forefront of environmental sustainability when it comes to the services it provides so many of the requirements were already put in place by MSS. This amendment reflects additional requirements related to SB 1383 and makes more explicit many of the services MSS offers.

The amendment is provided as Attachment E. A summary of the items in the proposed amendment follows:

- Full roll-out of three-container waste collection (including garbage, recycling and organics) to all customer types in compliance with SB 1383 requirements by January 1, 2024
- Container labels to meet SB 1383 standards for all new containers put into service
- Outreach and education, including development and distribution of materials
- Evaluation of waiver requests for exemption from the requirement to subscribe to recycling and organics service (the City retains the responsibility for approving such requests)
- Route reviews and notices for contamination monitoring
- Site visits to customers to provide educational materials and assistance in proper sorting; and for customers not signed up for recycling or organics service to encourage them to subscribe
- Reporting to the City and State on compliance activities; and reports to the City on observed non-compliance for City enforcement action

Note that this is the first item of several actions required for the City to comply with and implement SB 1383. Staff will be bringing a Municode update to Council in the early part of 2022 which will establish mandates for organics recycling by waste generators, and will also provide for penalties and documentation, which is required by the law. In addition, the City will need to set forth an implementation plan including a plan to meet annual organic waste product procurement mandates by the State, which exceed our current usage one hundred-fold. The City is committed to implementing the spirit of the law and will be seeking creative ways to ensure highest and best uses of the material created locally. Potentially this could include applying compost purchased to meet our procurement requirement on public or private lands to sequester carbon from the atmosphere through arrangements with large landowners.

SB 1383 regulations require submission of an initial compliance report by April 2022 and has additional compliance and reporting deadlines in the coming year for items such as food recovery and capacity planning for organic materials processing. The City is working with the other Marin franchisors and Zero Waste Marin to determine roles and responsibilities for some of these requirements. In addition, actual enforcement of provisions in our ordinance is not required until January 2024, allowing waste generators to transition to full compliance over two years' time.

Finally, MSS is conducting other assessments and plans to prepare for additional organic materials from SB 1383 as well as dry biomass that will be generated with the Measure C fire fuel removal efforts. This dry, woody material is already starting to flow through MSS and the onsite processing of this material will not only reduce the transportation and emissions impact from trucking this material to Stockton and Woodland, but will also create a local green energy source used to power MSS operations with any excess energy produced being sold back to the grid through an agreement with MCE. This project is under review with the City's planning department as a modification to the existing use permit.



Conclusion

R3 reviewed the application and all relevant documents and financial schedules with MSS, including the Illegal Dumping Pilot extension and provided amendment language for the Franchise Agreement that has been reviewed and agreed to by MSS. The full schedule of rate adjustment line items can be found on page 2 of Attachment B: Review of Marin Sanitary Service's 2022 Rate Application. In summary, Staff recommends approving the 2022 rate adjustment of 2.39%.

This rate adjustment would result in an overall increase of \$1.09 per month for a residential 32-gallon cart, which is the most common cart size, for a total of \$46.84. For a common commercial size there would be an overall increase of \$13.51 per month for a 3 cubic yard bin, totaling \$578.65 per month. Recycling is included in all accounts and customers can reduce their regular landfill container size or pickup schedule resulting in a lower rate by recycling and by reducing overall waste generation. Organics recycling is also provided, which is automatically part of the residential rates, and approximately 60% reduction of refuse service for the commercial composting program.

R3 conducted a survey of Bay Area solid waste rates as part of the rate review, included on the last page of their report. It summarizes the survey data for residential 30-35 gallon can weekly service with curbside recycling and organics pickup. Note though, that proposed 2022 rates are not available for other jurisdictions yet. This summary compares proposed San Rafael 2022 base rates to other jurisdictions' 2021 actual rates, which will certainly increase. Using this comparison San Rafael's rates are slightly higher than other Bay Area jurisdictions and slightly lower than most other Marin jurisdictions. It is important to note that jurisdictions often provide different services and service levels, making apples-to-apples comparisons problematic. San Rafael's rates have traditionally been comparable with rates in other Bay Area jurisdictions, while often providing more services.

As in previous years, staff is recommending that the rate adjustment be applied across the board to all residential, multi-family and commercial service accounts. Actual rates for all services are provided in Attachment A as Exhibit C - Schedule of Rates.

**COMMUNITY OUTREACH**

Notice of the public hearing was published twice in the *Marin Independent Journal* (Attachment F) and emailed to all names on file with the City Clerk and City Manager's Office. Information on the maximum annual rate that MSS can collect is available at the City Clerk's office during the 10 days prior to the public hearing. The proposed rate information was also provided directly to the San Rafael Chamber of Commerce, the Business Improvement District, Marin Builder's Association, and other interested parties.

**FISCAL IMPACT**

Attachment A contains the complete rate request. If approved, the rates would be applied to all customer types and service options and satisfies the City's contractual obligations to meet the MSS revenue requirement to cover costs for San Rafael refuse and recycling services, including franchise fees.

**OPTIONS**

1. Adopt a resolution establishing maximum rates collected by Marin Sanitary Service for Refuse and Recyclable Material Collection and Disposal Services, to be effective January 1, 2022 with the addition of an Illegal Dumping Pilot Program for a total increase of 2.39% over 2021 rates, and

**SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 8**

Adopt a resolution approving a fourth amendment to the Amendment and Restatement of Collection Agreement of the City of San Rafael with Marin Sanitary Service.

2. Do not adopt either resolution at this time and direct staff to come back with more information.

**RECOMMENDED ACTION**

Adopt a resolution establishing maximum rates collected by Marin Sanitary Service for Refuse and Recyclable Material Collection and Disposal Services, to be effective January 1, 2022 with the addition of an Illegal Dumping Pilot Program for a total increase of 2.39% over 2021 rates, and

Adopt a resolution approving a fourth amendment to the Amendment and Restatement of Collection Agreement of the City of San Rafael with Marin Sanitary Service.

**ATTACHMENTS**

- Attachment A: Resolution with Rate Schedule (marked as Exhibit C)
- Attachment B: R3 Review of MSS Rate Application, including Bay Area Rate Survey
- Attachment C: R3 2022 Illegal Dumping Funding Memo
- Attachment D: Resolution approving Fourth Amendment to the Franchise Agreement
- Attachment E: Attachment to Resolution: Proposed Fourth Amendment to the Amendment and Restatement of Collection Agreement of the City of San Rafael with Marin Sanitary Service
- Attachment F: Affidavit of Publication

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL ESTABLISHING MAXIMUM RATES COLLECTED BY MARIN SANITARY SERVICE FOR REFUSE AND RECYCLABLE MATERIAL COLLECTION AND DISPOSAL SERVICES, TO BE EFFECTIVE JANUARY 1, 2022**

**WHEREAS**, the City of San Rafael and Marin Sanitary Service have entered into an "Amendment and Restatement of Collection Agreement of the City of San Rafael and Marin Sanitary Service," dated September 4, 2001 and amended by a written first amendment dated March 1, 2005, a written second amendment dated November 14, 2012, and a written third amendment dated February 25, 2019 (hereafter the "Franchise Agreement"); and

**WHEREAS**, Section 3 (B) of the Franchise Agreement provides for maximum rates allowed to be collected by Marin Sanitary Service, to be amended from time to time by the City Council; and

**WHEREAS**, Exhibit "C" of the Franchise Agreement provides for approved rate schedules, as amended by the City Council from time to time, to be included as part of the Collection Agreement; and

**WHEREAS**, Marin Sanitary Service has submitted a rate application request using the methodology outlined under Section 3 (A) of the Franchise Agreement; and

**WHEREAS**, the City of San Rafael has conducted a review of said rate application and produced a report recommending rate and fee adjustments; and

**WHEREAS**, on December 6, 2021 the City Council held a duly noticed public hearing to consider the rate application request and receive public testimony thereon; and

**WHEREAS**, the City of San Rafael has determined that such rate and fee adjustments are proper, in the best interest of all citizens, and will promote public health, safety and welfare.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES RESOLVE, DETERMINE AND ORDER AS FOLLOWS:** The schedule of maximum rates and fees attached hereto as "Exhibit C" and incorporated herein by reference, is hereby approved to be collected by Marin Sanitary Service for refuse and recyclable material collection and disposal services, at an increased rate of 2.39% from 2021, to be effective January 1, 2022. Said "Exhibit C" shall be incorporated as the revised Exhibit "C" to the Franchise Agreement.

I, Lindsay Lara, City 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 the City of San Rafael, held on Monday, the 6<sup>th</sup> of December 2021, by the following vote, to wit:

AYES: Councilmembers:  
NOES: Councilmembers:  
ABSENT: Councilmembers:

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LINDSAY LARA, City Clerk

**CITY OF SAN RAFAEL  
EXHIBIT C - SCHEDULE OF RATES**

RESIDENTIAL REFUSE COLLECTION RATES					
		Rate increase:	2.39%		
		Effective date:	01/01/2022		
<i>Residential Service (Bundled service includes 1 landfill (garbage) cart, 1 organics cart, &amp; 1 recycling split cart )</i>					
REOCCURING CHARGES	Weekly Service Rates (Billed Quarterly)	2022 Flat rate		2022 Hill Rate	
		Monthly Rate	Quarterly Rate	Monthly Rate	Quarterly Rate
	20 gallon cart	\$39.82	\$119.46	\$45.09	\$135.27
	32 gallon cart	\$46.84	\$140.52	\$53.06	\$159.18
	64 gallon cart	\$93.68	\$281.04	\$106.12	\$318.36
	96 gallon cart	\$140.52	\$421.56	\$159.18	\$477.54
	Low income - 20 gal* cart	\$31.86	\$95.58	\$36.07	\$108.21
	Low income - 32 gal* cart	\$37.47	\$112.41	\$42.45	\$127.35
	Low income - 64 gal* cart	\$74.94	\$224.82	\$84.90	\$254.70
	Low income - 96 gal* cart	\$112.42	\$337.26	\$127.34	\$382.02
	<i>Senior rate**Discontinued</i>	\$33.07	\$99.21	\$42.10	\$126.30
	Additional Organics Cart Rental (35 or 64 gallon cart)	\$2.50	\$7.50	\$2.50	\$7.50
	Additional Split Cart Rental (64 or 96 gallon cart)	\$2.50	\$7.50	\$2.50	\$7.50
	<b>Additional Monthly Charges</b>	<b>Monthly Fee</b>	<b>Quarterly Fee</b>		
	(per cart, each way)				
Distance 5' - 50'	\$6.08	\$18.24			
Distance Over 50'	\$12.31	\$36.93			

\*Must meet PG&E CARE program eligibility requirements.

\*\*Customers with these rates prior to 2005 will keep the existing rate type. No new customers will be added with this rate type.

NOTE: We may not be able to accommodate any collection requests NOT at the curb due to a variety of factors including safety, accessibility, and efficiency. Requests to be assessed and approved by Route Manager.

Additional Service Fees per Occurrence	Fee
Return Fees - Off day	\$25.00
Return Fees - Same day	\$10.00
Resume Service/Late Fee	\$35.00
Contamination (cart) any size cart	\$30.00
Overload/Overweight (cart)	\$25.00
Extra bag garbage	\$15.00
Extra bag yard waste	\$10.00
Steam Clean (cart)	\$15.00
Special Collection	\$35.00
Special Handling (Bulky items)	\$30.00
Bulky item fees per item	Fees Vary
Cart Strap Set-up Admin Fee	\$25.00
20 Gal Cart Replacement Fee	\$55.00
32 Gal Cart Replacement Fee	\$60.00
64 Gal Cart Replacement Fee	\$65.00
96 Gal Cart Replacement Fee	\$75.00
64 Gal Split Cart Replacement Fee	\$90.00
96 Gal Split Cart Replacement Fee	\$100.00

**CITY OF SAN RAFAEL  
EXHIBIT C - SCHEDULE OF RATES**

**COMMERCIAL REFUSE COLLECTION RATES**

Rate increase: 2.39%  
Effective date: 01/01/2022

RECURRING CHARGES	COMMERCIAL CARTS, BINS, ROLL-OFFS	Collections per Week						Additional One Time Empty
	Garbage	1	2	3	4	5	6	
20 gallon cart*	\$39.82	\$79.64	\$119.46	\$159.28	\$199.10	\$238.92	\$9.19	
32 gallon cart	\$46.52	\$93.04	\$139.56	\$186.08	\$232.60	\$279.12	\$10.74	
64 gallon cart	\$93.04	\$186.08	\$279.12	\$372.16	\$465.20	\$558.24	\$21.47	
96 gallon cart	\$139.56	\$279.12	\$418.68	\$558.24	\$697.80	\$837.36	\$32.21	
1 yard bin	\$302.36	\$610.53	\$924.49	\$1,244.35	\$1,569.92	\$1,901.30	\$69.78	
2 yard bin	\$444.56	\$1,021.41	\$1,549.53	\$2,089.26	\$2,640.62	\$3,203.58	\$102.59	
3 yard bin	\$578.65	\$1,077.54	\$1,642.51	\$2,224.81	\$2,824.63	\$3,441.85	\$133.53	
4 yard bin	\$825.50	\$1,526.02	\$2,323.82	\$3,144.95	\$3,766.20	\$4,856.86	\$190.50	
5 yard bin	\$892.96	\$1,795.89	\$2,737.53	\$3,708.05	\$4,707.76	\$5,736.42	\$206.07	
6 yard bin	\$1,060.11	\$2,155.07	\$3,285.00	\$4,449.71	\$5,649.26	\$6,883.71	\$244.64	
10 yard roll-off	\$1,494.17	\$3,057.71	\$4,692.54	\$6,396.22	\$8,169.66	\$10,012.77	\$344.81	
18 yard roll-off	\$2,683.68	\$5,492.97	\$8,427.70	\$11,487.92	\$14,673.65	\$17,984.94	\$619.31	
20 yard roll-off	\$2,981.96	\$6,103.28	\$9,364.09	\$12,764.33	\$16,304.06	\$19,983.22	\$688.14	
25 yard roll-off	\$4,171.28	\$8,537.82	\$12,586.32	\$17,156.39	\$21,914.12	\$26,859.33	\$962.60	
	Organics (F2E or Compost)	1	2	3	4	5	6	Additional One Time Empty
32 gallon	\$19.29	\$38.58	\$57.87	\$77.16	\$96.45	\$115.74	\$4.45	
64 gallon	\$38.58	\$77.16	\$115.74	\$154.32	\$192.90	\$231.48	\$8.90	
1 yard	\$135.02	\$270.04	\$405.06	\$540.08	\$675.10	\$810.12	\$31.16	
2 yard	\$270.04	\$540.08	\$810.12	\$1,080.16	\$1,350.20	\$1,620.24	\$62.32	
3 yard	\$405.06	\$810.12	\$1,215.18	\$1,620.24	\$2,025.30	\$2,430.36	\$93.48	
10 yard roll-off	\$1,045.92	\$2,091.84	\$3,137.76	\$4,183.68	\$5,229.60	\$6,275.52	\$241.37	
18 yard roll-off	\$1,882.66	\$3,765.32	\$5,647.98	\$7,530.64	\$9,413.30	\$11,295.96	\$434.46	
20 yard roll-off	\$2,091.84	\$4,183.68	\$6,275.52	\$8,367.36	\$10,459.20	\$12,551.04	\$482.73	
25 yard roll-off	\$2,614.80	\$5,229.60	\$7,844.40	\$10,459.20	\$13,074.00	\$15,688.80	\$603.42	
Garbage Compactors (Per empty)								
Roll-off Compactor Tipping fee per ton		\$128.42			Roll-off Compactor Hauling charge		\$288.64	
Stationary FL (Per Compacted Yard)		\$111.53			Roll-off Compactor Special handling		Rates Vary	
Other Charges	Service	Fee		Details				
	Lock	\$25.00		Monthly fee				
	Box rental	Fees Vary		Minimum Bimonthly fee				
	Distance < 50ft	\$6.08		Monthly fee per cart, each way				
	Distance > 50ft	\$12.31		Monthly fee per cart, each way				

\* Customers must have a sufficient level of service for the volume of material generated. Requests for 20gal carts require assessment and approval of a Route Manager.

NOTE: All container types and sizes may not be available at all locations depending on a variety of factors including safety, accessibility, and efficiency. Requests to be assessed and approved by Route Manager.

ONE TIME SERVICE FEES	Fee
Commercial Service Fees	Fee
Return Fee - BIN	\$75.00
Return Fee - CART -same day	\$10.00
Return Fee - CART -off day	\$25.00
Late Fee/Resume Service Fee	\$35.00
Contamination (BIN)	\$50.00
Contamination (CART)	\$30.00
Overload/Compaction (BIN)	\$60.00
Overload/Compaction (CART)	\$25.00
Extra Bag Garbage	\$15.00
Additional Empty BIN	Fees vary
Extra Bag Yard Waste	\$15.00
Steam Clean (1-6 yard BIN)	\$95.00
Steam Clean (CART)	\$15.00
Steam Clean (COMPACTOR/ROLL-OFF)	\$225.00
Lock Set-up Admin Fee	\$25.00
Lock Single Use Fee	\$5.00
Lock Purchase Fee	\$20.00
Lock Bar Bin Set-up Fee	\$75.00
Overweight Charge Per Ton*	\$205.00
20 Gal Cart Replacement Fee	\$55.00
32 Gal Cart Replacement Fee	\$60.00
64 Gal Cart Replacement Fee	\$65.00
96 Gal Cart Replacement Fee	\$75.00
64 Gal Split Cart Replacement Fee	\$90.00
96 Gal Split Cart Replacement Fee	\$100.00
Bin Repair/Replacement Fee**	Fees vary

\*(Boxes exceeding 300lbs/yard)

\*\*Fees vary by size up to \$1,200, not to exceed current replacement value.

**CITY OF SAN RAFAEL  
EXHIBIT C - SCHEDULE OF RATES**

**MULTI-FAMILY DWELLING REFUSE COLLECTION RATES**

Rate increase: **2.39%**  
Effective date: **01/01/2022**

	MFD CARTS, BINS, ROLL-OFFS		Collections per Week						Additional One Time Empty
	Garbage	1	2	3	4	5	6		
20 gallon cart*	\$39.82	\$79.64	\$119.46	\$159.28	\$199.10	\$238.92	\$9.19		
32 gallon cart	\$46.84	\$93.68	\$140.52	\$187.36	\$234.20	\$281.04	\$10.81		
64 gallon cart	\$93.68	\$187.36	\$281.04	\$374.72	\$468.40	\$562.08	\$21.62		
96 gallon cart	\$140.52	\$281.04	\$421.56	\$562.08	\$702.60	\$843.12	\$32.43		
32 gallon - hill	\$53.06	\$106.12	\$159.18	\$212.24	\$265.30	\$318.36	\$12.24		
64 gallon - hill	\$106.12	\$212.24	\$318.36	\$424.48	\$530.60	\$636.72	\$24.49		
96 gallon - hill	\$159.18	\$318.36	\$477.54	\$636.72	\$795.90	\$955.08	\$36.73		
1 yard bin	\$291.36	\$582.72	\$874.08	\$1,165.44	\$1,456.80	\$1,748.16	\$67.24		
2 yard bin	\$444.56	\$889.12	\$1,333.68	\$1,778.24	\$2,222.80	\$2,667.36	\$102.59		
3 yard bin	\$578.65	\$1,157.30	\$1,735.95	\$2,314.60	\$2,893.25	\$3,471.90	\$133.53		
4 yard bin	\$825.50	\$1,651.00	\$2,476.50	\$3,302.00	\$4,127.50	\$4,953.00	\$190.50		
5 yard bin	\$892.96	\$1,785.92	\$2,678.88	\$3,571.84	\$4,464.80	\$5,357.76	\$206.07		
6 yard bin	\$1,046.58	\$2,093.16	\$3,140.32	\$4,187.48	\$5,234.64	\$6,281.80	\$241.52		
10 yard roll-off	\$1,494.17	\$2,988.34	\$4,482.51	\$5,976.68	\$7,470.85	\$8,965.02	\$344.81		
18 yard roll-off	\$2,683.68	\$5,367.36	\$8,051.04	\$11,734.72	\$15,418.40	\$19,102.08	\$619.31		
20 yard roll-off	\$2,981.96	\$5,963.92	\$8,945.84	\$12,927.76	\$16,911.68	\$20,895.60	\$688.14		
25 yard roll-off	\$4,171.28	\$8,342.56	\$12,513.84	\$16,685.12	\$20,856.40	\$25,027.68	\$962.60		
<b>Organics</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>Additional One Time Empty</b>		
Additional Organics Cart Rental (35 gallon cart) after 4 TOTAL carts per cart per month	\$2.50	\$5.00	\$7.50	\$10.00	\$12.50	\$15.00	NA		
Additional Organics Cart Rental (64 gallon cart) after 4 TOTAL carts per cart per month.	\$2.50	\$5.00	\$7.50	\$10.00	\$12.50	\$15.00	NA		
1 yard	\$135.02	\$270.04	\$405.06	\$540.08	\$675.10	\$810.12	\$31.16		
2 yard	\$270.04	\$540.08	\$810.12	\$1,080.16	\$1,350.20	\$1,620.24	\$62.32		
3 yard	\$405.06	\$810.12	\$1,215.18	\$1,620.24	\$2,025.30	\$2,430.36	\$93.48		
<b>Garbage Compactors (Per empty)</b>									
Roll-off Compactor Tipping fee per ton		\$128.42		Roll-off Compactor Hauling charge			\$288.64		
Stationary FL (Per Compacted Yard)		\$111.53		Roll-off Compactor Special handling			Rates Vary		
<b>Other Charges</b>	<b>Service</b>	<b>Fee</b>		<b>Details</b>					
	Lock		\$25.00	Monthly fee					
	Box rental		Fees Vary	Minimum Bimonthly fee					
	Distance < 50ft		\$6.08	Monthly fee per cart, each way					
	Distance > 50ft		\$12.31	Monthly fee per cart, each way					

NOTE: Minimum service level is 32 gallons per unit or equivalent volume. Decrease to 20 gallon per unit is subject to company review and approval.  
 NOTE: Up to four (4) Organics carts provided at no additional charge. Additional carts may be rented for a nominal monthly fee.  
 NOTE: All container types and sizes may not be available depending on a variety of factors including safety, accessibility, and efficiency. Requests to be assessed and approved by Route Manager.

	MFD One Time Service Fees	Fee
	Return Fee - BIN	
Return Fee - CART -same day		\$10.00
Return Fee - CART -off day		\$25.00
Late Fee/Resume Service Fee		\$35.00
Contamination (BIN) Per Yard		\$50.00
Contamination (CART)		\$30.00
Overload/Compaction (BIN)		\$60.00
Overload/Compaction (CART)		\$25.00
Additional Empty Bag		\$15.00
Extra Bag Yard Waste		\$10.00
Additional Empty Garbage		Fees vary
Steam Clean (BIN)		\$95.00
Steam Clean (CART)		\$15.00
Steam Clean (COMPACTOR/ROLL-OFF)		\$225.00
Lock Set-up Admin Fee		\$25.00
Lock Single Use Fee		\$5.00
Lock Purchase Fee		\$20.00
Lock Bar Bin Set-up Fee		\$75.00
Overweight Charge Per Ton*		\$205.00
20 Gal Cart Replacement Fee		\$55.00
32 Gal Cart Replacement Fee		\$60.00
64 Gal Cart Replacement Fee		\$65.00
96 Gal Cart Replacement Fee		\$75.00
64 Gal Split Cart Replacement Fee		\$90.00
96 Gal Split Cart Replacement Fee		\$100.00
Bin Repair/Replacement Fee**		Fees vary by size up to

\* (Boxes exceeding 300lbs/yard)  
 \*\*Fees vary by size not to exceed current replacement value.

November 19, 2021

Ms. Cristine Alilovich  
Assistant City Manager  
City of San Rafael  
1400 Fifth Avenue  
San Rafael, CA 94919

**Subject:       Review of Marin Sanitary Service's 2022 Rate Application**

Dear Ms. Alilovich,

R3 Consulting Group, Inc. (R3) is pleased to submit this report detailing the results of our review of Marin Sanitary Service's (MSS's) 2022 rate application for the City of San Rafael (City). This review was conducted pursuant to R3's engagement with the seven agencies (Agencies) served by MSS, including the City of San Rafael, County of Marin, Las Gallinas Valley Sanitary District, City of Larkspur, Town of Ross, Town of Fairfax, and the Town of San Anselmo.

This report summarizes results from our review of MSS's 2022 indexed rate application per the streamlined rate setting methodology established in 2019. The methodology is described in the amended Exhibit B to the Franchise Agreement that the City holds with MSS.

## Executive Summary

On August 30, 2021, MSS submitted its application for an increase to its solid waste rates, to be effective January 1, 2022. This is an indexed year rate adjustment, which primarily projects compensation due to MSS based on the applicable water-sewer-trash CPI Index (WST). Per Exhibit B, the rate adjustment is subject to a 2.5% minimum and a 5% maximum rate cap for MSS' operations.

Based on our review of the rate application, R3 concurs with MSS's calculated 2022 rate revenue requirement of \$26,630,288 for the City in 2022, which is \$620,360 higher than the 2021 rate revenue requirement of \$26,007,929.

The corresponding adjustment to the City's solid waste rates for 2022 is 2.39%. Table 1, on the following page, compares the 2021 and 2022 rate revenue requirements and demonstrates the rate adjustment calculations for 2022.



**Table 1: 2022 Rate Adjustment Summary**

	<b>2021</b>	<b>2022</b>	<b>Dollar Change</b>	<b>Percentage Change</b>	<b>Adjustment to Rates</b>
Collector Operations	16,071,160	16,644,156	572,996	3.57%	2.20%
Garbage Landfilling and Organics Processing	2,848,336	2,677,356	(170,980)	-6.00%	-0.66%
State Compliance Database Subscription	5,693	7,694	2,001	35.14%	0.01%
SB 1383 Compliance	0	208,064	208,064	N/A	0.80%
Illegal Dumping Pilot Program	60,000	103,540	43,540	72.57%	0.17%
Profit Calculation	1,999,460	2,061,742	62,282	3.11%	0.24%
Recyclable Materials Processing	561,702	305,461	(256,241)	-45.62%	-0.99%
Interest	365,479	378,509	13,030	3.57%	0.05%
Zero Waste Marin Fees	413,818	374,701	(39,117)	-9.45%	-0.15%
Franchise Fees	2,600,793	2,663,029	62,236	2.39%	0.24%
Other Agency Fees	789,267	1,134,934	345,667	43.80%	1.33%
Annual Rate Revenue Reconciliation	90,326	0	(90,326)	N/A	-0.35%
Recycling Property Insurance	64,964	47,486	(17,478)	-26.90%	-0.07%
SB 1383 Negotiations and Implementation Support	0	23,617	23,617	N/A	0.09%
Fuel and Oil True-up (Sunsetting in 2021)	51,124	0	(51,124)	N/A	-0.20%
Garbage Landfilling and Organics True-up (Sunsetting in 2021)	11,179	0	(11,179)	N/A	-0.04%
Recycling Losses (Sunsetting in 2021)	74,628	0	(74,628)	N/A	-0.29%
<b>Total Annual Rate Revenue Requirement</b>	<b>26,007,929</b>	<b>26,630,288</b>	<b>622,360</b>	<b>2.39%</b>	<b>2.39%</b>

## 2022 Rate Adjustment Details

### Collector Operations

Collector Operations compensates MSS for labor, benefits, general and administrative, depreciation and lease, maintenance, fuel and oil. Per Exhibit B, compensation for Collector Operations is adjusted using the CPI index for Water and Sewer and Trash Collection. R3 used publicly available Bureau of Labor Statistics data to verify the calculated increase of 3.57% to Collector Operations.

The result is \$16,644,156 in Collector Operations for the City in 2022, which is an increase of \$572,996 compared to 2021.

### Garbage and Organics Tipping Fees

Garbage Landfilling and Organics Processing tipping fee projections are calculated using actual tonnages collected from January 1 through June 30, 2021, which are then annualized to project total 2021 tonnages. Those tonnages are then multiplied by the projected 2022 tipping fees calculated in accordance with Exhibit B. This is based on the actual per ton tipping fees for each waste stream category, or if unavailable, projected tipping fees are calculated using the current year per ton tipping fees escalated by the change in WST— subject to a minimum increase of 2.5% and a maximum increase of 5.0%.

R3 reviewed MSS's projected 2021 tons and the 2022 per ton tipping fees for residential garbage, residential green waste/organics, commercial garbage, commercial mixed waste for processing, commercial food scraps, and MSS-served Agencies' waste delivered to MSS. Per Exhibit B, R3 confirmed that MSS correctly projected tons by category using annualized actual tons for the first six months of the current rate year and, as actual tipping fees are unavailable, applied the 3.57% WST adjustment to project 2022 per ton tip fees.

The result is \$2,677,356 in Garbage and Organics Tipping fees for the City in 2022, which is a decrease of \$170,980 compared to 2021. This decrease is the result of decreased tonnages projected in 2021 compared to 2020.

### Database Subscription for Compliance with State Law

The rate setting methodology allows for the recovery of additional revenues associated with costs for changes in law and/or new State mandates.

For increased operating expenses due to State Laws, including AB 1826 and SB 1383, MSS has included in its rate application a line item for a compliance database. This item was added and approved in MSS's 2020 and 2021 Rate Adjustment applications for MSS's subscription to Recyclist, which is a valuable reporting tool related to compliance with State Law. MSS expects this line item will continue to be present in future rate applications.

The result is \$7,694 in Database Subscription for the City in 2022, which is an increase of \$2,001 compared to 2021.

### Compliance with SB 1383

Similar to the above, MSS is requesting adjustment for anticipated increases in operating expenses associated with new State Law, SB 1383. SB 1383 takes effect January 1, 2022 and will result in increased subscriptions to organics services throughout MSS's service area. Throughout its seven franchises in Marin

County in 2022, MSS will add one new organics recycling collection route (comprised of a truck and driver), one new outreach and education specialist, and additional equipment to process and clean collected organic waste.

Subject to approval of an amendment to the Franchise Agreement with MSS, the company will also be providing compliance monitoring and inspection services, contamination monitoring, outreach and education, and reporting functions on behalf of the City. The total 2022 revenue recovery for these new SB 1383 compliance measures for MSS is \$387,765.

The result is \$208,064 in new SB 1383 Compliance rate revenues for the City in 2022; this item was not present in the rate revenue requirement in prior rate years.

### **Illegal Dumping Pilot Program Funding**

Since 2020, the City has been piloting and testing programs to reduce and abate incidences of illegal dumping in the City, in partnership with MSS and others. In 2021, the City allocated \$60,000 in rate revenues for the illegal dumping pilot program. For 2022, City staff is recommending \$103,540 in illegal dumping pilot program funding, which is an increase of \$43,540 compared to 2021. Details on the illegal dumping pilot program and funding opportunity is the subject of a separate R3 memorandum.

### **Profit Calculation**

R3 reviewed the calculation of MSS's profit, which is a function of total allowable operating expenses (\$19,640,810 for the City) divided by the contractually set operating ratio of 90.5% and subtracting the same sum, rounded to the nearest dollar. MSS's actual profit achievement will vary depending on the company's real revenues and expenses; as such, profit is not guaranteed.

The result is \$2,061,742 in Calculated Profit for the City in 2022, which is an increase of \$62,282 compared to 2021. The increase is due to a net increase in allowable operating expenses, which were described in the previous sections of this report.

### **Recyclable Materials Processing**

A net recyclable materials processing cost is calculated each year to share the risks and rewards of changing recycling markets between rate payers and MSS.

Per Exhibit B, the Recyclable Materials Processing cost is escalated by the annual change in the WST and that amount is then divided by the number of all tons of recyclable materials processed at Marin Recycling Center from July 1 of the prior rate year through June 30 of the current rate year.

The recyclable materials revenue amount is calculated based on 90% of the total revenue received by the Marin Recycling Center for recyclable materials, which is then divided by the number recyclable material tons processed at Marin Recycling Center. The calculation does not include income or tons from recyclable materials processed for third parties or agencies that were not customers of MSS or the Marin Recycling Center as of December 31, 2018.

For Rate Year 2022, the resulting Net Recyclable Materials Processing Cost Per Ton is \$29.59, a decrease of \$24.19 from the 2021 value of \$53.78. This reduction is due to increases in the value of recyclable commodities sold by MSS in the prior year.

The result is \$305,461 in Recyclable Materials Processing for the City in 2022, which is a decrease of \$256,241 compared to 2021.

### **Interest**

Interest is based on MSS's actual interest from its loan amortization schedules for actual and projected capital expenditures for services under the Agreement as of the last base year review in 2019. This is increased in the same manner as Collector Operations, as described above, via WST annually.

The result is \$378,509 in Interest for the City in 2022, which is an increase of \$13,030 compared to 2021.

### **Zero Waste Marin Fees**

Zero Waste Marin Fees are set as a pass through as government fees and, per Exhibit B to the agreements, changes in such fees result in appropriate adjustments to rates to compensate MSS for increases or decreases in such fees.

JPA fees included in the annual indexed rate applications for the MSS service area are set to be equal to the current Zero Waste Marin Fee assessments for the current fiscal year, with 100% of the MSS hauler fees passed through to the MSS Agencies, and with none of the MSS Transfer Station fees passed through to the MSS Agencies. For 2022, the total amount passed through to the MSS Agencies is \$699,372.

The result is \$374,701 in Zero Waste Marin Fees for the City in 2022, which is a decrease of \$39,117 compared to 2021. The decrease is due to the fact that the 2021 fees included a true-up for under collection of fees in 2019 and 2020, which is no longer included in the rate application.

### **Franchise Fees**

Franchise Fees are calculated by multiplying the applicable franchise fee percentage by each agency served by MSS by the revenues projected for each that Rate Year. The City's Franchise Fee is 10% of gross revenues.

The result is \$2,663,029 in Franchise Fees for the City in 2022, which is an increase of \$62,236 compared to 2021, and is due to an overall increase in the rate revenue requirement.

### **Other Agency Fees**

Other Agency Fees are calculated and applied to each of the Agencies based on the specific fees set by those Agencies.

The City charges MSS a Vehicle Impact Fee to cover the cost of road impacts from MSS's solid waste collection vehicles. In 2020 the City conducted an updated Vehicle Impact Fee Study, which provided justification for increasing the fee to \$1,480,600 annually. The City opted to gradually increase the fee to that amount over a three-year period, resulting in an increase from the prior Fee amount of \$443,600 in 2020 to \$789,267 in 2021. 2022 will be the second "step increase" in the City's Vehicle Impact Fee, increasing it to \$1,134,934. The Fee is scheduled to increase to \$1,480,600 in 2023.

The result is \$1,134,934 in Other Agency Fees for the City in 2022, which is an increase of \$345,667 compared to 2021.

### **Annual Rate Revenue Reconciliation**

The Rate Revenue Reconciliation item is to reconcile the projected rate revenue from the 2020 rate adjustment to the actual revenue collected through rates charged during the 2020 rate year.

Due to the impacts of the COVID-19 pandemic, MSS experienced an overall shortfall of \$1,497,138 in 2020 billed revenues compared to the annual revenue requirement. However, because MSS also received a Paycheck Protection Program (PPP) loan in 2020 – and expects that loan to be forgiven – MSS is waiving the Rate Revenue Reconciliation for 2020, contingent on final determination of the PPP loan forgiveness. MSS is still awaiting news regarding PPP loan forgiveness; if, in the unlikely event the PPP loan is not forgiven, MSS requests the ability to revisit the 2020 Rate Revenue Reconciliation.

The result is a reduction in the rate revenue requirement of \$90,326 for the City in 2022.

### **Extraordinary Items**

Items that are outside of the categories as defined in the Exhibit B Adjustment methodology may be proposed by MSS as extraordinary items. Two such items are proposed by MSS for 2022 and are described below.

#### Recycling Property Insurance

Property insurance for recycling processing facilities have gone up across the country for circumstances outside of MSS's control. MSS has previously and separately briefed the Agencies on this item, and R3 is aware of the market circumstances surrounding it. R3 finds that this extraordinary item is supported and reasonable. The 2021 recycling property insurance extraordinary item proposed by MSS was \$124,662, and for 2022 it is \$90,726.

The result is \$47,486 in Recycling Property Insurance for the City in 2022, which is a decrease of \$17,478 compared to 2021.

#### Funding for SB 1383 Contract Negotiations and Implementation

The MSS served Agencies have contracted with R3 to provide support for negotiation of an amendment to the MSS franchise agreements with the Agencies, effectuating the new services, terms and conditions for SB 1383 compliance. That contract also includes a contingency for support to the Agencies in implementing SB 1383 in 2022. R3's expenses for that work are not to exceed \$44,380 and are recoverable via the solid waste rates so as not to be direct expenses to the Agencies.

The result is \$23,617 in SB 1383 Contract Negotiations and Implementation support for the City in 2022.

### **Three Prior Line Items Sunsetting in 2022**

Rate adjustment calculations in 2019, 2020 and 2021 included three line-item categories that are sunsetting and will no longer be included as rate adjustment considerations in 2022. These include true ups for fuel costs (\$51,124), disposal costs (\$11,179), and recycling losses (\$74,628). The result of these items sunsetting is a reduction in the City's rate revenue requirement of \$136,931 in 2022.

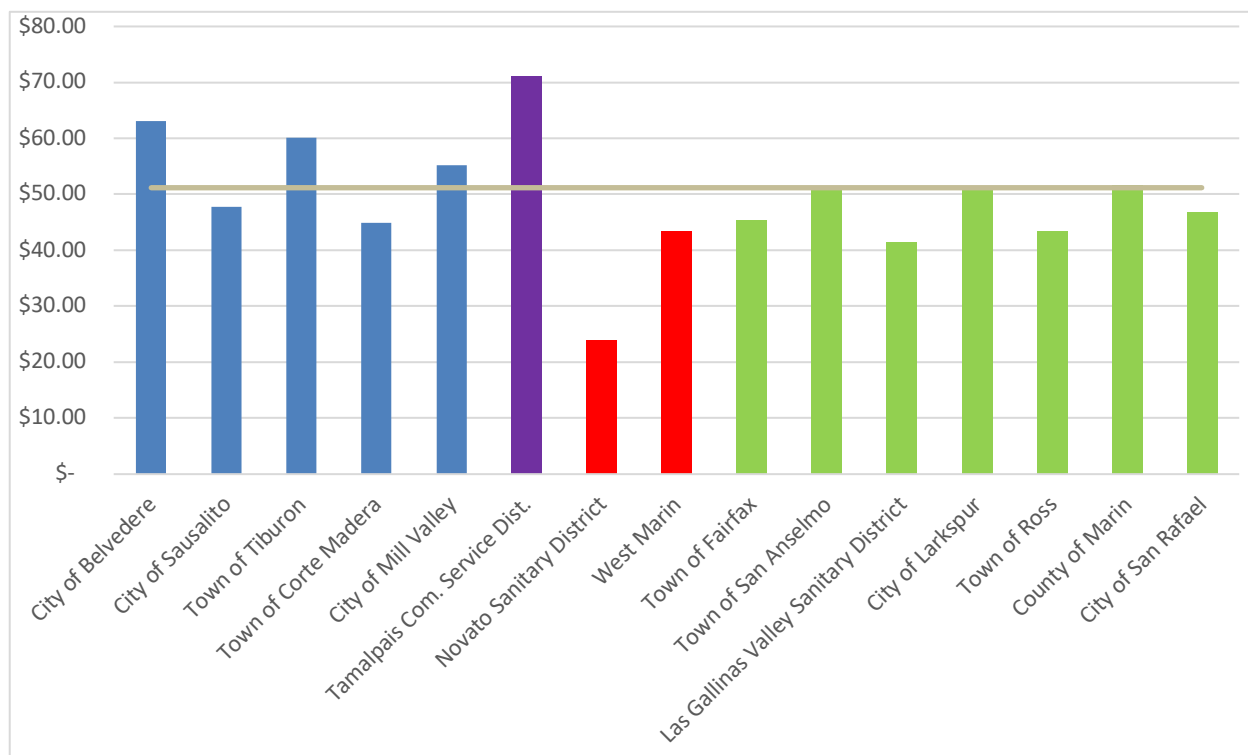
## Survey of Comparable Rates

Attachment 1 shows the results of R3’s survey of solid waste rates as of October 2021 for agencies located throughout the Bay Area. For the purpose of comparing the MSS Agencies’ rates to other agencies we have applied the 2022 rate increases for MSS served Agencies and compared those anticipated 2022 rates to the current rates for all other agencies. It is anticipated that rates for other agencies will also increase in 2022, and since this comparison uses 2022 rates for the MSS Agencies, the rate comparison will become more favorable as other entities adopt 2022 rates.

Figure 1, below, shows a summary of Marin rates for residential customers with 30-35 gallon garbage service. Bars shown in blue are 2021/22 rates for Mill Valley Refuse Service; purple is the 2021/22 rate for Tamalpais Community Services District; red are 2021/22 rates for Recology Marin, and; green are proposed 2022 MSS rates. The grey bar is the average for all of Marin County, excluding the MSS Agencies. Overall, 2022 rates for the Agencies served by MSS are less than or equal to the Marin County average.

**Figure 1**

**Marin County Rates: MSS 2022 Proposed Residential 32-gal Can compared to Current 30-35-gal Can Rates and Marin County Average of \$51.18 (Excluding MSS Rates)**



If approved, 2022 monthly residential rates for a 32-gallon container (the most frequent residential service level) for the City will be \$46.84. The City’s commercial rates for a 3-cubic yard bin serviced 1 time per week will be \$578.65.

These survey results are presented as an indication of the reasonableness of the resulting rates for 2022. Conclusions should not be immediately drawn from this information because rate comparisons are

intrinsically difficult and often misleading. This results from differences in issues such as those listed below:

- The types and ranges of services provided;
- The level of subscription to solid waste services by residential, commercial, and industrial customers;
- The ratio of residential to commercial and industrial customers;
- The terrain in which the service is performed;
- Disposal, transfer and process costs, and amounts per capita;
- Rate structures; and
- Governmental fees (e.g., franchise fees, vehicle impact fees, etc.).

\* \* \* \* \*

R3 appreciates the opportunity to be of service to the City. Should you have any questions regarding this report or need any additional information, please contact me by phone at (510) 292-0853 or by email at [gschultz@r3cgi.com](mailto:gschultz@r3cgi.com).

Sincerely,

**R3 CONSULTING GROUP**



Mr. Garth Schultz | Principal

**To:** Cory Bytof, Sustainability Program Manager, City of San Rafael  
**From:** Garth Schultz and Nate Forst, R3 Consulting Group  
**Date:** November 19, 2021  
**Subject:** 2022 Illegal Dumping Reduction Pilot Program Funding via 2022 Solid Waste Rates

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## Illegal Dumping Reduction Pilot Program Overview

### Background

#### Illegal Dumping Reduction Goal

The City of San Rafael has established reduction of illegal dumping as a high priority area for City action, with a goal to achieve 50% reduction in illegal dumping by the end of 2025. Achieving this goal will require coordination between multiple City departments, addressing various factors related to illegal dumping.

#### 2018-2020 Pilot Program Results

The City conducted a pilot project in 2018-2019 that tested implementation of “bulky waste” collection and recycling events as a means of reducing illegal dumping, with the results reported in the City of San Rafael Illegal Dumping Pilot Report (Bulky Waste Collection and Recycling Events). The 2018-2019 pilot project found that bulky waste collection events resulted in a noticeable reduction in illegal dumping. The report recommended further implementation of illegal dumping reduction actions in the City, including continuation of the bulky waste collection events (which proved successful) as well as testing of new programs to reduce the incidence of – and clean-up response to – illegal dumping in the City.

In 2020, despite the unique challenges posed by the COVID-19 pandemic, the following were achieved:

- Bulky waste drop-off events resulted in 190 cubic yards of material collected over three (3) days.
- Free dumping vouchers for tenants of Bret Harte, Canal, and Gerstle Park resulted in the collection of 258 additional cubic yards of material.

A new program offering free dump coupons to commercial property owners (and promoted by email) was also initiated but zero participation was recorded.

Overall, Bulky waste drop-off events proved to be a success, with costs coming in lower than originally anticipated and program participation remaining intact during the pandemic.

#### 2021 Pilot Program Results

While 2021 brought continued complications arising from COVID-19, the illegal dumping program was able to build on lessons learned in 2020 and gain a stronger understanding of pilot effectiveness. The following outcomes were recorded:

- Bulky waste drop-off events were increased from three (3) to six (6) days, resulting in 456 cubic yards of material collected (a 140% increase over 2020).
- Free dumping vouchers for tenants of Bret Harte, Canal, and Gerstle Park resulted in the collection of 197 additional cubic yards of material, less than the total achieved in 2020.



Mr. Cory Bytof

2022 Illegal Dumping Reduction Pilot Program Funding via 2022 Solid Waste Rates

November 19, 2021

Page 2 of 4

- Free dump coupons were again offered to commercial property owners (and promoted by email) but zero participation was recorded a second year in a row.

Further scaling the bulky waste drop-off events generated a clear “return on impact” of funds invested. Not only did the program reach more users and collect significantly more material in 2021, it did so at a cost per cubic yard collected that was significantly lower than the Multi-Family Voucher program,<sup>1</sup> solidifying it as the key driver of value among pilot programs attempted thus far by the City.

Overall pilot program costs again came in below expectations (approximately \$35,000 under budget). This was primarily due to Mattress Recycling Council’s support for a substantial portion of CCNB’s costs associated with the bulky item pilot, and a lack of participation in the commercial free dump coupon program. If the Council wishes, unspent funds may be applied (in whole or in part) to continuation of the pilot program in 2021. City staff and R3 recommend rolling those funds forward to implementation of the following 2022 pilot program.

### **2022 Pilot Program and Funding Opportunity**

The City has an opportunity to provide for significant further expansion of the proven bulky waste collection events, and support exploration of a new pilot, with an emphasis on altering outreach to improve success. This could be accomplished via utilization of the unspent 2021 funds, combined use of Zero Waste Marin grant funds, and a small increase in the 2022 solid waste rates.

R3 Consulting Group, Inc. (R3) has separately calculated the 2022 solid waste rate adjustment for San Rafael based on the Franchise Agreement between the City and Marin Sanitary Service (MSS), and the City may choose to direct an additional increase in order to fund \$103,540 in approximate MSS and City costs for a “2022 Illegal Dumping Reduction Pilot Program” (Pilot Program) that would continue to implement the actions recommended in the City of San Rafael Illegal Dumping Pilot Report (Bulky Waste Collection and Recycling Events). Collecting \$103,540 in additional funding for the Pilot Program in 2022 would result in a 0.49% additional increase in solid waste rates (resulting in a total 2022 solid waste rate adjustment of 2.39% in 2022).

### **Overview of Proposed 2022 Illegal Dumping Reduction Pilot Program**

If funded, the City would work with MSS, prior pilot project partner Gigantic Idea Studios (GIS), R3, Conservation Corps North Bay and other key stakeholders identified by the City to conduct additional pilot program expansions, discovery, and research in 2022.

Building on 2021 data and lessons learned, the project team would implement the following services:

- **Increase Bulky Waste Drop-off Events:** Support reduction of illegal dumping from multifamily residential properties by making the “bulky waste drop-off events” a monthly event at Pickleweed Park. This would allow for further community integration of an already highly successful and popular pilot program, offer the ability to refine and improve program elements and outreach, and provide more data and insight into the costs and effectiveness of scaling the pilot for the purposes of considering a more codified ongoing program. The City anticipates additional support to offer twelve “debris box events,” providing access to service for a test population of approximately 6,800 housing units. This would be the key driver of program efforts in 2022 and

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<sup>1</sup> Bulky waste drop-off events recorded a cost per cubic yard of \$78, as compared with a cost of \$113 per cubic yard for the Multi-family voucher pilot.

the potentially the foundation of a longer-term commitment to illegal dumping programming in San Rafael.

- **Develop Free-on Call Bulky Item Pickup Program:** Research and develop a new pilot aimed at reducing illegal dumping generation from residential properties via a “free on-call bulky item pickup program.” This would serve to address an essential barrier to mitigating illegal dumping in San Rafael - lack of transportation. Even with cost incentives in place to encourage proper disposal, lack of transportation to facilities and drop-off events still prevents many residents from accessing disposal options, and this leads to unwanted dumping. Current efforts are already underway to secure a grant from the Mattress Recycling Council (MRC) that would support usage of a vehicle, in partnership with the CCNB, that could be utilized in an on-call capacity to target bulky waste pickups in San Rafael. The City anticipates leveraging support from MRC and/or other entities and continuing to lay the foundation of a new pilot program that addresses this particular issue.
- **Continue with Prior MFD Voucher and Commercial Coupon Programs:** Maintain a stock of residential “vouchers” and by-request “commercial coupons” for multi-family tenants and local businesses, respectively. These amenities provide alternatives for both populations to mitigate disposal of problematic materials at no-cost at MSS’s public facility in San Rafael. However, given limited utilization of these pilots in the past, funds will be restricted only to ensuring that “vouchers” and by-request “commercial coupons” remain available for those who request them and for specific “hot spot” campaigns to encourage collaboration. The City would work with MSS to monitor and track businesses that participated in this program.

### **Partnership with Marin Sanitary Service**

MSS has been briefed on the details of the proposal to increase rates to fund implementation of the Pilot Program and has expressed its willingness to be the City’s operational partner, and MSS supports the rate funding of Pilot Program costs.

R3’s engagement in the project is to support the City and MSS as the City’s solid waste financial and programs consultant by developing the financial and operational parameters that will both help keep costs within the overall budget and will support the City’s analysis of the financial and operational Pilot Program results to establish findings about operational efficiency and cost effectiveness for future Citywide illegal dumping reduction programs. Finally, R3 will also assist in evaluating programmatic data and reports, participate in meetings with City and the City’s consultants, and provide input on pilot design.

### **Reporting and Next Steps for 2022**

After completion, the project team would prepare a memo on the Pilot Program results, anticipated in the Fall of 2022. The City will then present the results to Council and make recommendations about next steps to continue progress in 2023 to reduce illegal dumping, including projections of the potential for citywide implementation of the program elements tested in 2022 (preliminary estimates subject to refinement based on Pilot Program results are included at the end of the memorandum).

## **Pilot Program Rate Impact and Draft Budget**

The City has an opportunity to set the 2022 solid waste rates to secure funding for the Pilot Program as part of the 2021 rate hearing.

**City May Direct Change in Scope**

Per Section IV. of Exhibit B of the Franchise Agreement with MSS, the City may direct a “change in scope” to the services provided by MSS, and the City may secure funding for the Pilot Program by directing such a change in scope. The City may seek to fund \$103,540 for the Pilot Program by adopting a 2022 rate adjustment at 0.49% above the base rate adjustment that has been separately reported to the City. Funding of the Pilot Program is entirely at the City’s discretion and may be funded at a greater or lesser amount, or at a later time, if desired.

**Draft Pilot Program Budget**

A draft budget for the Pilot Program, at an anticipated total expense of approximately \$159,000 is provided in Table 1. Note that the program details included in this memorandum have been adjusted to correspond with the recommended \$159,000 program budget. Funding for the \$159,000 proposed Pilot Program budget is based on: approximately \$35,000 in unspent 2021 funds (carried forward to 2022); \$103,540 in proposed new funds from 2022 rate adjustment (as described above), and; \$20,000 in Zero Waste Grant Funding to the City from Zero Waste Marin.

**Table 1: Proposed 2022 Illegal Dumping Reduction Pilot Program Budget**

	<b>2022 Budget</b>
<b>Implementation and Ongoing Coordination</b>	
Discovery, Pilot Design, and Coordination with City Program (GIS)	\$ 2,500
Operations & Financial Analysis and Coordination with City Program (R3)	\$ 5,000
<b>Subtotal</b>	<b>\$ 7,500</b>
<b>Monthly Debris Box Days (12 Total Events)</b>	
Conservation Corps (Monthly Events at Pickleweed Park, Jackson’s Hardware (CCNB)	\$ 25,390
Outreach and Expenses (GIS)	\$ 28,000
Outreach and Expenses (CCNB)	\$ 7,974
Debris box rental and bulky waste disposal	\$ 29,284
<b>Subtotal</b>	<b>\$ 90,648</b>
<b>MFD Collateral</b>	
Outreach and Expenses New self-mailer, print and mail, MFD Manager Kit (GIS)	\$ 15,000
<b>Subtotal</b>	<b>\$ 15,000</b>
<b>Voucher and Commercial Coupon Collateral</b>	
Reprint Coupons and vouchers (GIS)	\$ 4,000
Bulky waste disposal	\$ 10,275
<b>Subtotal</b>	<b>\$ 14,275</b>
<b>Explore on Call bulky Item Pilot</b>	
Support Analysis and Coordination with City Program (R3)	\$ 9,500
Program Dev. (CCNB)	\$ 5,000
<b>Subtotal</b>	<b>\$ 14,500</b>
<b>Environmental Design Mini Grants</b>	
Mini-grants (10) Funding	\$ 10,000
<b>Subtotal</b>	<b>\$ 10,000</b>
<b>Pilot Conclusion and Next Steps</b>	
As needed, pre-approved by Client (GIS)	\$ 2,500
Solid Waste Operations and Financial Analysis and Reporting (R3)	\$ 5,000
<b>Subtotal</b>	<b>\$ 7,500</b>
<b>Grand Total</b>	<b>\$ 159,423</b>

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL  
APPROVING A FOURTH AMENDMENT TO THE AMENDMENT AND  
RESTATEMENT OF COLLECTION AGREEMENT OF THE CITY OF SAN  
RAFAEL WITH MARIN SANITARY SERVICE**

**WHEREAS**, the City of San Rafael and Marin Sanitary Service have entered into a written Amendment and Restatement of Collection Agreement (“Franchise Agreement”) dated September 4, 2001; and

**WHEREAS**, the City of San Rafael and Marin Sanitary Service amended this agreement on March 1, 2005 with the Amendment to Refuse and Recycling Collection Agreement; and

**WHEREAS**, the City of San Rafael and Marin Sanitary Service further amended this agreement on October 1, 2012 with the Second Amendment to Amendment and Restatement of Collection Agreement; and

**WHEREAS**, the City of San Rafael and Marin Sanitary Service further amended this agreement on December 17, 2018 with the Third Amendment to Amendment and Restatement of Collection Agreement; and

**WHEREAS**, the City of San Rafael and Marin Sanitary Service now desire a fourth amendment to the Franchise Agreement to update Marin Sanitary Service services to comply with Senate Bill 1383, and

**WHEREAS**, the City of San Rafael has determined that such adjustments are proper, in the best interest of all citizens, and will promote public health, safety and welfare; and

**WHEREAS**, on December 6, 2021 the City Council held a duly noticed public hearing to consider the rate application request and receive public testimony thereon; and,

**WHEREAS**, the City Council has reviewed and duly considered the Staff Report, and documents and other oral and written evidence presented at the hearing;

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

- 1) The “Fourth Amendment to the Amendment and Restatement of Collection Agreement of the City of San Rafael with Marin Sanitary Service” attached hereto as “Exhibit E” and incorporated herein by reference, is hereby approved and shall be included as part of the Amendment and Restatement of Collection Agreement dated September 4, 2001. The City Manager is hereby authorized to execute the Fourth Amendment, subject to final approval as to form by the City Attorney.

I, Lindsay Lara, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of San Rafael, held on Monday, the 6<sup>th</sup> day of December 2021, by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

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LINDSAY LARA, City Clerk

FOURTH AMENDMENT TO THE AMENDMENT AND RESTATEMENT OF COLLECTION  
AGREEMENT OF THE CITY OF SAN RAFAEL WITH MARIN SANITARY SERVICE

This FOURTH AMENDMENT to the Amendment and Restatement of Collection Agreement between the CITY OF SAN RAFAEL (CITY) and MARIN SANITARY SERVICE (COMPANY) is made and entered into this \_\_\_\_ day of December, 2021.

WHEREAS, the CITY and COMPANY entered into a written agreement on September 4, 2001, as amended on March 1, 2005, November 14, 2012, and December 17, 2018 (together the "Agreement") pursuant to which the COMPANY renders Solid Waste, Recyclable Material and Green Waste collection, processing and disposal services to businesses, residents and government institutions in the CITY; and

WHEREAS, certain state laws require cities, counties, and special districts providing solid waste collection services to adopt ordinances and take other measures to reduce the amount of organic and recyclable materials deposited in landfills from commercial and residential generators, more specifically the Short-Lived Climate Pollutants Organic Waste Reduction regulations adopted pursuant to Senate Bill 1383 (Statutes of 2016) set forth in the California Code of Regulations (the "SB 1383 Regulations").

WHEREAS, the SB 1383 Regulations require cities, counties, and special districts providing solid waste collection services to, by January 1, 2022, provide certain new programs; and

WHEREAS, pursuant to the terms and conditions of the Agreement, CITY and COMPANY met and conferred and have agreed that COMPANY will be responsible for the programs provided for herein; and

WHEREAS, CITY and COMPANY mutually desire to amend the Agreement to describe these programs in more detail.

NOW, THEREFORE, it is mutually agreed as follows:

1. Effective Date. This Amendment shall take effect January 1, 2022.
2. Definitions. For purposes of this Amendment, the terms set forth in Exhibit A, attached hereto and incorporated herein, shall have the meanings given to them in such exhibit.
3. Three-Container Organic Waste Collection Services.
  - 3.1. Phased Implementation. CITY and COMPANY acknowledge that COMPANY's Organic Waste Collection routes must be expanded to satisfy the requirements of the SB 1383 Regulations, and that new collection trucks must be procured by COMPANY in order to provide such services. Beginning January 1, 2022 all new customers will be provided base level of collection service including Recycling Container, Organics Container and Garbage Container collection service. Between January 1, 2022 and December 31, 2023, COMPANY shall continue and expand its Organic Waste collection service to existing customers within CITY. By January 1, 2024, COMPANY shall provide Organic Waste collection service to all of its customers within CITY who are subscribed to and pay for Solid Waste collection service, unless (i) the customer is categorically exempted under CITY's municipal code from the requirement to subscribe for Organic Waste collection service, or (ii) the customer qualifies for and is granted a State- or CITY-issued waiver. COMPANY will work with customers to appropriately size collection containers such that source-separation of all materials is possible without any overflow of material, and if any disputes arise or overages occur, the CITY will make the final determination on proper container size.

**FOURTH AMENDMENT TO THE AMENDMENT AND RESTATEMENT OF COLLECTION AGREEMENT OF THE CITY OF SAN RAFAEL WITH MARIN SANITARY SERVICE**

**4. Container Colors.**

4.1. General Requirement. COMPANY shall ensure that each Container that it newly purchases after January 1, 2022 and provides to a customer serviced under the Agreement conforms to the following designations in distinct colors as required or permitted by CalRecycle: Garbage Containers for collection of Solid Waste, Recycling Containers for collection of Recyclable Materials, and Organics Containers for collection of Organic Waste. In addition, COMPANY shall ensure that all Containers it uses to provide such services to customers serviced under the Agreement conform to such color scheme by January 1, 2036.

4.2. Specific Material Types. Paper products and printing and writing paper, each as defined in the SB 1383 Regulations, may be placed in either the Recycling Container or the Organics Container. Carpet and textiles may not be placed in either the Recycling Container or the Organics Container.

**5. Container Labels.**

5.1. General Requirement. COMPANY shall ensure that each Container that it newly purchases after January 1, 2022 and provides to a customer serviced under the Agreement shall be labeled or imprinted with language and/or graphics that clearly indicates the primary items accepted and the primary items that are Prohibited Container Contaminants for that Container type. COMPANY may comply with this section by using model labeling provided by CalRecycle.

**6. Route Reviews.**

6.1. General Requirement. At least once annually, beginning in 2022, COMPANY shall conduct a Route Review for each Hauler Route. The number of Containers to review per Hauler Route shall be calculated on the basis of the number of garbage accounts provided service by a specific Hauler Route for one week. For example, "Route A" collects garbage from 250 accounts, 4 days per week for a total of 1,000 accounts per week; include a minimum of 25 accounts for Route Review of "Route A". For each Route Review of a Hauler Route, COMPANY shall inspect at least the following minimum number of Containers but may inspect more if COMPANY deems necessary; and shall inspect all Containers placed for collection (including Recycling Containers, Organics Containers, and Garbage Containers). Each inspection shall involve lifting the Container lid and observing the contents but shall not require COMPANY to disturb the contents or open any bags. COMPANY may select the Containers to be inspected at random, or (if mutually agreed with CITY) by any other method not prohibited under the SB 1383 Regulations. For the avoidance of doubt, COMPANY shall not be required to annually inspect every Container on a Hauler Route. COMPANY shall include the results of each Route Review in its next regularly scheduled report to CITY, as required by Section 9.

<u>Route Size (# garbage accounts/ week)</u>	<u>Minimum Number of Containers</u>
Less than 1,500	25
1,500-3,999	30
4,000-6,999	35
7,000 or more	40

FOURTH AMENDMENT TO THE AMENDMENT AND RESTATEMENT OF COLLECTION  
AGREEMENT OF THE CITY OF SAN RAFAEL WITH MARIN SANITARY SERVICE

- 6.2. Notice of Contamination. If COMPANY observes Prohibited Container Contaminants in a Container during a Route Review comprising ten percent or more of observable container volume, COMPANY shall notify the customer of the violation in writing. The written notice shall include information regarding the requirement to properly separate materials into the appropriate Containers. The notice may be left on the customer's Container, gate, or door at the time the violation is discovered, and/or be mailed, e-mailed, electronically messaged or delivered personally to the customer within 30 days. COMPANY may dispose of the contents of any Container found to contain Prohibited Container Contaminants and may charge a contamination fee not to exceed the fee in Exhibit C. The notice shall be provided in English and Spanish.
7. Compliance Reviews.
- 7.1. General Requirement. At least once annually, beginning in 2022, COMPANY shall review the records of its Commercial and Multi-Family customers in CITY that are subscribed for at least two (2) cubic yards per week of combined Solid Waste, Organic Waste and Recyclable Materials service, to determine whether such customers are subscribed for Organic Waste collection service or have an applicable waiver. COMPANY shall include the results of each compliance review in its next regularly scheduled report to CITY, as required by Section 9.
- 7.2. Site Visit Requirement. Based on COMPANY's review of the list of customers requiring site visit compiled in accordance with section 7.1 above, COMPANY shall conduct an annual site visit to each Commercial and Multi-Family customer in CITY that is determined to not be enrolled in 3-container organic waste collection service and not be eligible for a waiver based on the CITY determination, to encourage those businesses to sign up for SB 1383 compliant Organics Waste service and provide educational material about the law's requirements.
8. Education & Outreach.
- 8.1. Prior to February 1, 2022, and annually thereafter, COMPANY shall provide the following to all its customers under the Agreement:
- 8.1.1. Information on the customer's requirements to properly separate materials in appropriate containers.
- 8.1.2. Information on methods for: the prevention of Organic Waste generation, recycling Organic Waste on-site, sending Organic Waste to community composting, and any other local requirements regarding Organic Waste.
- 8.1.3. Information regarding the methane reduction benefits of reducing the landfill disposal of Organic Waste, and the methods of Organic Waste recovery contemplated by the Agreement.
- 8.1.4. Information regarding how to recover Organic Waste.
- 8.1.5. Information related to the public health and safety and environmental impacts associated with the landfill disposal of Organic Waste.



FOURTH AMENDMENT TO THE AMENDMENT AND RESTATEMENT OF COLLECTION  
AGREEMENT OF THE CITY OF SAN RAFAEL WITH MARIN SANITARY SERVICE

- 8.2. The above information will be provided, at a minimum, through print and/or electronic media, and may also be provided through workshops, meetings and/or on-site visits.
- 8.3. COMPANY shall provide an educational webpage which includes downloadable copies of all the materials described in Section 8.1, as well as an educational brochure to be provided by CITY for edible food recovery outreach.
- 8.4. Educational materials provided pursuant to the above shall be translated into Spanish.
- 8.5. COMPANY shall provide educational materials to customers discovered to be out of compliance with the SB 1383 Regulations requirements and report a list of such customers as well as actions taken to the CITY on a periodic basis as required by CITY.
9. Waivers. COMPANY shall be responsible for the distribution, collection and evaluation of waiver applications as appropriate and provide the CITY a recommendation to accept or deny waiver requests. COMPANY shall develop waiver application forms and shall provide them to CITY for CITY approval prior to use. COMPANY shall evaluate requests for exemption or waiver from the Act's requirements and provide the CITY periodic recommendations and supporting documentation to deny or approve waivers, including a site visit and re-evaluation at least every five years as required by the SB 1383 Regulations.
10. Edible Food Recovery. COMPANY shall provide CITY with a list of Tier One commercial edible food generators located in their jurisdiction by January 1, 2022 and annually thereafter. COMPANY shall provide CITY with a list of Tier Two commercial edible food generators located within their jurisdiction by January 1, 2024 and annual thereafter.
11. Reporting.
- 11.1. Beginning January 1, 2022, COMPANY shall provide the following information to CITY annually, by February 15 of the year following the reporting year:
- 11.1.1. For information provided by COMPANY pursuant to Section 8 above:
- (a) Copies of all such information (including flyers, brochures, newsletters, invoice messaging, website and social media postings, emails, and other electronic messages).
  - (b) The date the information was disseminated or the direct contact made. For website and social media postings, this shall be the date posted.
  - (c) To whom the information was disseminated or the direct contact made. For mass distributions such as mailings or bill inserts, COMPANY may provide the type and number of accounts receiving the information, rather than listing each recipient individually.
- 11.1.2. For Route Reviews and Compliance Reviews:
- (a) The date the review was conducted.

**FOURTH AMENDMENT TO THE AMENDMENT AND RESTATEMENT OF COLLECTION  
AGREEMENT OF THE CITY OF SAN RAFAEL WITH MARIN SANITARY SERVICE**

- (b) The name and title of each person conducting the review.
- (c) A list of the account names and addresses covered by the review.
- (d) For Route Reviews, a description of each Hauler Route reviewed, including COMPANY's route number and a description of the Hauler Route area.
- (e) For Route Reviews, the results of such review (i.e., the addresses where any Prohibited Container Contaminants were found), and any photographs taken.
- (f) For Compliance Reviews, the results of such review (i.e., COMPANY's findings as to whether the customers reviewed are subscribed for Organic Waste collection service, have an applicable waiver, or neither) and any relevant evidence supporting such findings (e.g. account records).
- (g) Copies of any educational materials issued pursuant to such reviews.

11.1.3. Documentation relating to observed Prohibited Container Contaminants, whether observed during Route Reviews or otherwise:

- (a) Copies of the form of each notice issued to customers for Prohibited Container Contaminants, as well as, for each such form, a list of the customers to which such notice was issued, the date of issuance, the customer's name and service address, and the reason for issuance (if the form is used for multiple reasons). This information will also be provided monthly to any other government entity approved by the CITY, including but not limited to Zero Waste Marin requests.
- (b) The number of times notices were issued to customers for Prohibited Container Contaminants.
- (c) The number of Containers where the contents were disposed due to observation of Prohibited Container Contaminants.

11.1.4. A description of COMPANY's process for determining the level of Container contamination under the Agreement.

11.1.5. Reports to CITY on customers discovered to be out of compliance with the SB 1383 Regulations, including a list of the customers, the type of violation, actions taken to educate those customers, and contact information for those customers. Such reports shall be provided periodically as required by CITY. .

12. Section 18988.1 and 18988.2 Compliance. COMPANY is responsible for delivery of all Solid Waste to properly permitted disposal facilities, transfer stations, recyclable materials processing facilities, organics processing facilities, and C&D processing facilities as listed in Exhibit B. The list may be amended from time to time by COMPANY, subject to CITY approval of the amended list. Failure to comply with this provision will result in the levy of any Administrative Charge or Penalty that may be provided in the San Rafael Municipal Code and may result in COMPANY being in default under this Agreement. CITY hereby approves delivery of Organic Waste to such facility(ies). COMPANY shall

FOURTH AMENDMENT TO THE AMENDMENT AND RESTATEMENT OF COLLECTION  
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comply with its obligations under this Amendment and the obligations that by operation of law are imposed upon it directly pursuant to Chapter 12 of the SB 1383 Regulations.

13. Future Changes. The parties acknowledge that future changes to this Amendment or the Agreement may be desirable to assist the parties with their respective compliance obligations under the SB 1383 Regulations or subsequent amendments thereto or interpretations thereof. The parties agree to negotiate any such proposed changes in good faith. The foregoing shall not be deemed to limit either party's rights or remedies under the Agreement.
14. Miscellaneous. In the event of any conflict between this Amendment and the Agreement, this Amendment shall govern. Section headings in this Amendment are for convenience only and shall not be used in the interpretation of this Amendment. This Amendment may be executed in counterparts and/or by electronic signature (e.g., DocuSign). As used in this Amendment, "including" and its variants mean "including without limitation."

*[Remainder of this page intentionally left blank]*

FOURTH AMENDMENT TO THE AMENDMENT AND RESTATEMENT OF COLLECTION AGREEMENT OF THE CITY OF SAN RAFAEL WITH MARIN SANITARY SERVICE

IN WITNESS WHEREOF, this Amendment is entered into as of the date first written above.

CITY OF SAN RAFAEL

MARIN SANITARY SERVICE, INC.

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
ROBERT F. EPSTEIN, City Attorney

ATTEST:

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

FOURTH AMENDMENT TO THE AMENDMENT AND RESTATEMENT OF COLLECTION  
AGREEMENT OF THE CITY OF SAN RAFAEL WITH MARIN SANITARY SERVICE

Exhibit A

DEFINITIONS

“Act” means the California Integrated Waste Management Act of 1989 (sometimes referred to as CIWMA or “AB 939”), Public Resources Code § 40000 and following as it may be amended, including but not limited to, the Jobs and Recycling Act of 2011 (AB 341), SB 1016 (Chapter 343, Statutes of 2008 [Wiggins, SB 1016]), the Mandatory Commercial Organics Recycling Act of 2014 (AB 1826), and the Short-Lived Climate Pollutants Bill of 2016 (SB 1383), and as implemented by the regulations of CalRecycle.

“Recycling Container” means a Container for the collection of recyclable materials as defined in the Agreement. The Recycling Container shall be colored as defined in the SB 1383 Regulations.

“Container” means any Cart, Bin or Debris Box.

“Garbage Container” means a Container for the collection of Garbage, which does not include Organic Waste or recyclable materials as defined in the Agreement. The Garbage Container shall be colored as defined in the SB 1383 Regulations.

“Organics Container” means a Container for the collection of Organic Waste and colored as defined in the SB 1383 Regulations. Hardware such as hinges and wheels may be any color.

“Food Waste Container” means a Container for the collection of Commercial Food Waste only and colored as defined in the SB 1383 Regulations.

“Hauler Route” means the designated weekly itinerary or sequence of stops scheduled to be performed by one collection vehicle providing regularly scheduled Solid Waste, Recyclable Material or Organic Waste collection services (not on-call or Bulky Item/Abandoned Waste) within the COMPANY’s collection service area under the Agreement.

“Organic Waste” means wastes comprising material originated from living organisms and their metabolic waste products, including food, green material, landscape and pruning waste, clean unpainted/untreated wood (with no nails, wire, etc.), paper products, and printing and writing paper, but excluding textiles and carpets, manure, biosolids, digestate, sludges, non-compostable paper, Construction & Demolition Debris, and Hazardous Waste. No material shall be considered Organic Waste unless it has been segregated by the customer for separate collection.

“Prohibited Container Contaminants” means any of the following:

(a) Non-Organic Waste placed in the Organics Container, including but not limited to textiles and carpets, manure, biosolids, digestate, sludges, non-compostable paper, Construction & Demolition Debris, and Hazardous Waste;

(b) Organic Waste placed in the Garbage Container that is specifically identified under the Agreement for collection in the Organics Container or Recycling Container;

(c) Organic Waste placed in the Recycling Container that is specifically identified under the Agreement for collection in the Organics Container. Paper products and printing and writing paper

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may be considered acceptable and not considered Prohibited Container Contaminants if they are placed in the Recycling Container.

“Route Review” means a visual inspection of Containers along a Hauler Route for the purpose of identifying Prohibited Container Contaminants, which may include mechanical inspection methods such as use of cameras.

“SB 1383 Regulations” means the Short-lived Climate Pollutants (SLCP): Organic Waste Reductions regulations adopted by the California Department of Resources Recycling and Recovery (“CalRecycle”) in 2020 and found in California Code of Regulations Title 14, Division 7, Chapter 12.

For purposes of this Amendment, the following terms (whether or not capitalized) shall have the meanings given to them in the SB 1383 Regulations, unless the context indicates a different meaning was intended: biosolids, digestate, food, non-compostable paper, paper products, printing and writing paper, sludges.

FOURTH AMENDMENT TO THE AMENDMENT AND RESTATEMENT OF COLLECTION  
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Exhibit B

FACILITIES

Marin Sanitary Service Transfer Station

1050 Andersen Drive San Rafael CA 94912

Marin Recycling Center

535 Jacoby Street San Rafael CA 94912

Marin Resource Recovery Center

535 Jacoby Street San Rafael CA 94901

# CITY OF SAN RAFAEL

## NOTICE OF PUBLIC HEARING

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

**PURPOSE:** Public Hearing: To consider two actions concerning the City's agreement with Marin Sanitary Service for Refuse Collection and Recycling:

- 1) A request by Marin Sanitary Service for a rate increase of 2.39% for refuse collection and recycling services and adoption of a Resolution setting maximum rates for the year 2022; and
- 2) Adoption of a Resolution amending the agreement regarding changes in services to comply with State law SB 1383.

**DATE/TIME/PLACE:** Monday, December 6, 2021, at 7:00 p.m.  
Consistent with Executive Orders No.-25-20 and No. N-29-20 from the Executive Department of the State of California and the Marin County Shelter in Place Order, the San Rafael City Council hearing of December 6, 2021 will not be physically open to the public and 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. You will also be able to listen/speak by telephone. The number will be provided on agenda.

**WHAT WILL HAPPEN:** You may comment on the proposed Resolutions. The City Council will consider all public testimony and will then decide whether to approve the Resolution.

**IF YOU CANNOT ATTEND:** You may send a letter to City Clerk, City of San Rafael, 1400 Fifth Avenue, San Rafael, CA 94901 or by email [Lindsay.Lara@cityofsanrafael.org](mailto:Lindsay.Lara@cityofsanrafael.org).

**FOR MORE INFORMATION:** You may contact Cory Bytof, Sustainability Program Manager at (415) 485-3407 or [cory.bytof@cityofsanrafael.org](mailto:cory.bytof@cityofsanrafael.org). Office hours are Monday through Friday, 8:30 a.m. to 5:00 p.m.

SAN RAFAEL CITY COUNCIL

/s/ LINDSAY LARA  
LINDSAY LARA, City Clerk





**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: Economic Development**

**Prepared by: Danielle O'Leary  
Economic Development Director**

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

A handwritten signature in black ink, appearing to be the initials 'DS' or similar, written over a horizontal line.

**TOPIC: DOWNTOWN BUSINESS IMPROVEMENT DISTRICT (BID) ASSESSMENT ANNUAL RENEWAL**

**SUBJECT: RESOLUTION APPROVING THE DOWNTOWN SAN RAFAEL BUSINESS IMPROVEMENT DISTRICT ASSESSMENT FOR CALENDAR YEAR 2022**

**RECOMMENDATION:**

Hold Public Hearing, accept public comment, and if no majority protest has been received, adopt resolution approving the annual assessment for the Downtown San Rafael Business Improvement District for calendar year 2022.

**BACKGROUND:**

Section 36500 of the California Streets and Highways Code allows for the creation of a business improvement district (BID) within a municipality, whereby businesses within the district self-assess an annual fee in order to pay for improvements and activities which benefit the overall business district. The intent of the state law is to provide a funding mechanism for business districts to promote economic vitality. San Rafael Municipal Code section 10.09.080 requires a report to be prepared annually for upcoming assessments.

In 1979, businesses in Downtown San Rafael first set up a business district. This original district included approximately 125 businesses along Fourth Street between Lincoln Avenue and E Street. In 2013, the City Council voted to replace it with a larger district of approximately 700 businesses along Fourth Street. The expanded district includes the West End and some side streets, as well as non-ground floor tenants and other tenants not included in the original BID.

In calendar year 2021, the [BID Board of Directors](#) provided continued COVID-19 pandemic recovery support to Downtown businesses. Activities included promoting Downtown businesses through social media, the BID website, marketing campaigns, and email blasts. It also included producing a second year of the "Dining Under the Lights" (DUTL) outdoor dining event (held Thursdays and Friday evenings), from March 2021 through October 2021.

Additionally, the BID Board updated its bylaws, recruited new board members, created an online searchable business directory, and supported beautification programs including extending the Tivoli

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

lighting throughout Fourth Street and installing new downtown pole-mounted banners to enhance the downtown experience. Additional information relating to these accomplishments is included in the BID 2021 Annual Report (Attachment 2).

## **ANALYSIS**

### **BID Renewal Process**

Per State law, to renew the annual assessment, the City Council must first adopt a Resolution of Intention to Levy an Annual Assessment and set a public hearing for a future date. The method of calculating the amount of the assessment on each business is established by San Rafael Municipal Code Section [10.09.050](#) and varies depending upon the type of business and whether the business is located in the Standard BID Zone or the Premium BID Zone shown in Exhibit B of Attachment 2.

On November 15, 2021, the City Council adopted a Resolution of Intention to Levy an Annual Assessment: This resolution was intended to notify the public of the process, approve the BID annual report reviewing past BID Board accomplishments, and set the date for a public hearing.

Tonight's meeting is to hold the Public Hearing to receive input from the public on the annual assessment for the BID and to confirm the levy of an assessment for the upcoming year. Any protest against the BID assessment must be in writing and from a business in the BID. If the protests received represents fifty percent (50%) or more of the total assessments in the entire BID, no further proceedings to amend the BID can occur. New proceedings cannot be undertaken for a period of at least a year.

### **BID Advisory Board Appointments**

The Council approves new BID Advisory Board members as part of the annual report and assessment renewal. This year, we are grateful that many of the BID Board of Directors will remain involved. Some Board members will be shifting roles, and we are also welcoming two new BID Board members:

The 2021-2022 BID Advisory Board includes:

- Jed Greene, Five Corners Consulting Group, Role: Interim President
- Adam Dawson, Mike's Bikes, Role: Vice President
- Erika Bowker, Pleasures of the Heart, Role: Social Media Chair
- Jaime Ortiz, Bank of Marin, Role: Event Chair
- Tobi Lessem, Bodywise Massage, Role: Secretary
- Treasure - TBD
- Board Members-at-large: Elisabeth Setten, Art Works Downtown, Morgan Schauffler, Youth in Arts, Jeff Brusati, T & B Sports, Terrance Thornton, San Rafael Martial Arts, and **new** BID Board members Bishlam & Amy Bullock, from Salon B.

Lastly, we would like to thank outgoing BID Executive Director Eda Lochte for all her work on supporting the BID program, especially during these challenging COVID-19 pandemic years. We are thankful for her service and dedication to our downtown business community!

### **COMMUNITY OUTREACH:**

The BID has notified its members of the annual renewal process through its member communications including the BID e-newsletter, notifications on the BID website, and through agenda items at the monthly BID board meeting.

**FISCAL IMPACT:**

There is no fiscal impact associated with this action.

**OPTIONS:**

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

- 1) Adopt the resolution as presented approving the annual assessment for 2022.
- 2) Adopt the resolution with modifications approving the annual assessment for 2022.
- 3) Determine that 50% or more protest has been filed and abandon assessment proceedings for a minimum of one year from the date of the majority finding and decline adoption of the resolution.

**RECOMMENDED ACTION:**

Adopt the attached resolution approving the annual assessment for calendar year 2022.

**ATTACHMENTS:**

1. Resolution approving annual assessment
2. BID 2021 Annual Report, including:
  - A. Exhibit A: BID Map
  - B. Exhibit B: BID 2021 Assessment Formula
  - C. Exhibit C: BID Budget
  - D. Exhibit D: Memo – BID Financial Summary

**RESOLUTION NO.**

**RESOLUTION OF THE SAN RAFAEL CITY COUNCIL APPROVING  
THE DOWNTOWN SAN RAFAEL BUSINESS IMPROVEMENT  
DISTRICT ASSESSMENT FOR CALENDAR YEAR 2022**

**WHEREAS**, California Streets and Highways Code Sections 36500 et seq, authorize cities to establish parking and business improvement districts for the purpose of promoting economic revitalization and physical maintenance of business areas, to create jobs, attract new business and prevent erosion of the new business district; and

**WHEREAS**, the Downtown San Rafael Business Improvement District (“BID”) was established in 2013 to amend the existing Parking and Business Improvements District instituted in 1979 in the commercial area on and around the Fourth Street corridor in San Rafael; and

**WHEREAS**, pursuant to San Rafael Municipal Code Chapter 10.09 the BID’s Advisory Board submitted to the City a “BID 2021 Annual Report”, which is on file with the City Clerk; on November 15, 2021, the City Council by resolution approved the BID 2021 Annual Report, indicating the Council’s intention to levy assessments for calendar year 2022, and setting a public hearing thereon for December 6, 2021; and

**WHEREAS**, pursuant to Streets and Highways Code Section 36535, following the public hearing, the City Council may adopt a resolution confirming the report as originally filed or as modified by the Council, and the adoption of the resolution shall constitute the levy of an assessment for the year referred to in the report; and

**WHEREAS**, the City Council held the required public hearing on December 6, 2021 to receive testimony and protests concerning the BID 2021 Annual Report and the proposed levy of assessments for calendar year 2022 described therein; and

**WHEREAS**, a majority protest of the proposed assessments was not received;

**NOW, THEREFORE, BE IT RESOLVED** that City Council hereby adopts the levy of assessments as described in the Annual Report for the 2022 calendar year.

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 meeting of the City Council of said City held on Monday, the 6<sup>th</sup> of December 2021, by the following vote, to wit:

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

LINDSAY LARA, City Clerk



## BUSINESS IMPROVEMENT DISTRICT

### ANNUAL REPORT 2021

#### BID Board of Directors 2022

**Interim President - Jed Greene**  
Five Corners Group

**Vice President – Adam Dawson**  
Mike’s Bikes

**Secretary – Tobi Lessem**  
Bodywise Massage

**Treasurer – TBD**

**Event Chair – Jaime Ortiz**  
Bank of Marin

**Social Media Chair – Erika Bowker**  
Pleasures of the Heart

#### Directors

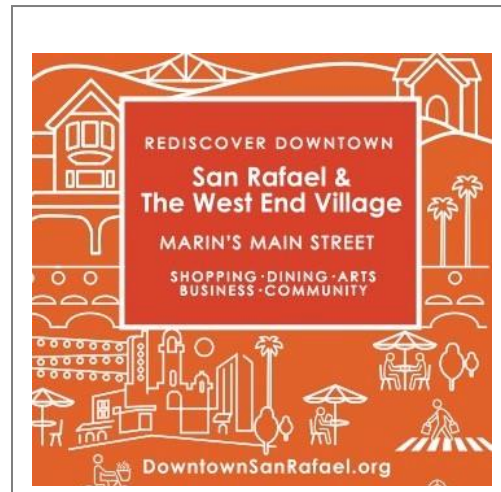
**Jeff Brusati** – T & B Sports

**Morgan Schaufler** – Youth in Arts

**Elisabeth Setten** – Art Works Downtown

**Terrance Thornton** --  
San Rafael Martial Arts

**Bishlam & Amy Bullock** – new  
Salon B Style Lab



## President’s Message

Dear Fellow BID Members,

This year, the BID Board again supported San Rafael’s unique Downtown businesses. Just like 2020, it wasn’t a year of business as usual, but we all helped create many positive outcomes.

The Board focused on keeping our Downtown business owners informed. We continued the popular Dining Under The Lights program and we constantly worked on promoting our Downtown through social media, our website and marketing campaigns. Our goal was to keep our community and members safe while giving everyone a fun destination to enjoy while Supporting Local.

It’s been my pleasure to serve as Board President. I will continue to work as the Board’s event chair. A big thank you to Executive Director Eda Lochte who is also stepping down after years of service to our members and community.

Please visit [DowntownSanRafael.org](http://DowntownSanRafael.org) to see all the BID is doing, to update your directory listing and continue to be involved.

*Jaime Ortiz, President 2016, 2017, 2018, 2019 & 2021*

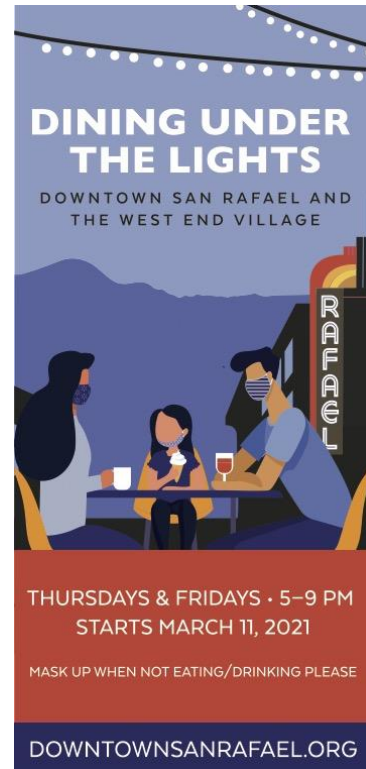
## 2021 ACCOMPLISHMENTS

- **Banners** – designed, created and installed colorful vertical pole banners welcoming all and highlighting Business, Arts, Dining, Shopping, and the West End Village.
- **Member emails, newsletters, and updates** – continuously updated members on Covid-19 and other information. Explained details and provided links to sources, including Marin Recovers, PPE and safety protocols, PPP loans, small business grants and classes, permits and more.
- **Hands-on help** - engaged with members by email, phone and in person amidst day-to-day changes of the pandemic and business requirements.
- **Bylaws** – amended, restated and approved outdated bylaws with pro bono legal advice from attorney Jeff Schoppert.
- **Building the Board** - recruited, nominated and voted in new Directors, creating a more inclusive and diverse group.
- **Parking** - worked with City Parking and Public Works depts. to continue 15-minute parking. Promoted free weekend parking and 3-hours free holiday parking in City garages, West End lot.
- **Website updates** – updated content for BID members and public visitors, highlighted Dining Under the Lights and other events. Built status box to notify partners and public of confirmed and canceled dates, music, and mobile vaccination clinics.
- **Created/maintained online searchable directory** - Downtown businesses can create and continuously update their listing (open, special hours, sales, etc.) Drove online audience traffic to directory through banners, ads and social media.
- **City partnerships** – worked with City government and departments including Economic Development, Public Works, Parking, Parks & Recreation and SRPD.
- **Collaborations** - Partnered with Downtown San Rafael Arts District (DSRAD), SR Chamber, CFI, Marin Multicultural Center, SBDC, County Dept. of Public Health and Human Services.
- **Outdoor dining areas** – coordinated between businesses and City to secure permits to create outdoor dining in parking spaces to support restaurants during Covid.
- **Beautification initiatives** – after spearheading West End pilot Tivoli overhead lighting project in 2019, acted with City Public Works to extend the lights east to the SMART station in time for kickoff of Dining Under the Lights.



- **Donations** – was a donor partner to nonprofit Marin Multicultural Center for Dia de los Muertos events and to CFI for Mill Valley Film Festival—both bring many Marin visitors to Downtown.
- **Dia de los Muertos window displays & car procession** – 14+ Downtown merchants presented window altars for Day of the Dead. Collaboration with Marin Multicultural Center, San Rafael Dia de los Muertos, City Rec Dept. and artists.

- **Downtown San Rafael Arts District collaboration** – appointment of creative place making specialist to explore funding opportunities for BID and DSRAD.
- **Online posts of art news** – DSRAD/BID cross promotional Instagram @artsanrafael, 698 followers +37%, Facebook 524 followers, +19% from 2020.
- **Social media director** – Board member Erika Bowker actively posts to 5,600 followers on Instagram and Facebook, multiplies effects by engaging with Downtown businesses’ social media and email campaigns. BID added 2,000+ followers this year.
- **Downtown and DUTL promotion** – marketed through posters, print ads and digital media: BID website, Facebook page, NextDoor, Instagram, *Marin IJ* and *Pac Sun*, as well as PR sites and articles. Strategic paid-ad boosts on Facebook. Coached merchants to feature Dining Under the Lights (DUTL) on their websites, newsletters and email lists to increase diners and shoppers Downtown.
- **Partnered with CFI (California Film Institute) and Mill Valley Film Festival** – sponsored VIP Lounge with help from the City's Economic Development Dept. The goal was promoting foot traffic to our BID District to support local small businesses.
- **Holiday window decorating contest** – award annual prizes to bring Downtown activity and festive fun.
- **Shop San Rafael Season** - print and digital ad campaigns for holiday season and free parking.




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## EVENTS

In 2021, we produced some new and some traditional events in reduced formats due to the pandemic:

- **Dining Under The Lights** (Th. & Fri., March through Oct.)
  - **33<sup>rd</sup> Annual May Madness** (pivoted to Sat. Cruise Night, held August 28)
  - **33<sup>rd</sup> Trick or Treat on Fourth Street** (Sat. Oct. 23)
  - **2<sup>nd</sup> Dine in Costume at DUTL** (Th. Oct. 28 & Fri. Oct. 29)
  - **Clean & Green Day** (Th. April 22, Earth Day – gave free litter grabbers to BID members)
  - **Shop San Rafael Season** (featuring print and digital ad campaigns)
  - **Windows & Holiday Cheer** - (Sat, Dec. 10, shopping/hospitality evening with window decorating contest and prizes)
-

## Dining Under the Lights and Outdoor Dining Areas

In 2021, the BID and ED Eda Lochte resumed the popular Dining Under the Lights (DUTL) on-street dining program which was created early in the pandemic with substantial help from the City of SR.

We also advocated for and donated to the sparkling overhead lights to beautify our Downtown. Public Works installed the lights just in time to illuminate 4<sup>th</sup> Street dining. We also helped with permits and information/advocacy for semi-permanent outdoor dining parklets allowed through Nov. 2022. This gives participating food and drink businesses an opportunity to recoup their construction expenses.



DUTL initially gave the public an outlet to feel safely distanced and protected, enjoy a bit of normalcy and support their local small business owners. It became a fun Thursday/Friday countywide destination providing live music and community.

DUTL promotes Downtown by providing foot traffic for other businesses, expanding exposure to patrons of different demographics and giving our merchants a boost.

In addition to creating a vibrant European feel, outdoor seating also attracted a variety of diners. Families with bikes and dogs appreciate the freedom of casual outdoor dining. These improvements can stimulate higher revenues and brighter financial forecasts for our City and all Downtown businesses.

We hope to continue our successful DUTL in 2022 and beyond. Survey responses indicate most respondents love the program and wish to continue it every summer. We also plan to help guide the path to permanent outdoor seating opportunities.

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## Applause for Leaders of BID Success as They Step Down

The BID extends much appreciation to Jaime Ortiz from Bank of Marin. He has tirelessly steered the BID through some of its most challenging years and has generously devoted his time to our Downtown. After serving four one-year terms as Board president, Jaime is stepping away. But he's still contributing to the community by staying on the Board as event chair, a role he has already been fulfilling.



We also say goodbye and thank you to Eda Lochte, the executive director. She held the ED position for 10 years in the '90s and after retiring for a time, Eda was persuaded to retake the helm. Now, after four years of leading member communication and advocacy, and Board cooperation and growth, she is re-retiring.

Eda leaves several new programs in her wake. In fact, together, Jaime and Eda created a legacy Downtown—among them the twinkling overhead lights, the banners, the 15-minute parking-spaces, the outdoor dining parklets and the DUTL program.

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## The BID Organization and 2022 Work Plan

Our 2022 agenda again emphasizes ensuring the BID's organizational foundation is strong, fiscally responsible and able to promote Downtown to members and the community.

- **Communicate with members/community outreach** – continue engagement via website, email, newsletters, social media, marketing, advertising, in person
- **Beautification & Art** – work with the City advocating for making Downtown a clean, aesthetically pleasing and welcoming place
- **Add board members and volunteers** – continue to actively recruit committee members and engage prospective board members to build an inclusive environment for greater equity and diversity
- **Raise BID funding** – explore supplemental funding sources through business sponsorship of events, matching funds and more
- **Explore partnerships** – investigate deeper collaborative relationships with DSRAD and Chamber to expand BID's reach to create added visibility and excitement for Downtown
- **Partnership** – continue to align the BID with the Downtown San Rafael Cultural Arts District and the San Rafael 2040 Downtown Precise Plan
- **Executive Director search** – work to recruit BID director to strengthen Downtown's long-term success, see the [ED job description](#) for details
- **Collaborate with the City** – continue partnerships with City depts., SRPD and local groups
- **Resume Dining Under the Lights** – refine the program in partnership with the City to create an ongoing Summer outdoor dining program
- **Continue May Madness and other events** – host our legacy event and strategize best ROI opportunities for existing and possibly new events

Contact us or find current info and business directory at:

[info@SRBID.org](mailto:info@SRBID.org)

[Director@DowntownSanRafael.org](mailto:Director@DowntownSanRafael.org)

[DowntownSanRafael.org](http://DowntownSanRafael.org)

### Our Mission

The Business Improvement District promotes the economic vitality of Downtown and the common interests of Downtown business owners. We help promote a district that's a welcoming place to shop, dine, work, live in and enjoy.

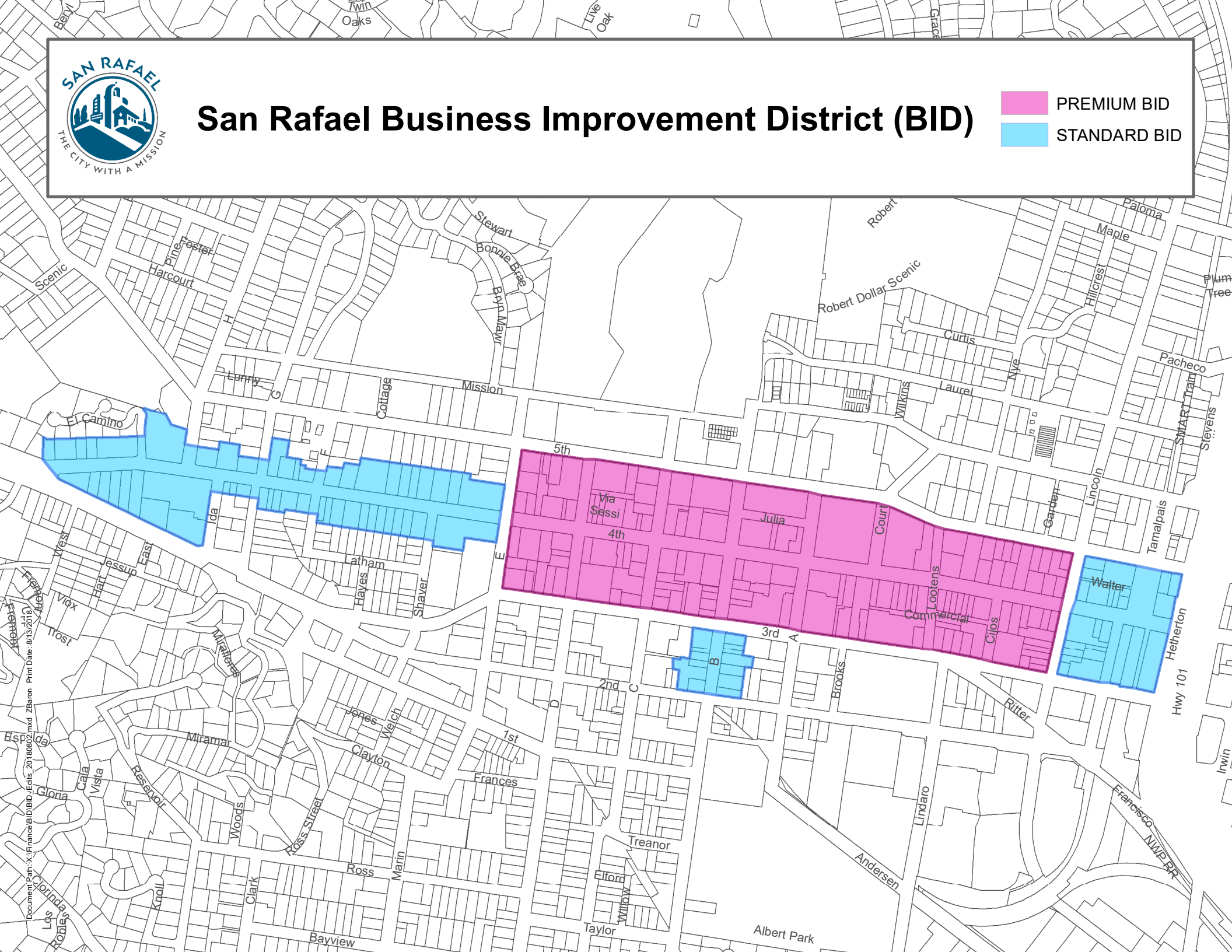
### Our Vision

Downtown is the cultural heart and soul of our City, where activity, dining, entertainment and commerce blends with creative and entrepreneurial spirit. Downtown is where hometown pride and community thrive.



# San Rafael Business Improvement District (BID)

- PREMIUM BID
- STANDARD BID



## 2021 BID Assessment Formula

### Exhibit B

Type of Business	Standard	Premium
Retail on the Ground Floor, Restaurant, Personal Services on the Ground Floor	\$175	\$225
Retail on the Ground Floor, Restaurant, Personal Services on Ground Floor with Less than \$100,000 in Gross Receipts	\$150	\$175
Offices, Professional, Personal Services, not on Ground Floor, Retail not on Ground Floor	\$75	\$100
Personal Services Sole Practitioner	\$25	\$50
Non-Profit Organization and Fine Artists	\$50	\$50
Financial Institution	\$375	\$425

San Rafael Downtown BID Budget

Exhibit C

	2020 Year End Fund Balance	\$69,153	2021 Year End Fund Balance	\$74,184
Revenues	2021 Programs	Year 2021 Estimated Year End	2022 Programs	Year 2022 Proposed Budget
	BID Assessments	\$75,930	BID Assessments	\$75,000
	Corporate Sponsorship	\$4,000	Event Income (May Madness)	\$35,000
	Interest	\$5		
<b>Total Operating Income</b>		<b>\$79,935</b>		<b>\$110,000</b>
<b>Expenses</b>				
<b>Events</b>	Trick or Treat	(\$2,250)	May Madness	(\$20,000)
	Day of the Dead	(\$500)	<u>Other Events/Costs:</u>	(\$20,000)
	Shop Local	(\$550)	Trick or Treat	
	Event Staffing	(\$2,120)	Shop Local Saturday	
			West End Celebration	
			West End Events	
			Hops and Vines	
			Event Staffing	
<b>Events subtotal</b>		<b>(\$5,420)</b>		<b>(\$40,000)</b>
<b>Initiatives</b>	Dining Under the Lights (includes BID staff costs)	(\$32,500)	Dining Under the Lights (includes BID staff costs)	(\$28,000)
			Community Donations (from May Madness)	(\$5,000)
			Downtown SR Arts District (DSRAD)	(\$5,000)
			Beautification	(\$10,000)
<b>Initiatives subtotal</b>		<b>(\$32,500)</b>		<b>(\$48,000)</b>
<b>Marketing &amp; Promotions</b>	Event Advertising/Marketing	(\$8,900)	Event Advertising/Marketing	(\$10,000)
	Website Maintenance	(\$1,450)	Website Maintenance	(\$2,000)
	BID Member Communication	(\$475)	BID Member Communication	(\$500)
	Social Media	(\$1,100)	Social Media	(\$1,500)
<b>Marketing &amp; Promotions Subtotal</b>		<b>(\$11,925)</b>		<b>(\$14,000)</b>
<b>Operating Expenses</b>	Staffing	(\$16,500)	Staffing	(\$22,000)
	Insurance	(\$4,279)	Insurance	(\$4,300)
	Office Expense (supplies, communications, etc.)	(\$2,800)	Office Expense (supplies, communications, etc.)	(\$3,500)
	Professional Fees	(\$1,480)	Professional Fees	(\$1,700)
			Meeting and Travel Expense	(\$500)
<b>Operating Expenses Subtotal</b>		<b>(\$25,059)</b>		<b>(\$32,000)</b>
<b>Total Expenses</b>		<b>(\$74,904)</b>		<b>(\$134,000)</b>
<b>Net Profit/(Loss)</b>		<b>\$5,031</b>		<b>(\$24,000)</b>
<b>Projected 2021 Ending Fund Balance/Carryover to 2022</b>		<b>\$74,184</b>	<b>2022 Ending Fund Balance</b>	<b>\$50,184</b>

## ***Memorandum***

To: San Rafael City Council

From: Jed Greene, Treasurer  
San Rafael Business Improvement District

Date: October 29, 2021

Re: San Rafael Business Improvement District Financial Summary

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This memorandum highlights the significant 2021 financial activity of the San Rafael Business Improvement District (BID) and the 2022 proposed budget.

### 2021

COVID -19 continued to limit our ability to host local events. In 2021, the Dining Under the Lights initiative (DUTL) was our major focus and the BID committed a majority of its available resources to DUTL, including financial resources. The BID is projected to have a net income of approximately \$5,000 leaving a cash balance of \$74,184.

Proceeds from BID assessments were higher than budgeted but lower than last year, decreasing to \$75,930, approximately 14% lower than 2020. Once again, we provided a significant financial outlay (estimated to be \$32,000 by the end of the year, slightly lower than the amount we budgeted) for DUTL, a vital program for the local restaurant industry, as well as other Downtown businesses and the community as a whole.

### 2022

Although we are hopeful that life will return to normal in 2022, Covid-19 continues to cloud the future. We plan to be more active next year and, although we anticipate that our BID assessment revenue will not fully return to its normal levels, we have enough cash reserves to support our planned expenditures. A majority of our discretionary spending will be used to support the Dining Under the Lights initiative and our other marketing and events. The BID projects to have a net loss of \$24,000 in 2022, but our cash reserves give us the ability to continue to help local businesses and the community. Our anticipated cash balance at the end of 2022 is \$50,184.



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: Public Works**

**Prepared by: Rafat Raie,  
Deputy Director of Public Works**

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

**TOPIC: RESIDENT APPEAL OF AN AT&T ENCROACHMENT PERMIT**

**SUBJECT: CONSIDERATION OF A RESIDENT APPEAL FROM THE ISSUANCE OF AN ENCROACHMENT PERMIT TO AT&T TO INSTALL A UTILITY CABINET IN THE PUBLIC RIGHT-OF-WAY ALONGSIDE PROPERTY LOCATED AT 109 BAYVIEW STREET, SAN RAFAEL**

**RECOMMENDED ACTION:** Adopt resolution denying appeal and upholding the issuance of the encroachment permit to AT&T to install a utility cabinet in the public right-of-way alongside the property located at 109 Bayview Street in San Rafael.

**BACKGROUND:** California Public Utilities Code section 7901 provides that telephone corporations may construct lines and erect equipment along public roads in ways and locations that do not “incommode the public use of the road.” However, the law also permits a city to impose reasonable “time, place, and manner” regulations on the location of such facilities in the public right-of-way. San Rafael Municipal Code Section 11.04.030.010 establishes a requirement for an encroachment permit any time a person, utility, or special district encroaches in the public right-of-way. City Council Resolution No. 12371, Attachment 3, adopted on October 25, 2007, established standard specifications and requirements for the design and installation of encroachments within the public right-of-way. Exhibit “A” to the resolution details design requirements for above-ground encroachments in the right-of-way.

On June 21, 2021, AT&T applied for encroachment permit No. EP2106-060 to place a fiber cabinet near the Southeast corner of the intersection of Bayview Street and D Street. According to the permit application package, Attachment 2, the proposed cabinet is approximately 3.5 ft(H) x4 ft(W) x2 ft(D) and is proposed to be placed in the planter strip by 109 Bayview Street, approximately 16 ft east of the Southeast curb return of the intersection of Bayview Street and D Street. The planter strip and sidewalk are within the City’s right-of-way and installation of the proposed cabinet requires a utility/special district encroachment permit. The application was reviewed by Public Works staff for compliance with City Municipal Code and the adopted resolution. City staff found that the application complied with the City’s requirements, and approved issuance of the encroachment permit on July 16, 2021.

Any person aggrieved by City action on a utility/special district encroachment permit can file an appeal pursuant to San Rafael Municipal Code Section 11.04.060.040, which provides:

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

## RESIDENT APPEAL OF AN AT&T ENCROACHMENT PERMIT / Page: 2

*Any person aggrieved by the director's action on a utility/special district encroachment permit application may appeal by submitting a written appeal to the city council, along with any applicable appeal fee as provided in the city's master fee schedule, within fifteen (15) days of the date on which action was taken on the application. The city council shall hold a hearing on the appeal at its next regularly scheduled meeting not less than fourteen (14) days after receipt of the appeal, and shall give the applicant and the appellant at least ten (10) days' written notice of the time of the hearing. The decision by the city council on the appeal shall be final.*

Appellant Rich Petovello, the owner of the 109 Bayview Street property, submitted emails and verbally appealed the issuance of the encroachment permit to AT&T. City staff accepted the appeal and scheduled a hearing before the City Council at the December 6, 2021 meeting.

**ANALYSIS:** City staff issued AT&T's encroachment permit after determining that the application complied with the standards set forth in Exhibit A to Resolution No. 12371. A detailed analysis of the application against Exhibit A is below:

- A. *Structures shall be located in a manner so as not to obstruct pedestrian passage on a sidewalk or pedestrian walking path, consistent with the access requirements of the Americans with Disabilities Act and Title 24 of the California Building Code.*

The proposed cabinet does not obstruct the pedestrian path of travel. There is a 5 ft wide sidewalk behind the cabinet and the doors open towards the street.

- B. *All structures shall be located so that sight lines shall remain unobstructed along all public rights-of-way, in accordance with the latest version of the FHWA's Manual on Uniform Traffic Control Devices (MUTCD) and the California Supplement thereto.*

The MUTCD references the American Association of State Highway and Transportation Officials (AASHTO) Geometric Design of Highway and Streets Manual for intersection sight distance design. The D Street and Bayview Street intersection is a traffic signal-controlled intersection and does not have clear sight distance requirements. The City's Municipal Code section 14.16.295, Attachment 4, includes a vision triangle requirement where the corner area measured 15 ft from the curb return shall be kept free of any visual obstruction between 3ft to 8 ft above street grade elevation. The proposed cabinet is approximately 16 ft away from the curb return and complies with the vision triangle requirement.

- C. *All new structures shall be finished in an earth tone color, or a color otherwise approved by the City Council. All existing associated structures shall be refinished to match the color of the new structures, unless the refinishing of existing structures will impair manufacturer's warranties thereon.*

The proposed cabinet is expected to match the color of the existing cabinets which are earth tone color.

- D. *Any structures to be located within the drip line of any existing tree or planting shall be evaluated by the City Arborist, and the Director may impose conditions to address concerns raised by the City Arborist's report.*

The proposed cabinet is outside of existing tree driplines.

**RESIDENT APPEAL OF AN AT&T ENCROACHMENT PERMIT / Page: 3**

- E. Structures shall not be located directly in front of the entrance to any building located on adjacent property.*

As shown on page 1 of Attachment 2, the proposed cabinet is not directly in front of the entrance to any building.

- F. No structures shall be installed adjacent to sites containing historic landmarks as identified in the San Rafael Historical/Architectural Survey, as it may be amended from time to time hereafter.*

The proposed cabinet is not adjacent to sites containing historic landmarks.

- G. All structures shall be set back a minimum of eighteen inches (18) from the face of the curb.*

As shown on page 3 of Attachment 2, the concrete pad for the cabinet is set 18 inches (1.5 ft) from the face of curb.

- H. Structures shall be set back a minimum of five (5) feet from any fire hydrant, parking meter, street light pole, driveway, curb ramp, or blue zone parking space.*

The proposed cabinet is over 5 feet from any fire hydrant, parking meter, street light pole, driveway, curb ramp, or blue zone parking space

Mr. Petovello called the Public Works Department on September 14, 2021 to express his concerns about the cabinet installation. He stated that he saw AT&T employees by his property and that he had an issue with an additional utility cabinet being placed near his property frontage since there are already 2 utility cabinets in the planter strip on Bayview Street. The City informed him that the planter strip is within the City right-of-way, not private property, and that utility companies are allowed to maintain their infrastructure within the right-of-way. Mr. Petovello wanted to know if there were any alternative locations for the cabinet, so the City put him in contact with AT&T's representative. AT&T and Mr. Petovello discussed the project and several alternatives over the following weeks.

As shown in the Alternative Options Exhibit, Attachment 5, there are currently two cabinets in the planter strip along Bayview Street. The encroachment permit application was to add a third cabinet dedicated to fiber in an existing red curb area close to the corner of D Street. After Mr. Petovello expressed his concerns over the third cabinet by his property frontage, AT&T provided two alternative options. The first option was to repurpose one of the existing cabinets closest to the driveway on Bayview Street to hold the new fiber equipment in addition to the copper equipment already stored in it. This option involved keeping the original cabinet configuration with the doors opening into the street and would require the curb in front of the cabinet to be painted red so AT&T could access the cabinet. Mr. Petovello did not approve of this option because he did not want to lose a parking space in front of his property. The second alternative involved reconfiguring the existing cabinet by the driveway on Bayview Street so the doors would swing towards the sidewalk and the parking space would not be affected. The reconfiguration would involve making a larger cabinet to accommodate the fiber and copper equipment stored there. Mr. Petovello did not approve of this option because he did not want a larger cabinet in front of his property.

The Department of Public works had a meeting with AT&T and Mr. Petovello to try to come to a solution on the issue on November 9, 2021. The situation and the required design standards



## **RESIDENT APPEAL OF AN AT&T ENCROACHMENT PERMIT / Page: 4**

were discussed with the parties but we were unable to come to an acceptable compromise, so the issue is being presented to the Council per the appeal.

Staff maintains its opinion that the proposed encroachment complies with all City requirements and recommends denial of the appeal.

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

### **OPTIONS:**

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

1. Adopt the resolution denying the appeal and upholding issuance of the encroachment permit.
2. Grant the appeal and direct staff to prepare a resolution for City Council action at a future meeting.
3. Direct staff to return with more information.
4. Take no action.

**RECOMMENDED ACTION:** Adopt the resolution denying the appeal and upholding issuance of the encroachment permit to AT&T to install a third fiber cabinet in the public right-of-way alongside the property located on 109 Bayview Street in San Rafael.

### **ATTACHMENTS:**

1. Resolution Denying an Appeal from the Issuance of an Encroachment Permit to AT&T to Install a Utility Cabinet in the Public Right-of-Way Alongside Property Located at 109 Bayview Street, San Rafael
2. EP2106-060 Application Package
3. Resolution No. 12371
4. City Municipal Code Section
5. Alternative Options Exhibit

**RESOLUTION NO.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL  
DENYING AN APPEAL FROM THE ISSUANCE OF AN ENCROACHMENT  
PERMIT TO AT&T TO INSTALL A UTILITY CABINET IN THE PUBLIC RIGHT-OF-WAY  
ALONGSIDE PROPERTY LOCATED AT 109 BAYVIEW STREET, SAN RAFAEL**

**WHEREAS**, the City of San Rafael received an encroachment permit application from AT&T to install a utility cabinet in the public right-of-way alongside the property located at 109 Bayview Street in San Rafael; and

**WHEREAS**, City staff found the proposed installation complies with the standards and specifications required by City Council Resolution No. 12371 for above-ground encroachments and approved the encroachment permit, No. EP2106-060, to place a fiber cabinet near the Southeast corner of the intersection of Bayview Street and D Street; and

**WHEREAS**, Mr. Rich Petovello, the property owner of 109 Bayview Street, appealed the issuance of the encroachment permit, expressing concerns about the proposed installation by AT&T and specifically to the location of the fiber cabinet specified in the encroachment permit; and

**WHEREAS**, the City investigated the concerns and initiated a meeting between the property owner and AT&T's representative to try to resolve the dispute, but the parties were not able to find a compromise; and

**WHEREAS**, the City Council held a hearing on the appeal on December 6, 2021 and accepted all oral and written testimony presented at the hearing; and

**WHEREAS**, the City Council makes the following findings:

1. AT&T is a telecommunications utility that has a right under state law to install facilities in the public right-of-way, subject to reasonable local time, place and manner regulations.
2. City Council Resolution No. 12371, adopted on October 25, 2007, establishes standards for the design and placement of above-ground encroachments in the City's right-of-way.
3. The staff report on appeal and evidence given at the appeal hearing establishes that there is substantial evidence that the proposed encroachment complies with each of Resolution No. 12371's standards for placement of an above-ground encroachment in the City right-of-way.
4. The appellant has presented no evidence that the proposed AT&T utility cabinet does not comply with Resolution No. 12371's standards for an above-ground encroachment into the City's right-of-way, or any other applicable regulation;

**NOW, THEREFORE, BE IT RESOLVED**, that, based upon consideration of all the evidence in the record on appeal, the City Council hereby denies the appeal and upholds the issuance of encroachment permit No. EP2106-060 to AT&T for installation of a utility cabinet in the public right-of-way alongside appellant's property at 109 Bayview Street, San Rafael.

I, LINDSAY LARA, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was regularly introduced and adopted at a regular meeting of the City Council held on Monday, the 6<sup>th</sup> day of December 2021, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

---

Lindsay Lara, City Clerk

# Attachment 2 - Resolution No. 12371

## RESOLUTION NO. 12371

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL ADOPTING STANDARD SPECIFICATIONS AND REQUIREMENTS FOR THE DESIGN, INSTALLATION AND MAINTENANCE OF ENCROACHMENTS IN THE PUBLIC RIGHT-OF-WAY

**WHEREAS**, the City Council of the City of San Rafael has adopted Ordinance No. 1862 regulating encroachments into the public right-of-way within the City; and

**WHEREAS**, Ordinance No. 1862 requires applicants for certain encroachment permits to comply with detailed specifications for design standards for above-ground encroachments, and/or for excavations in the public right-of-way, and/or for the construction of curbs, gutters, driveway cuts and related work in the public right-of-way, and authorizes the City Council to adopt such specifications by resolution; and

**WHEREAS**, the City Council has reviewed and considered the requirements and specifications attached hereto as Exhibits "A," "B," and "C," for design standards for above-ground encroachments, for excavations in the public right-of-way, and for the construction of curbs, gutters, driveway cuts and related work in the public right-of-way, and finds that adoption of such specifications will advance the public health, safety and welfare by ensuring the consistent, safe and proper construction of improvements in and to the public right-of-way; and

**WHEREAS**, the City is limited by the requirements of State law as to the extent to which it may regulate the use of its rights-of-way by telecommunications agencies, and the City Council has been advised that it may only regulate the time, place and manner of such use.

**NOW THEREFORE, IT IS HEREBY RESOLVED** by the Council of the City of San Rafael that the requirements and specifications set forth in Exhibits "A," "B," and "C,"

## Attachment 2 - Resolution No. 12371

attached hereto and incorporated herein, for design standards for above-ground encroachments, for excavations in the public right-of-way, and for the construction of curbs, gutters, driveway cuts and related work in the public right-of-way, are hereby adopted and shall apply to applications and permits for encroachments in the public right-of-way pursuant to Ordinance No. 1862, effective upon the effective date of such Ordinance.

I, JEANNE M. LEONCINI, 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 October 15, 2007 by the following vote, to wit:

AYES: COUNCILMEMBERS: Heller, Miller, Phillips & Vice-Mayor Cohen

NOES: COUNCILMEMBERS: None

DISQUALIFIED/  
ABSENT: COUNCILMEMBERS: Mayor Boro (due to absence from meeting)

  
JEANNE M. LEONCINI, City Clerk

# Attachment 2 - Resolution No. 12371

## EXHIBIT "A"

### **DESIGN AND LOCATION STANDARDS FOR ABOVE-GROUND ENCROACHMENTS IN THE PUBLIC RIGHT-OF-WAY.**

A. Structures shall be located in a manner so as not to obstruct pedestrian passage on a sidewalk or pedestrian walking path, consistent with the access requirements of the Americans with Disabilities Act and Title 24 of the California Building Code.

B. All structures shall be located so that sight lines shall remain unobstructed along all public rights-of-way, in accordance with the latest version of the FHWA's Manual on Uniform Traffic Control Devices and the California Supplement thereto.

C. All new structures shall be finished in an earthtone color, or a color otherwise approved by the City Council. All existing associated structures shall be refinished to match the color of the new structures, unless the refinishing of existing structures will impair manufacturer's warranties thereon.

D. Any structures to be located within the drip line of any existing tree or planting shall be evaluated by the City Arborist, and the Director may impose conditions to address concerns raised by the City Arborist's report.

E. Structures shall not be located directly in front of the entrance to any building located on adjacent property.

F. No structures shall be installed adjacent to sites containing historic landmarks as identified in the San Rafael Historical/Architectural Survey, as it may be amended from time to time hereafter.

G. All structures shall be set back a minimum of eighteen inches (18) from the face of the curb.

H. Structures shall be set back a minimum of five (5) feet from any fire hydrant, parking meter, street light pole, driveway, curb ramp, or blue zone parking space.

**EXHIBIT "B"**

**REQUIREMENTS AND SPECIFICATIONS FOR  
EXCAVATIONS IN THE PUBLIC RIGHT-OF-WAY**

A. Timing of Installations—Special right-of-way restoration standards.

1. No excavation shall be permitted in any portions of the public right-of-way that were constructed or resurfaced during the five (5) year period prior to the proposed excavation. This prohibition shall not apply to emergency excavations approved by the Director. A proposed excavation shall be considered an emergency if it is necessary to repair or replace underground facilities in order to prevent a disruption of services to customers or prevent injury or damage to life or property. This prohibition also shall not apply to excavations required to provide essential utility services to a property where there are no other reasonable means of providing such services to the property or where the work is mandated by state or federal laws or orders and the excavation cannot be reasonably avoided as determined in both events by the Director. In the event of an excavation permitted by this subsection, the affected right-of-way shall be restored in accordance with the right-of-way restoration standards approved by the Director.

2. The special right-of-way restoration standards described in Subsection (B)(1) also shall apply to any portions of the public right-of-way that have been constructed or resurfaced more than five (5) years before the proposed excavation, provided that the right-of-way has a pavement condition index of seventy (70) or higher as described in the City's pavement management program.

3. On an annual basis, the City and each utility, special district or other user of the public right-of-way shall coordinate their current-year and to the extent practicable their five- (5) year capital improvement programs for public right-of-way installations in order to reduce the number of excavations that occur. Such coordination shall occur annually at the time and in the manner specified by the Director. The Director may submit an annual report to the City Council on the results of this coordination process. This report may include recommendations on the timing of City right-of-way projects to accommodate street projects planned by utilities, special districts, or other users of the public rights-of-way.

B. Performance of work. No trench, for the purpose of laying pipes or conduits, shall be opened in any graded street or thoroughfare farther than necessary in front of the pipe or conduit place therein, except in case of emergency and upon consent of the Director. All such trenches shall be backfilled and the old torn-up pavement shall be removed from the street, together with the surplus excavated material, within two (2) working days from the time such material is placed upon the street, except as otherwise allowed in writing by the Director. Backfilling of an excavation shall be in accordance with the standard details and specifications of the City, or those other specifications required by the Director for the particular project, both as to material and method. Backfill shall not be placed in any excavation without compaction of the material used therein, the degree and method thereof to be in accordance with City standards and to the satisfaction of the Director. All trenches shall be restored within twelve (12) working days

## Attachment 2 - Resolution No. 12371

from the time the trench was refilled, except as otherwise approved by the Director. All open trenches (trenches not filled to finished grade) shall be covered with anti-skid metal trench plates and properly wedged. Cutback shall be placed around the plates to provide a smooth transition with the surface of the contiguous pavement. In every case, the work of repaving over all trenches shall commence immediately after said trenches are backfilled. The work of clearing up the streets is to be considered a part of the repaving work, and shall be finished within the time allowed for repaving and to the satisfaction of the Director.

C. Pavement requirements. In every case the street or thoroughfare opened or torn up shall be restored by the person opening or tearing up the same according to the standard plans and specifications for pavement on file with the office of the Director, unless otherwise approved by the Director.

D. Work to be maintained -- performance of work by City. In case the pavement or surface of the street over openings should become depressed or broken at any time due to improper or inadequate work by the permittee, the permittee for whom the street was opened shall, upon a written notice from the Director, immediately proceed to repair and restore the pavement in a proper and workmanlike manner to the satisfaction of the Director. In case the pavement is not completely restored within ten (10) working days after such notice has been given, and unless delayed by conditions beyond the permittee's control, the Director shall thereupon cause the work to be done, at the expense of the delinquent permittee, after giving the permittee not less than five (5) working days final notice.

E. Abandoned facilities. Whenever any pipe, conduit, duct, tunnel or other structure located under the surface of any public street, alley or other public place, or the use thereof, is abandoned, the person, utility or special district owning, using, controlling or having an interest therein, shall, unless otherwise approved by the Director, either remove the pipe, conduit, duct, tunnel or other structure or cap the ends to prevent water intrusion.

F. Weight limitation exemptions and designated streets.

1. Exemptions. The weight limitation set forth in Section 5.52.021 of this code shall not be applicable to vehicles operating on a project for which a grading or fill permit has been issued by the City, provided said vehicles are traveling on routes designated by City's Department of Public Works.

2. Authorized Routes. The Department of Public Works of the City shall have the authority to designate the route or routes to be traveled by vehicles operating on projects for which grading and or fill permits have been issued.

G. Security.

1. Prior to the issuance of any encroachment permit, the Director may require the permittee to deliver to the City satisfactory security in the amount of one hundred and ten percent (110%) of the total estimated cost of all work to be performed under such permit, as determined by the Director. Such security shall consist of an irrevocable letter of credit, cash



## Attachment 2 - Resolution No. 12371

deposit, or performance bond as determined by the Director. The security shall be provided in the manner required by the Director and maintained in full force and effect until the permitted work in the public right-of-way is completed to the satisfaction of the Director, at which time the amount of the security shall be reduced to ten percent (10%) of the actual cost of the work. The reduced security shall be maintained by the permittee for a period of one year as a guarantee that the work is of good quality and free from any defective or faulty material or workmanship. Any surety supplying a performance bond must be an "admitted surety insurer," as defined in Section 995.120 of the Code of Civil Procedure, authorized to do business in the State of California. Return of the security shall be conditioned upon the permittee's faithful performance of all work in the public right-of-way specified in the applicable permit. In the event the permittee fails to comply with any provisions of this chapter related to such work, or any provision of the encroachment permit or encroachment permit agreement, or other approval related to such work, any damages or loss suffered by the City as a result thereof shall be recoverable from the security, including but not limited to the full amount of any compensation, indemnification, cost of removal, or abandonment of any property of the permittee, plus reasonable attorneys' fees and costs up to the full amount of the security. Performance securities shall not be required from any utility or special district except where the Director finds that there are exceptional circumstances indicating that such security is required to protect the City.

2. Neither the provisions of this section nor any damages recovered by the City hereunder shall be construed to excuse the permittee's faithful compliance with any encroachment permit or encroachment permit agreement or limit the liability or damages of the permittee under this chapter, either to the full amount of the security or otherwise. In addition to its rights to take action under the security, the City may pursue any other remedy provided by law.

EXHIBIT "C"

**REQUIREMENTS AND SPECIFICATIONS FOR CONSTRUCTION  
OF CURBS, GUTTERS, SIDEWALKS, DRIVEWAY CUTS, ETC.  
IN THE PUBLIC RIGHT-OF-WAY.**

A. Construction materials. No sidewalk, driveway approach, curb, or curb and gutter shall be constructed other than of concrete, unless special permission therefor be first obtained from the Director by the permittee.

B. Line and grade stakes. Where the street is unimproved or where existing curbs are in poor condition, or not on official line and grade, the applicant may be required, if so directed by the Director, to hire a registered engineer at the applicant's sole expense to provide a detailed engineered plan for the frontage improvements for review and approval by the Director, to ensure that proposed improvements will be compatible with construction of future improvements by adjacent properties.

C. Performance of work. All sidewalks, driveway approaches, curbs, or curbs and gutters must be constructed in accordance with the standard plans and specifications for sidewalks, driveway approaches, curbs, or curbs and gutters on file in the office of the Director, reference to which is hereby made for further particulars. All sidewalks, driveway approaches, curb, or curb and gutter work shall be done under the general direction and to the satisfaction of the Director.

D. Gutter obstruction by driveway approaches. The Director has the power to require property owners to remove driveway approaches where they are an obstruction to the gutter, and to reconstruct driveway approaches where drainage or other conditions are unsatisfactory.

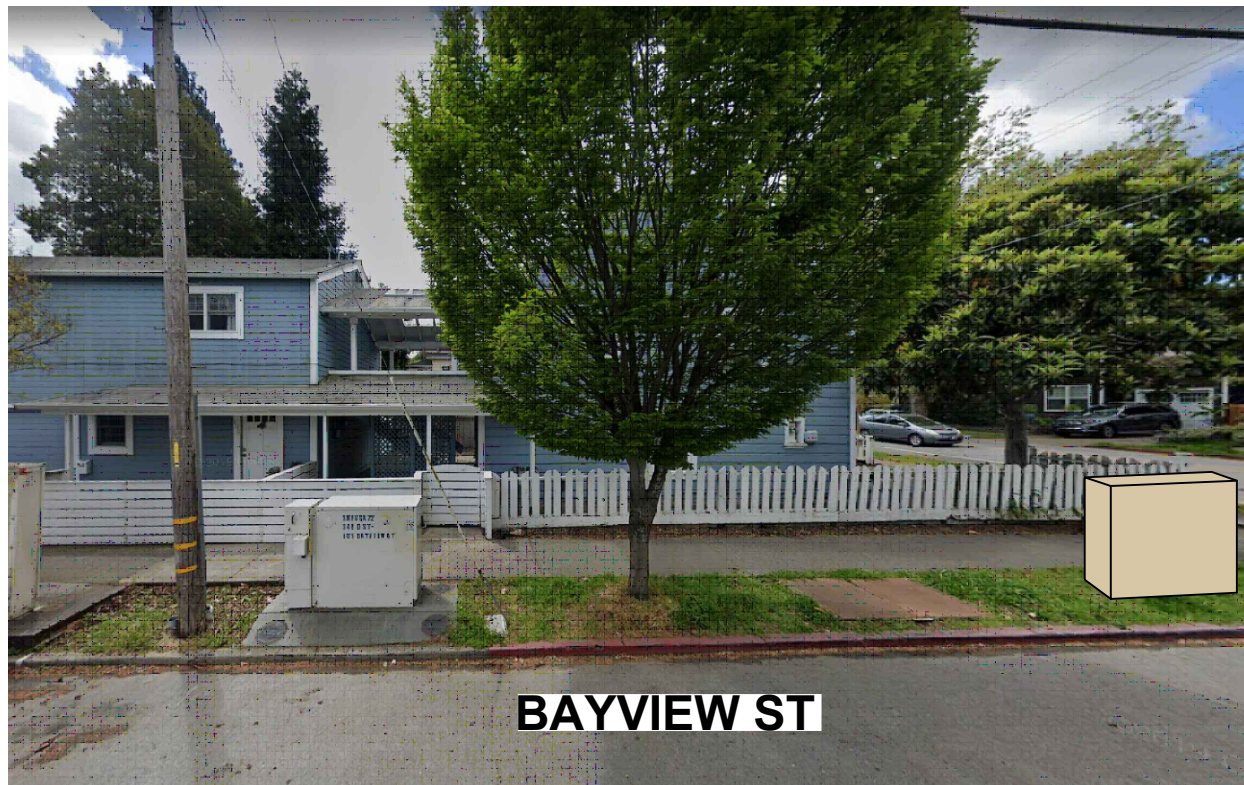
E. Limitation on width of driveway approaches.

1. No driveway entrance or approach leading from the street into any property, premises, structure or building fronting thereon, shall be constructed or maintained which is a) less than the minimum width required under the zoning ordinance; or b) greater than forty feet (40'). No additional driveway entrance or approach shall be constructed or maintained into or from the same premises at any distance closer than twenty-five feet (25') to any existing driveway entrance or approach. Where two (2) or more driveway entrances or approaches are constructed at or about the same time, they shall be constructed so as to be separated by a sidewalk area or island not less than twenty-five feet (25') in width at the narrowest point.

2. Notwithstanding the prohibition of subsection (E)1 of this section, the Director may grant an encroachment permit for the construction or maintenance of driveway entrances or approaches of any width or separation when the location or use of the subject property, public safety, or any other factors so require.

## Attachment 2 - Resolution No. 12371

F. Replacing curb where driveway no longer used. Where a curb has been broken to provide a driveway for a residence or a business and such driveway is no longer needed or used as a driveway, the owner of the property or the owner or operator of the business shall replace the curb and repair any damage done to the sidewalk by the use of such driveway. Such work shall be done in conformity with the requirements for the construction of curbs and sidewalks.



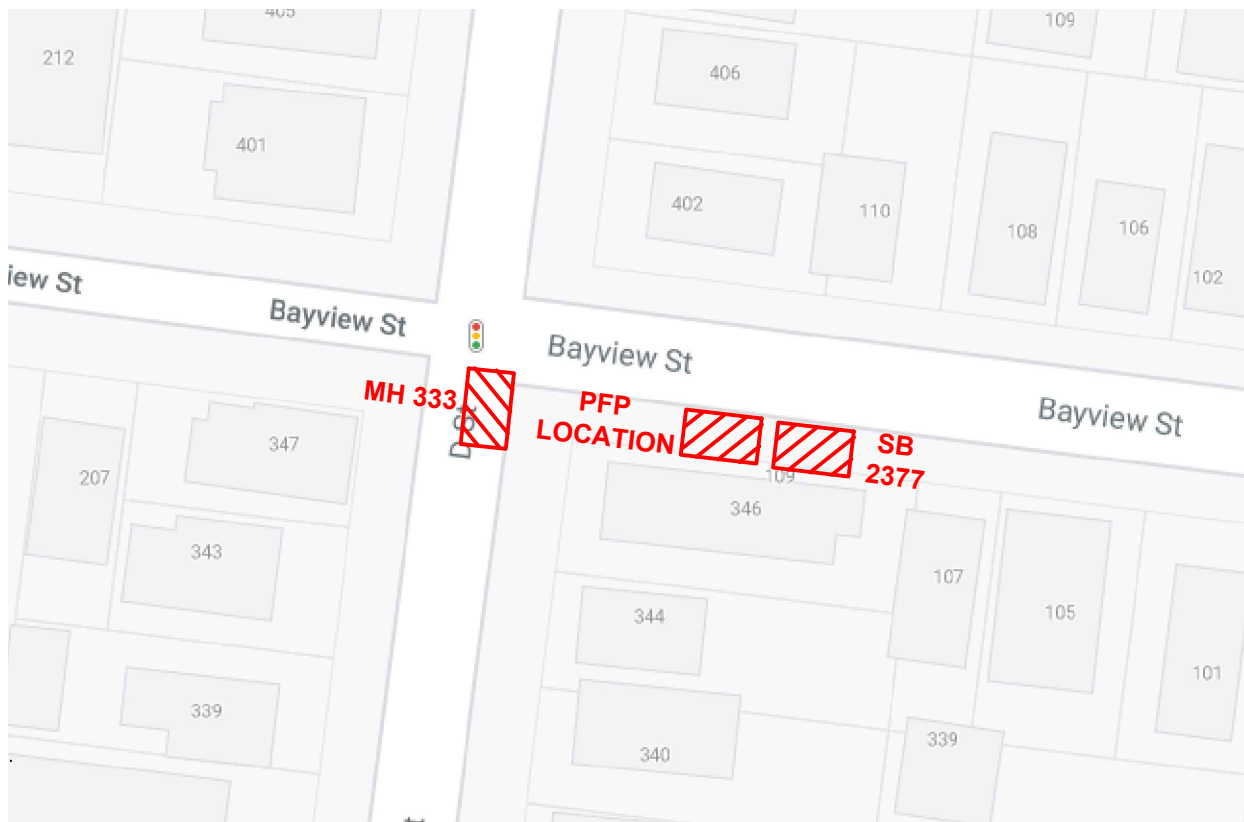
**BAYVIEW ST**

VIEW OF PROPOSED PAD MOUNTED CABINET  
LOOKING NORTH ALONG BAYVIEW ST



**BAYVIEW ST**

VIEW OF PROPOSED PAD MOUNTED CABINET  
LOOKING EAST ALONG BAYVIEW ST



**PFP PHYSICAL ADDRESS :**

109 BAYVIEW ST , SAN RAFAEL, CA 94901, USA



**BAYVIEW ST**

VIEW OF PROPOSED PAD MOUNTED CABINET  
LOOKING WEST ALONG BAYVIEW ST



ISSUE	DATE
1	04-2021

**GIGAPOWER PROJECT**  
109 BAYVIEW ST, SAN RAFAEL, CA 94901, USA

**PROJECT NO :** A01ZFFA

- AT&T WILL BE ACCESSING:**
- **MH 333 TO SPLICE**
  - **SB 2377 TO PLACE FIBER & SPLICE**
  - **PFP LOCATION TO PLACE NEW PAD MOUNTED CABINET, CONDUIT, & SPLICE FIBER**

- INDEX:**
- DWG 1. COVER SHEET
  - DWG 2. LAYOUT DRAWING
  - DWG 3. LAYOUT DETAIL DRAWING
  - DWG 4. CABINET SPECS
  - DWG 5. TCP TYPICAL
  - DWG 6. TCP TYPICAL

**CITY :** SAN RAFAEL

*CONSTRUCTION DRAWING/SUBMITTAL REVIEW*

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| <input type="checkbox"/> APPROVED            | <input type="checkbox"/> APPROVED WITH CHANGES NOTED |
| <input type="checkbox"/> REVISE AND RESUBMIT | <input type="checkbox"/> REJECTED                    |

*SUBMITTAL WAS REVIEWED FOR DESIGN CONFORMITY AND GENERAL CONFORMANCE TO MUNICIPAL REQUIREMENTS.*  
BY : \_\_\_\_\_ DATE: \_\_\_\_\_  
PERMIT # : \_\_\_\_\_



1222 VINE ST., SUITE 301  
PASO ROBLES, CA 93446  
Tel: (805) 467-2528 Fax: (805) 467-2529

**DA # 2242LA**

**GEO/CO** W371

**EXCHANGE** SNRFA01

**ENGR.** SMITH, PETER J **TEL.** \_\_\_\_\_

**ENGR ARC** \_\_\_\_\_

**TYPE OF CONSTRUCTION** GIGAPOWER PROJECT PERMIT PLAN

**RO/EST. NO.** A01ZFFA

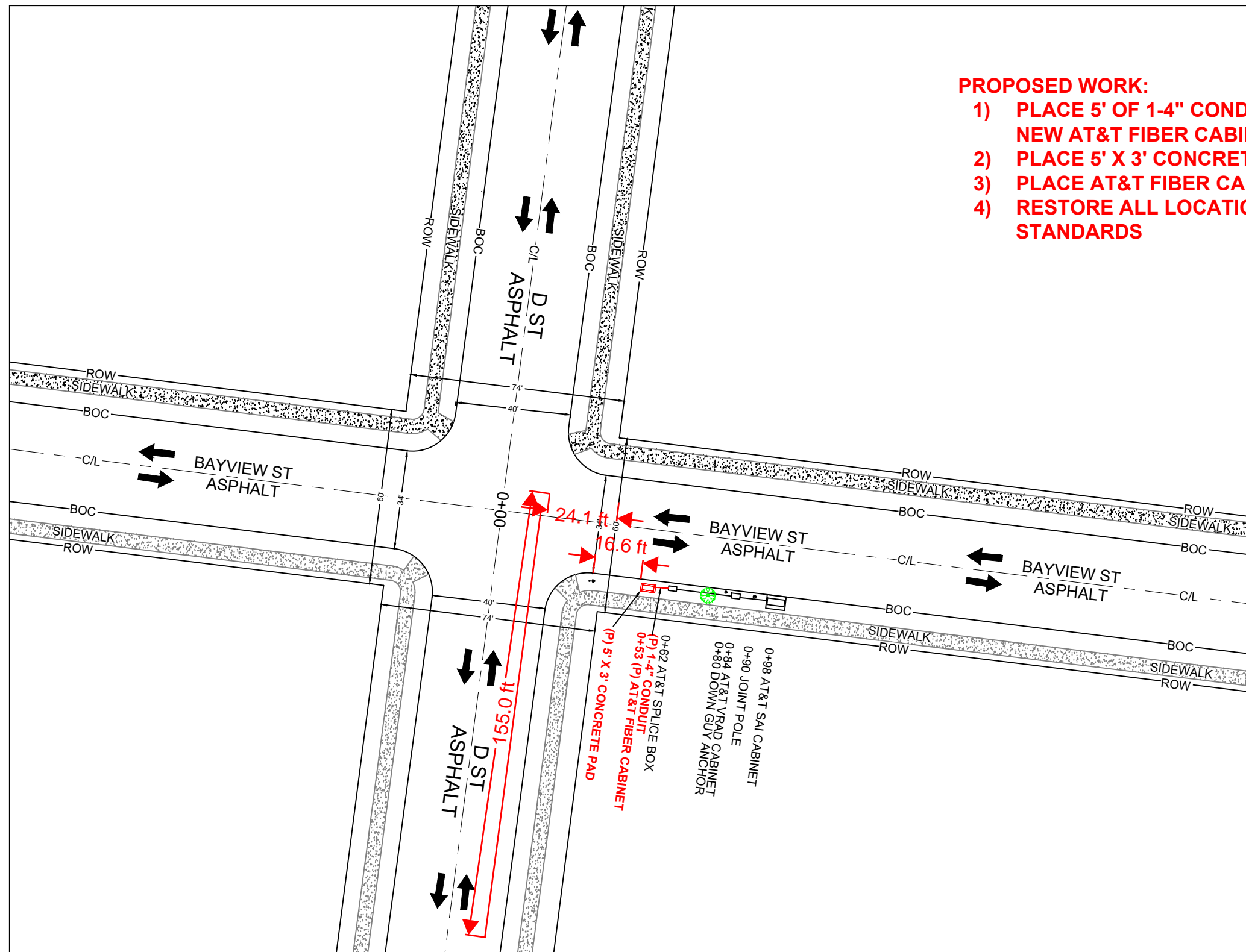
**DWG.** 1 **OF** 6



ISSUE	DATE
1	04-2021

**PROPOSED WORK:**

- 1) PLACE 5' OF 1-4" CONDUIT FROM SB 2377 TO NEW AT&T FIBER CABINET
- 2) PLACE 5' X 3' CONCRETE PAD
- 3) PLACE AT&T FIBER CABINET
- 4) RESTORE ALL LOCATIONS TO SAN RAFAEL STANDARDS



**GENERAL CONSTRUCTION NOTES:**

1. EXERCISE EXTRA CAUTION WHEN DIGGING AND PLACING THE FACILITIES FOR AT&T CALIFORNIA, AS OTHER UTILITIES MAY BE IN PROXIMITY OF THE WORK LOCATION.
2. EXTREME CARE IS TO BE TAKEN TO ENSURE MINIMAL DAMAGE TO PLANTED AREAS.
3. ALL BENDS SHALL BE INSTALLED WITH A 6'-0" MINIMUM RADIUS.
4. NOTIFY CITY OR COUNTY OFFICIALS 48 HOURS PRIOR TO STARTING ANY WORK OPERATIONS. ADHERE TO ALL PERMIT REQUIREMENTS.
5. ALL WORK AREAS TO BE RESTORED TO CITY OR COUNTY/ MUNICIPALITY STANDARDS.
6. AT&T ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE SUBSTRUCTURE INFORMATION HEREIN PROVIDED. THE USER ASSUMES RESPONSIBILITY FOR VERIFYING SUBSTRUCTURE LOCATIONS BEFORE EXCAVATING AND ASSUMES ALL LIABILITY FOR DAMAGE TO TELEPHONE FACILITIES AS A RESULT OF SUCH EXCAVATION. CALL UNDERGROUND SERVICE ALERT ON: **(800) 227-2600 48 HOURS BEFORE DIGGING IN PROXIMITY TO TELEPHONE PLANT.**

**LEGEND**

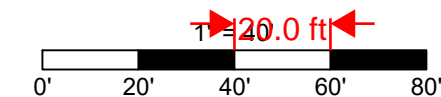
	SAI CABINET
	VARD CABINET
	SUB BOX
	STREETLIGHT
	TRAFFIC LIGHT (STANDALONE)
	MONUMENT
	FIRE HYDRANT
	POLE
	MANHOLE
	ROAD SIGN
	BOLLARD
	POTHOLE
	FENCELINE
	TREE
	HEDGE
	DIG PIT
	RIGHT OF WAY
	RIGHT OF WAY
	BACK OF CURB
	LIP OF GUTTER
	FRONT OF WALK
	BACK OF WALK
	EDGE OF DRIVEWAY
	EDGE OF WALKWAY
	SIDEWALK
	PARKSTRIP
	DRIVEWAY
	CENTERLINE
<b>UTILITIES</b>	
	WATER
	TELEPHONE
	ELECTRIC
	SANITARY SEWER
	STROM DRAIN
	GAS
	WATER VALVE
	WATER METER



CALL USA TOLL FREE  
48 HRS PRIOR TO DIGGING  
FOR ALL SUBSTRUCTURE  
LOCATIONS  
**800-227-2600 or 811**



1222 VINE ST., SUITE 301  
PASO ROBLES, CA 93446  
Tel: (805) 467-2528 Fax: (805) 467-2529



**CONSTRUCTION DRAWING/SUBMITTAL REVIEW**

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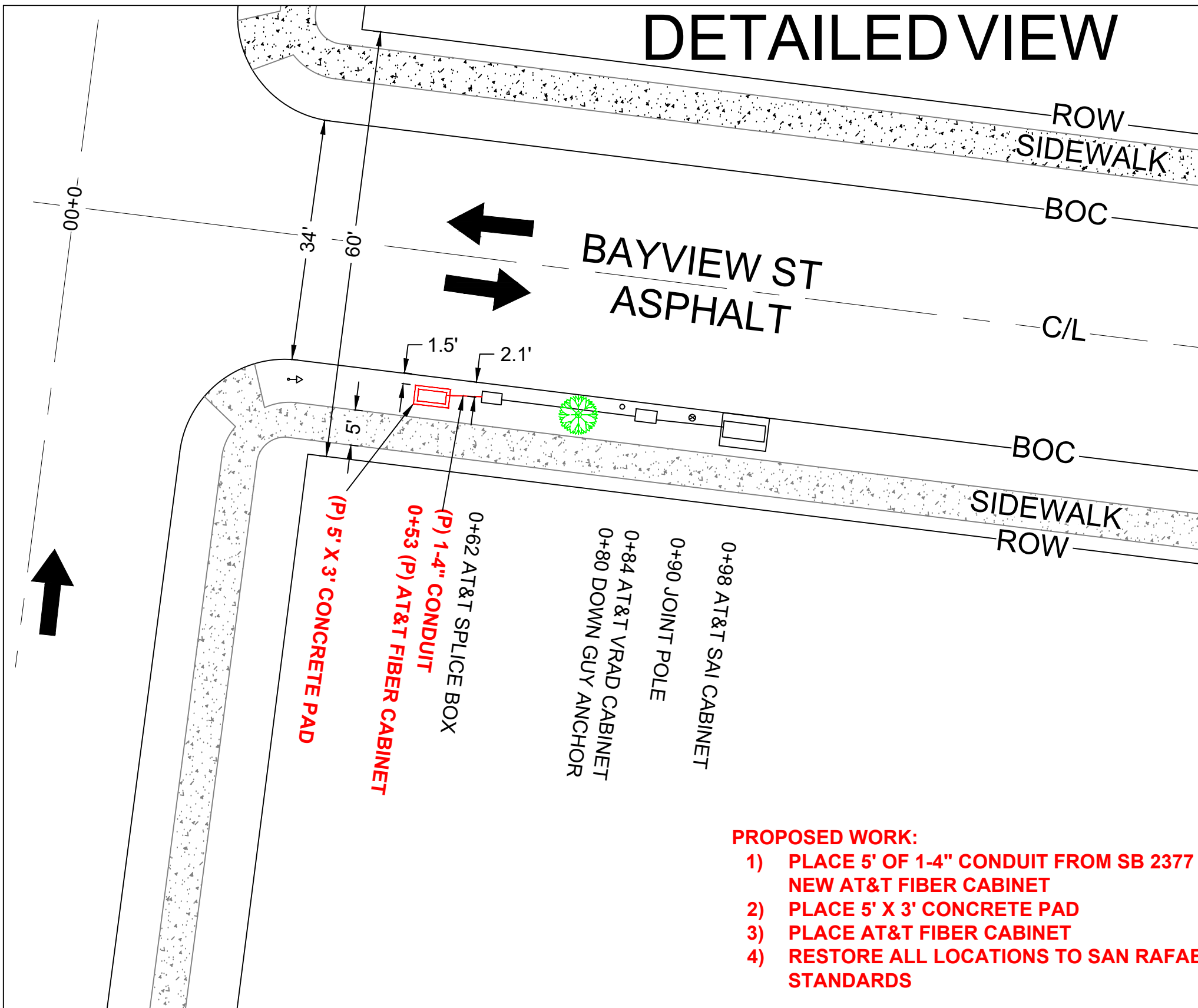
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BY : \_\_\_\_\_ DATE: \_\_\_\_\_  
PERMIT # : \_\_\_\_\_

DA # 2242LA

GEO/CO W371  
EXCHANGE SNRFCA01  
ENGR. SMITH, PETER J TEL. \_\_\_\_\_  
ENGR ARC \_\_\_\_\_  
TYPE OF CONSTRUCTION GIGAPOWER PROJECT  
PERMIT PLAN

RO/EST. NO. A01ZFFA  
DWG. 2 OF 6

# DETAILED VIEW



**PROPOSED WORK:**

- 1) PLACE 5' OF 1-4" CONDUIT FROM SB 2377 TO NEW AT&T FIBER CABINET
- 2) PLACE 5' X 3' CONCRETE PAD
- 3) PLACE AT&T FIBER CABINET
- 4) RESTORE ALL LOCATIONS TO SAN RAFAEL STANDARDS

**GENERAL CONSTRUCTION NOTES :**

1. EXERCISE EXTRA CAUTION WHEN DIGGING AND PLACING THE FACILITIES FOR AT&T CALIFORNIA, AS OTHER UTILITIES MAY BE IN PROXIMITY OF THE WORK LOCATION.
2. EXTREME CARE IS TO BE TAKEN TO ENSURE MINIMAL DAMAGE TO PLANTED AREAS.
3. ALL BENDS SHALL BE INSTALLED WITH A 6'-0" MINIMUM RADIUS.
4. NOTIFY CITY OR COUNTY OFFICIALS 48 HOURS PRIOR TO STARTING ANY WORK OPERATIONS. ADHERE TO ALL PERMIT REQUIREMENTS.
5. ALL WORK AREAS TO BE RESTORED TO CITY OR COUNTY/ MUNICIPALITY STANDARDS.
6. AT&T ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE SUBSTRUCTURE INFORMATION HEREIN PROVIDED. THE USER ASSUMES RESPONSIBILITY FOR VERIFYING SUBSTRUCTURE LOCATIONS BEFORE EXCAVATING AND ASSUMES ALL LIABILITY FOR DAMAGE TO TELEPHONE FACILITIES AS A RESULT OF SUCH EXCAVATION. CALL UNDERGROUND SERVICE ALERT ON: (800) 227-2600 48 HOURS BEFORE DIGGING IN PROXIMITY TO TELEPHONE PLANT.



ISSUE	DATE
1	04-2021

**GIGAPOWER PROJECT**  
109 BAYVIEW ST, SAN RAFAEL, CA 94901, USA

**PROJECT NO : A01ZFFA**

- INDEX:**
- DWG 1. COVER SHEET
  - DWG 2. LAYOUT DRAWING
  - DWG 3. LAYOUT DETAIL DRAWING
  - DWG 4. CABINET SPECS
  - DWG 5. TCP TYPICAL
  - DWG 6. TCP TYPICAL

CALL **USA** TOLL FREE  
48 HRS PRIOR TO DIGGING  
FOR ALL SUBSTRUCTURE  
LOCATIONS  
**800-227-2600 or 811**



1222 VINE ST., SUITE 301  
PASO ROBLES, CA 93446  
Tel: (805) 467-2528 Fax: (805) 467-2529

**DA # 2242LA**

GEO/CO W371

EXCHANGE SNRFCA01

ENGR. SMITH, PETER J. TEL. \_\_\_\_\_

ENGR ARC \_\_\_\_\_

TYPE OF CONSTRUCTION GIGAPOWER PROJECT  
PERMIT PLAN

RO/EST. NO. A01ZFFA

DWG. 3 OF 6

**CONSTRUCTION DRAWING/SUBMITTAL REVIEW**

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| <input type="checkbox"/> REVISE AND RESUBMIT | <input type="checkbox"/> REJECTED                    |

SUBMITTAL WAS REVIEWED FOR DESIGN CONFORMITY AND GENERAL CONFORMANCE TO MUNICIPAL REQUIREMENTS.  
BY : \_\_\_\_\_ DATE: \_\_\_\_\_

PERMIT # : \_\_\_\_\_





ISSUE	DATE
1	04-2021

# PFP LS576/864 CONCRETE PAD & MOUNTING BRACKET

**GIGAPOWER PROJECT**  
109 BAYVIEW ST, SAN RAFAEL, CA 94901, USA

**PROJECT NO : A01ZFFA**

**AT&T WILL BE ACCESSING:**

- **MH 333 TO SPLICE**
- **SB 2377 TO PLACE FIBER & SPLICE**
- **PFP LOCATION TO PLACE NEW PAD MOUNTED CABINET, CONDUIT, & SPLICE FIBER**

**INDEX:**  
DWG 1. COVER SHEET  
DWG 2. LAYOUT DRAWING  
DWG 3. LAYOUT DETAIL DRAWING  
DWG 4. CABINET SPECS  
DWG 5. TCP TYPICAL  
DWG 6. TCP TYPICAL

**CITY : SAN RAFAEL**

**CONSTRUCTION DRAWING/SUBMITTAL REVIEW**

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| <input type="checkbox"/> APPROVED            | <input type="checkbox"/> APPROVED WITH CHANGES NOTED |
| <input type="checkbox"/> REVISE AND RESUBMIT | <input type="checkbox"/> REJECTED                    |

SUBMITTAL WAS REVIEWED FOR DESIGN CONFORMITY AND GENERAL CONFORMANCE TO MUNICIPAL REQUIREMENTS.  
BY : \_\_\_\_\_ DATE: \_\_\_\_\_  
PERMIT # : \_\_\_\_\_



1222 VINE ST., SUITE 301  
PASO ROBLES, CA 93446  
Tel: (805) 467-2528 Fax: (805) 467-2529

**DA # 2242LA**

**GEO/CO** W371

**EXCHANGE** SNRFA01

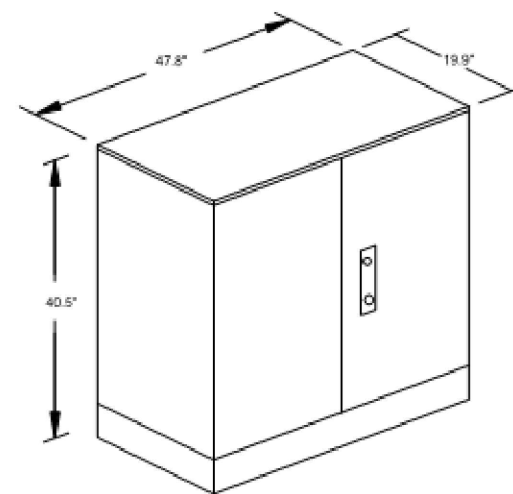
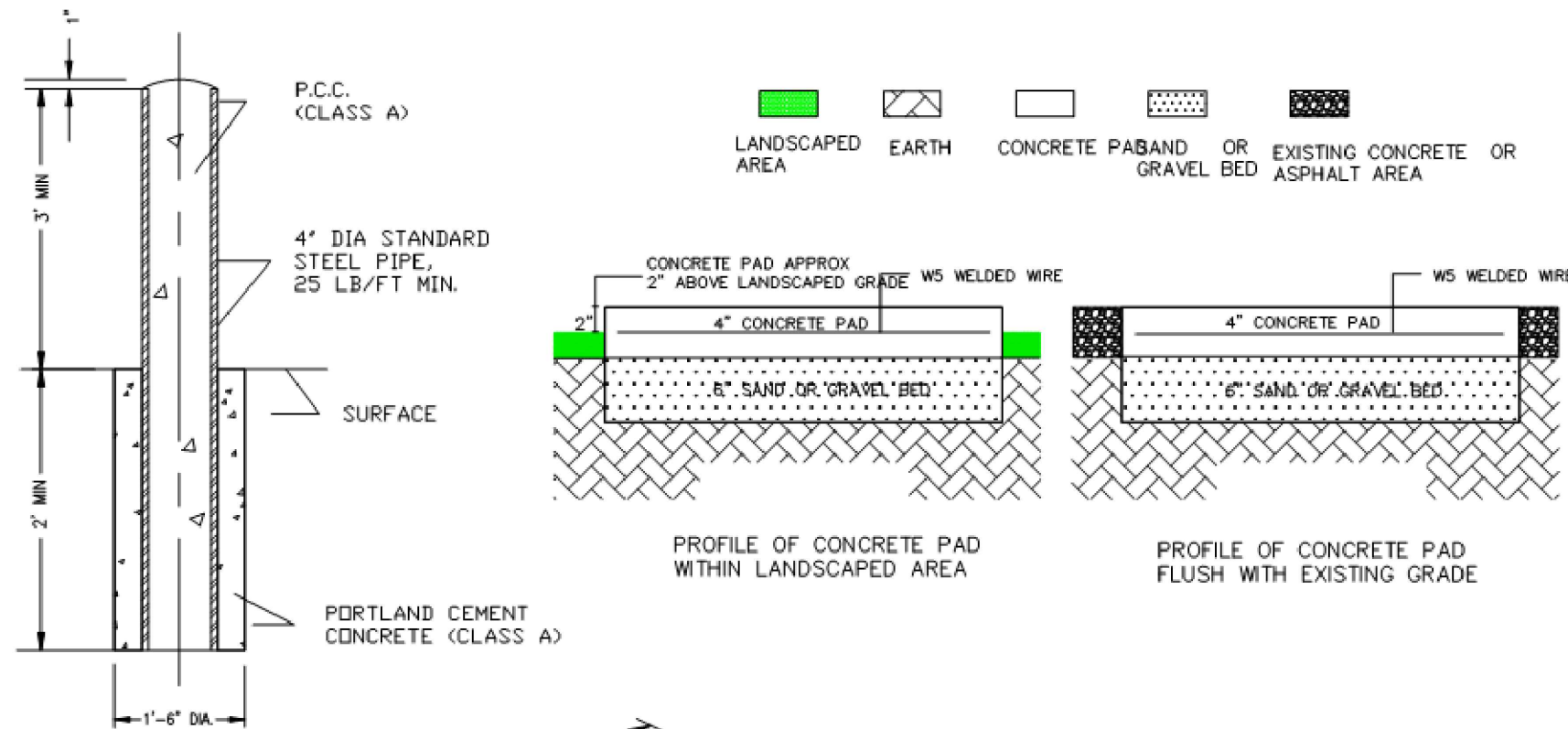
**ENGR.** SMITH, PETER J **TEL.** \_\_\_\_\_

**ENGR ARC** \_\_\_\_\_

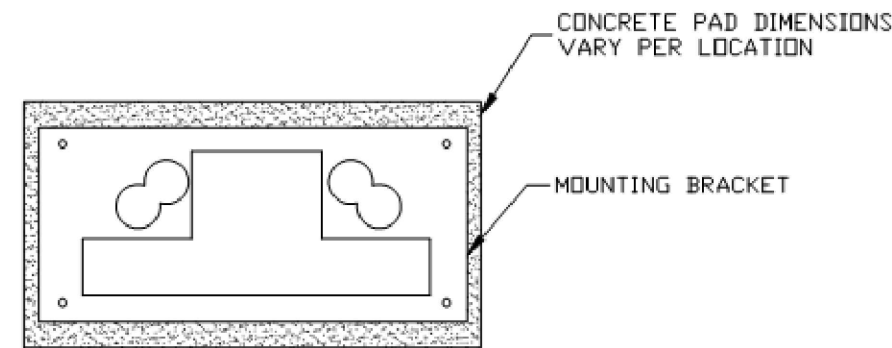
**TYPE OF CONSTRUCTION** GIGAPOWER PROJECT PERMIT PLAN

**RO/EST. NO.** A01ZFFA

**DWG.** 4 **OF** 6



**CORNING PFP LS576/864 CAB**  
49.75"(H) x 76.5"(W) x 26.0"(D)

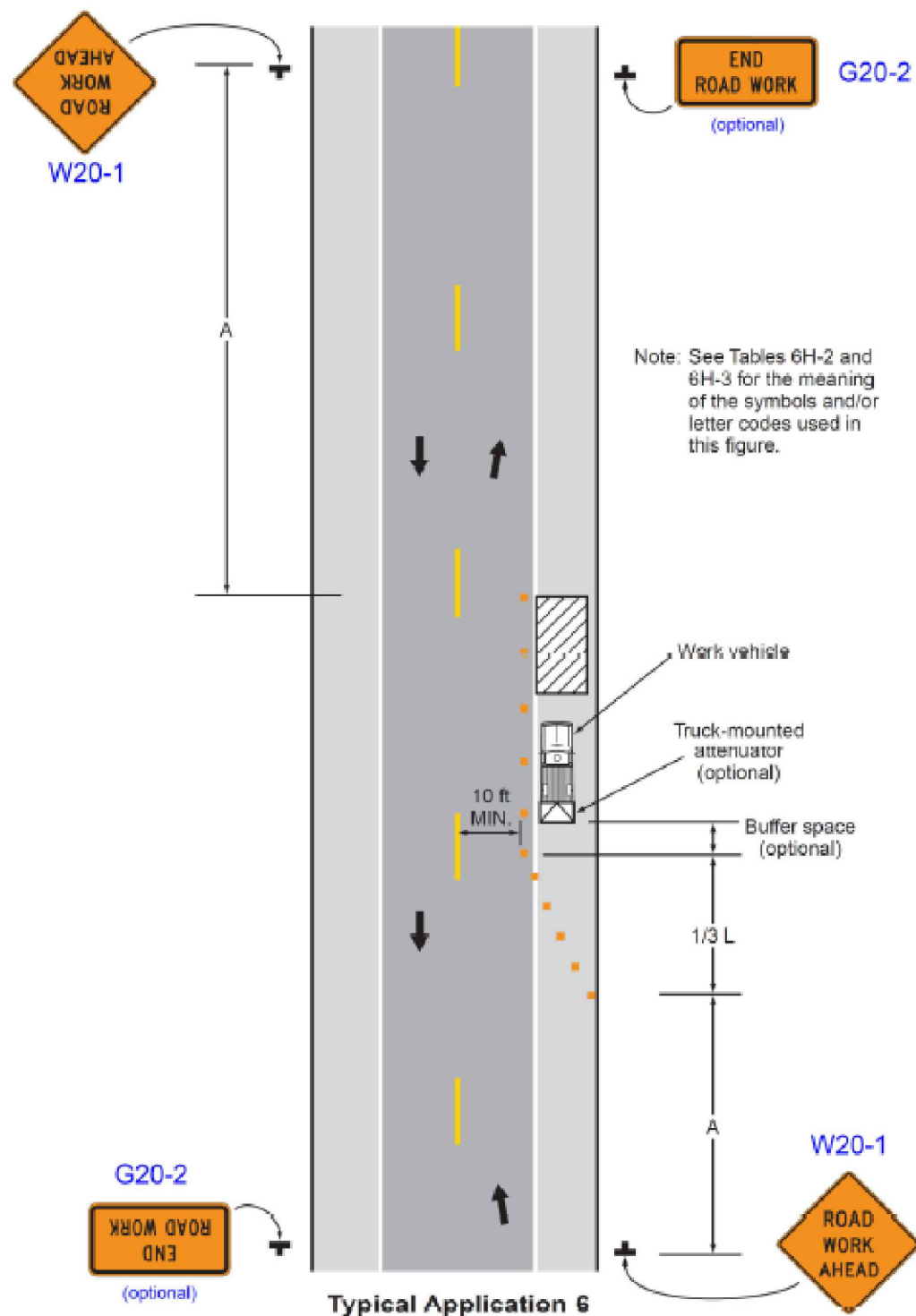


SCALE: not to scale



ISSUE	DATE
1	04-2021

Figure 6H-6. Shoulder Work with Minor Encroachment (TA-6)



Note: See Tables 6H-2 and 6H-3 for the meaning of the symbols and/or letter codes used in this figure.

**PEDESTRIAN CONTROL NOTES :**

A DEDICATED INDIVIDUAL WILL BE ASSIGNED THE RESPONSIBILITY OF ESCORTING PEDESTRIANS THROUGH THE WORK AREA IN ACCORDANCE WITH THREE MAJOR CONSIDERATIONS:

1. PEDESTRIANS SHOULD NOT BE LED INTO DIRECT CONFLICT WITH WORK SITE VEHICLES, EQUIPMENT OR OPERATIONS
2. PEDESTRIANS SHOULD NOT BE LED INTO DIRECT CONFLICT WITH MAINLINE TRAFFIC GOING THROUGH OR AROUND THE WORK SITE.
3. PEDESTRIANS SHOULD BE PROVIDED WITH A REASONABLY SAFE, CONVENIENT AND ACCESSIBLE PATH THAT REPLICATES AS NEARLY AS PRACTICAL THE MOST DESIRABLE CHARACTERISTICS OF THE EXISTING SIDEWALK OR FOOTPATH.

ROAD TYPE	DISTANCE BETWEEN SIGNS*		
	A	B	C
	FT	FT	FT
URBAN - 25 MPH OR LESS	100	100	100
URBAN - MORE THAN 25 MPH TO 40 MPH	250	250	250
URBAN - MORE THAN 40 MPH	350	350	350
RURAL	500	500	500
EXPRESSWAY/FREEWAY	1000	1500	2640

\* - The distances are approximate, are intended for guidance purposes only, and should be applied with engineering judgment. These distances should be adjusted by the Engineer for field conditions, if necessary, by increasing or decreasing the recommended distances.

SPEED (S)	MINIMUM TAPER LENGTH* FOR WIDTH OF OFFSET 12 FEET (W)				MAXIMUM CHANNELIZING DEVICE SPACING		
	TANGENT 2L	MERGING L	SHIFTING L/2	SHOULDER L/3	TAPER X	TANGENT Y	CONFLICT Z**
	FT	FT	FT	FT	FT	FT	FT
20	160	80	40	27	20	40	10
25	250	125	63	42	25	50	12
30	360	180	90	60	30	60	15
35	490	245	123	82	35	70	17
40	640	320	160	107	40	80	20
45	1080	540	270	180	45	90	22
50	1200	600	300	200	50	100	25
55	1320	660	330	220	50	100	25
60	1440	720	360	240	50	100	25
65	1560	780	390	260	50	100	25
70	1680	840	420	280	50	100	25
75	1800	900	450	300	50	100	25

\* - For other offsets, use the following merging taper length formula for L:  
For speed of 40 mph or less, L = WS<sup>2</sup>/60  
For speed of 45 mph or more, L = WS

Where: L = Taper length in feet  
W = Width of offset in feet  
S = Posted speed limit, off-peak 85th-percentile speed prior to work starting, or the anticipated operating speed in mph

\*\* - Use for taper and tangent sections where there are no pavement markings or where there is a conflict between existing pavement markings and channelizers (CA).

- INDEX:
- DWG 1. COVER SHEET
  - DWG 2. LAYOUT DRAWING
  - DWG 3. LAYOUT DETAIL DRAWING
  - DWG 4. CABINET SPECS
  - DWG 5. TCP TYPICAL
  - DWG 6. TCP TYPICAL

**LEGEND**

- ☀ PORTABLE FLASHING BEACON (P.F.B)
- TYPE III BARRICADE W/SIGN
- TYPE II BARRICADE W/SIGN
- CHANNELIZING DEVICE
- TRAFFIC CONE WITH CLIP ON SIGN
- TYPE I W/SIGN
- EXISTING SIGN
- ⊙ SIGNALIZED INTERSECTION
- FLASHING ARROW BOARD
- HIGH LEVEL WARNING DEVICE (FLAGTREE)
- FLAGGER
- TANSAT TOW AWAY NO STOPPING ANY TIME
- EXISTING DRIVEWAY
- WORK ZONE (ACTIVITY AREA) LIMITS
- DIRECTION OF TRAFFIC (NOT PAVEMENT MARKING)

**CONSTRUCTION DRAWING/SUBMITTAL REVIEW**

APPROVED  APPROVED WITH CHANGES NOTED

REVISE AND RESUBMIT  REJECTED

SUBMITTAL WAS REVIEWED FOR DESIGN CONFORMITY AND GENERAL CONFORMANCE TO MUNICIPAL REQUIREMENTS.

BY : \_\_\_\_\_ DATE: \_\_\_\_\_

PERMIT # : \_\_\_\_\_



1222 VINE ST., SUITE 301  
PASO ROBLES, CA 93446  
Tel: (805) 467-2528 Fax: (805) 467-2529

DA # 2242LA

GEO/CO W371

EXCHANGE SNRFCA01

ENGR. SMITH, PETER J TEL. \_\_\_\_\_

ENGR ARC \_\_\_\_\_

TYPE OF CONSTRUCTION GIGAPOWER PROJECT  
PERMIT PLAN

RO/EST. NO. A01ZFFA

DWG. 5 OF 6

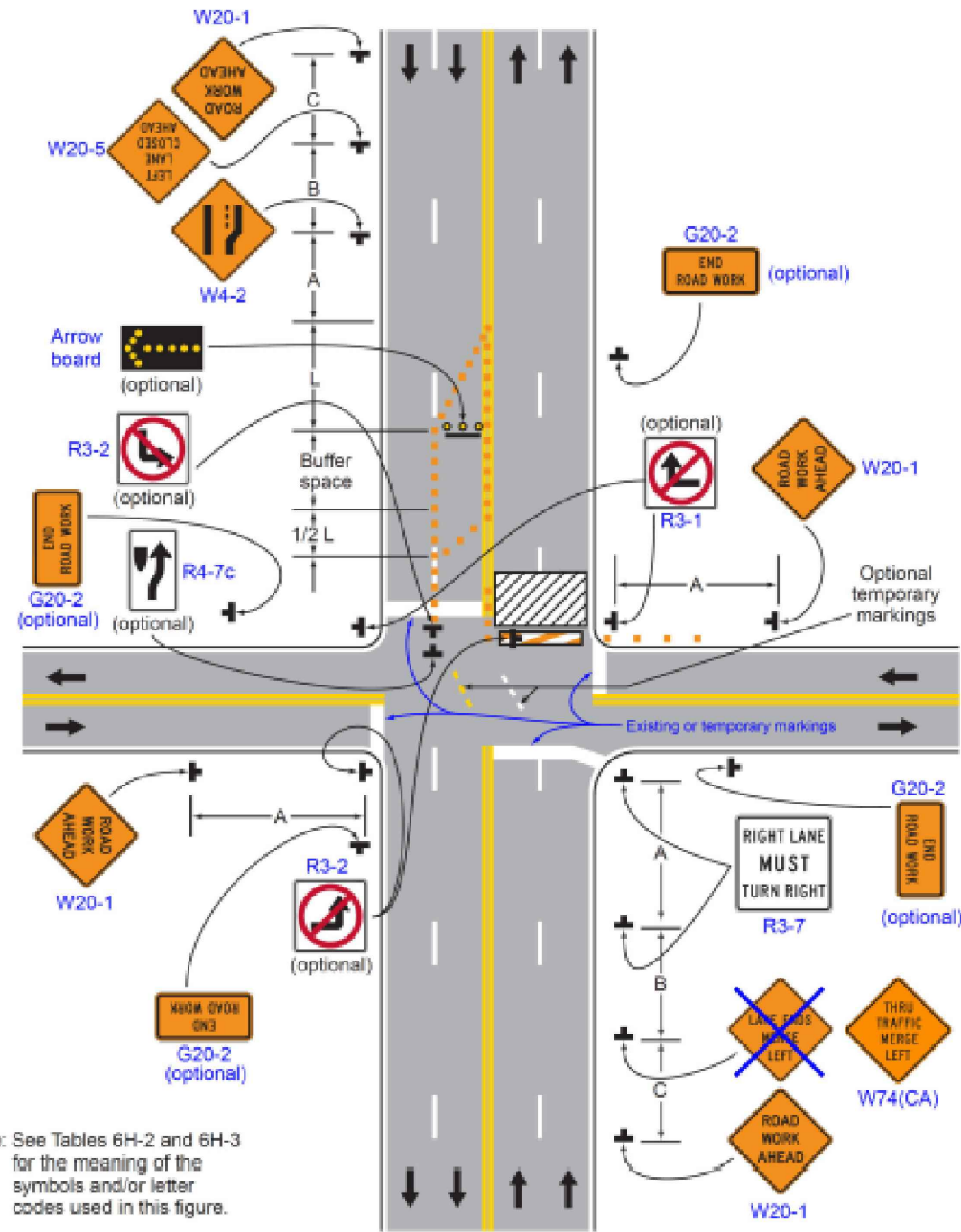


TYPICAL APPLICATION APPLIES  
FOR MH 333



ISSUE	DATE
1	04-2021

Figure 6H-24. Half Road Closure on the Far Side of an Intersection (TA-24)



Typical Application 24

Note: See Tables 6H-2 and 6H-3 for the meaning of the symbols and/or letter codes used in this figure.

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LEGEND

	PORTABLE FLASHING BEACON (P.F.B.)
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	SIGNALIZED INTERSECTION
	FLASHING ARROW BOARD
	HIGH LEVEL WARNING DEVICE (FLAGTREE)
	FLAGGER
	TANSAT TOW AWAY NO STOPPING ANY TIME
	EXISTING DRIVEWAY
	WORK ZONE (ACTIVITY AREA) LIMITS
	DIRECTION OF TRAFFIC (NOT PAVEMENT MARKING)

CONSTRUCTION DRAWING/SUBMITTAL REVIEW

- APPROVED
- APPROVED WITH CHANGES NOTED
- REVISE AND RESUBMIT
- REJECTED

SUBMITTAL WAS REVIEWED FOR DESIGN CONFORMITY AND GENERAL CONFORMANCE TO MUNICIPAL REQUIREMENTS.  
BY : \_\_\_\_\_ DATE: \_\_\_\_\_  
PERMIT # : \_\_\_\_\_



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GEO/CO W371  
EXCHANGE SNRFA01  
ENGR. SMITH, PETER J TEL. \_\_\_\_\_  
ENGR ARC \_\_\_\_\_  
TYPE OF CONSTRUCTION GIGAPOWER PROJECT  
PERMIT PLAN

RO/EST. NO. A01ZFFA  
DWG. 6 OF 6

14.16.295 - Sight distance.

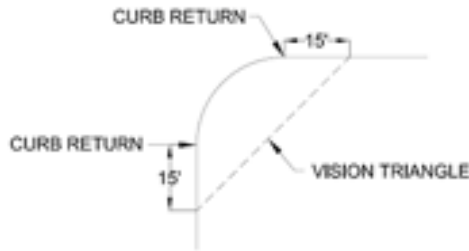
## Attachment 3 - Municipal Code Section

Fencing, vegetation and improvements shall be established and maintained only in a manner that does not reduce visibility for the safe ingress and egress of vehicles or pedestrians within a required vision triangle, e.g., fifteen feet (15') from the curb return at any intersection or driveway, or as determined by the director of public works. In general, fencing and improve

ments or vegetation located within the established vision triangle (as determined below) shall not exceed a height of three feet (3') as measured above the adjacent street pavement. The vision triangle shall be kept free of any visual obstruction between a height of three feet (3') to eight feet (8') above the street grade elevation.

The typical vision triangle area shall be determined as follows:

**Illustration 14.16.295**



For locations that have obstructions due to unique site constraints or topography, the vision triangle shall be determined by the director of public works.

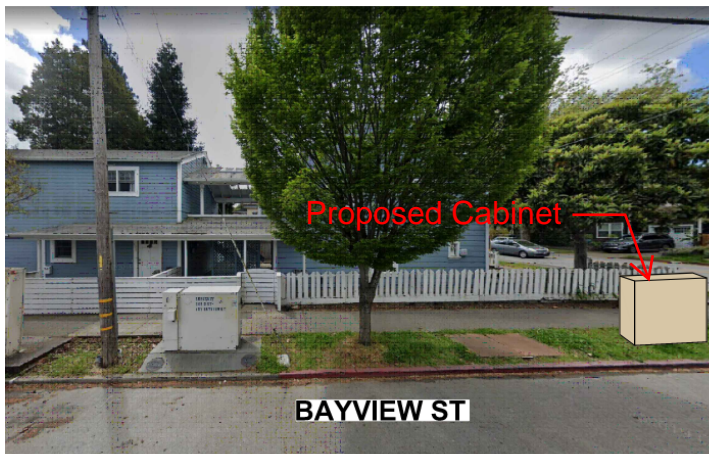
(Ord. No. 1923, § 2(Exh. A), 6-16-2014)



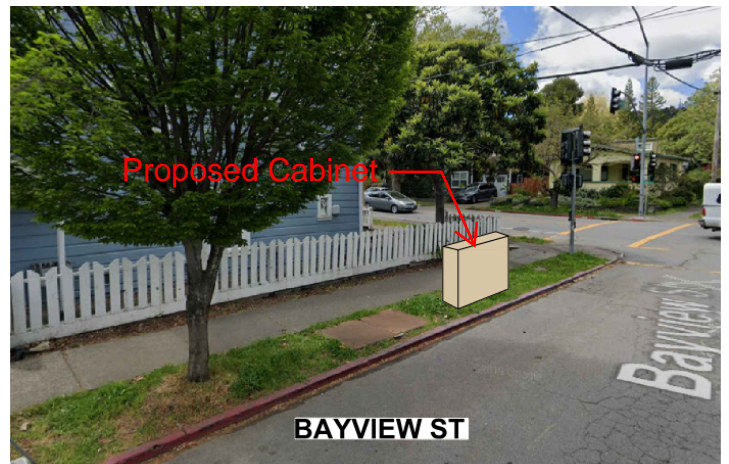
Existing Conditions



Existing Conditions

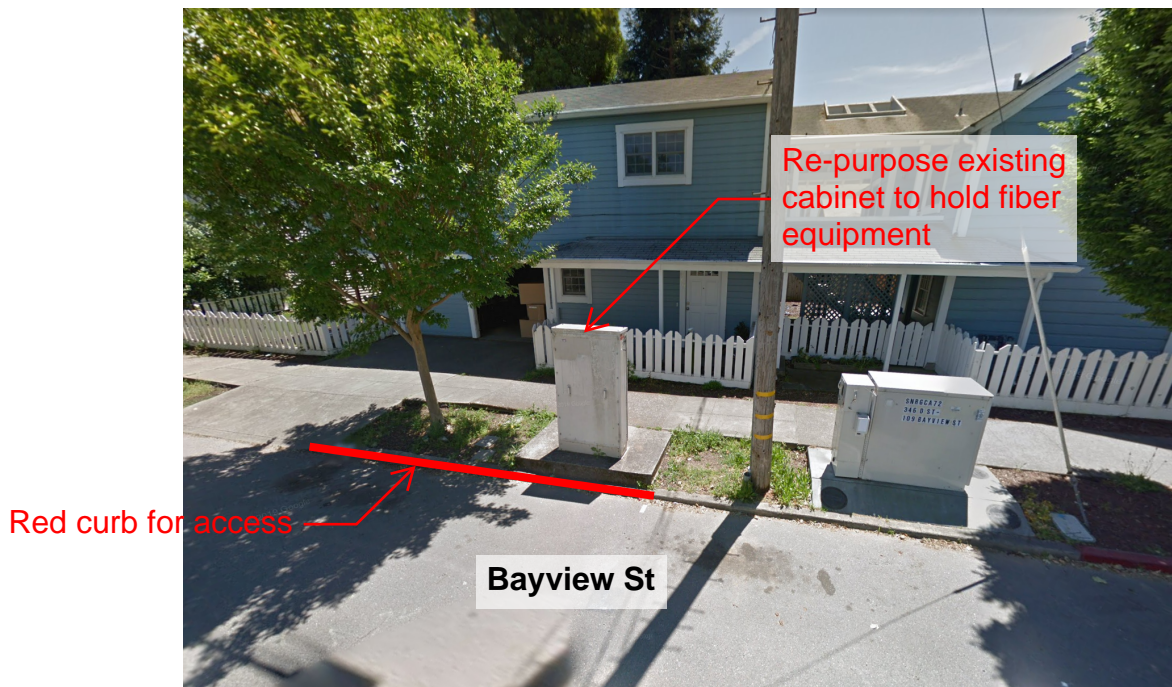


VIEW OF PROPOSED PAD MOUNTED CABINET  
LOOKING NORTH ALONG BAYVIEW ST



VIEW OF PROPOSED PAD MOUNTED CABINET  
LOOKING EAST ALONG BAYVIEW ST

Original Application -  
3rd Cabinet on Bayview in Red Curb Zone



1st Alternative -  
Re purpose Existing Cabinet near Driveway

Keep doors swinging towards street and add red curb for access



Existing	68T x 40W x 12D
Proposed	68.75T x 76.75W x 26D
Delta	0.75T x 36.75W x 14D

2nd Alternative -  
Re purpose Existing Cabinet near Driveway

Reconfigure the cabinet so the doors swing toward the sidewalk so the parking space could be preserved