



AGENDA

SAN RAFAEL CITY COUNCIL – MONDAY, APRIL 4, 2022

REGULAR MEETING AT 7:00 P.M.

Watch on Webinar: <https://tinyurl.com/cc-2022-04-04>

Watch on YouTube: 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 Assembly Bill 361, the City of San Rafael is offering teleconference without complying with the procedural requirements of Government Code section 54953(b)(3). This meeting will be held virtually using Zoom and is being streamed to YouTube at www.youtube.com/cityofsanrafael.

How to participate in the meeting:

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

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

OPEN SESSION

1. None.

CLOSED SESSION

2. Closed Session: - None.

OPEN TIME FOR PUBLIC EXPRESSION

The public is welcome to address the City Council at this time on matters not on the agenda that are within its jurisdiction. Please be advised that pursuant to Government Code Section 54954.2, the City Council is not permitted to discuss or take action on any matter not on the agenda unless it determines that an emergency exists, or that there is a need to take immediate action which arose following posting of the agenda. Comments may be no longer than two minutes and should be respectful to the community.

CITY MANAGER'S REPORT:

3. City Manager's Report:

COUNCILMEMBER REPORTS:

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

4. Councilmember Reports:

CONSENT CALENDAR:

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

member, for separate discussion and vote.

5. Consent Calendar Items:

a. **Approval of Minutes**

Approve Minutes of City Council / Successor Agency Regular Meeting of Monday, March 21, 2022 (CC)

Recommended Action - Approve minutes as submitted

b. **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

c. **Approval for Special Event Street Closures in San Rafael**

Resolution Authorizing the Temporary Closure of Streets in San Rafael for Special Events for Calendar Year 2022 (PD)

Recommended Action - Adopt Resolution

d. **Bellam Boulevard Traffic Signal Upgrades**

Resolution Authorizing the City Manager to Sign Purchase Orders and/or Agreements with Miovision and DC Electric Group for Traffic Signal Upgrades on Bellam Boulevard at: Andersen Drive, I-580 Ramps, Francisco Boulevard East, and Kerner Boulevard (PW)

Recommended Action - Adopt Resolution

e. **Temporary Street Closure to Support an Open House for the Canal Community Based Transportation Plan**

Resolution Authorizing Alto Street Closure on Saturday, April 23, 2022 to Support a Canal Community Based Transportation Plan Open House (PW)

Recommended Action - Adopt Resolution

f. **Southern Heights Bridge Replacement Project**

Accept Completion of the Southern Heights Bridge Replacement Project, City Project No. 11282, and Authorize the City Clerk to File the Notice of Completion (PW)

Recommended Action - Accept completion and authorize the City Clerk to file the Notice of Completion

SPECIAL PRESENTATIONS

6. Special Presentations:

a. Presentation of Proclamation Supporting Celebrate Diversity Month (HR)

b. Presentation of Proclamation Supporting National Library Week (LR)

c. Presentation of Proclamation Supporting Month of the Young Child (LR)

PUBLIC HEARINGS

7. Public Hearings:

a. **Paramedic Tax Rate for Fiscal Year 2022-23**

Consideration of An Ordinance Amending the Paramedic Service Special Tax Rates within the Voter-Approved Limit, Commencing with Fiscal Year 2022-2023, for Improved Residential and Non-Residential Properties in the City of San Rafael, County Service Area No. 13, County Service Area No. 19, and the Marinwood Community Services District (FD)
Recommended Action – Pass Ordinance to print

OTHER AGENDA ITEMS:

8. Other Agenda Items:

a. **San Rafael 2023-2031 Housing Element**

Progress Report on the 2023-2031 Housing Element (CD)
Recommended Action – Accept report

SAN RAFAEL SUCCESSOR AGENCY:

1. Consent Calendar: - None

ADJOURNMENT:

Any records relating to an agenda item, received by a majority or more of the Council less than 72 hours before the meeting, shall be available for inspection online. Sign Language interpreters may be requested by calling (415) 485-3066 (voice), emailing Lindsay.lara@cityofsanrafael.org or using the California Telecommunications Relay Service by dialing "711", at least 72 hours in advance of the meeting. Copies of documents are available in accessible formats upon request.



MINUTES

SAN RAFAEL CITY COUNCIL – MONDAY, MARCH 21, 2022

REGULAR MEETING AT 7:00 P.M.

Watch on Webinar: <https://tinyurl.com/cc-2022-03-21>

Watch on YouTube: www.youtube.com/cityofsanrafael

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

Absent: None

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

OPEN SESSION – (669) 900-9128 ID: 894-8602-0233# – 6:15 PM

1. Mayor Kate announced Closed Session items.

CLOSED SESSION – (669) 900-9128 ID: 894-8602-0233# – 6:15 PM

2. Closed Session:
 - a. Conference with Legal Counsel—Anticipated Litigation
Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (d) of Government Code Section 54956.9(d)(2) and (e)(3): (One case)

Mayor Kate called the meeting to order at 7:00 p.m. and invited City Clerk Lindsay Lara to call the roll. All members of the City Council were present.

City Attorney Robert Epstein announced that no reportable action was taken in the Closed Session

held prior to the meeting.

Mayor Kate provided opening remarks, which included a land acknowledgement, gratitude to City Staff, Russia's attack on Ukraine and the two-year mark of virtual council meetings. She announced the first in-person, hybrid meeting will be on April 18.

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

OPEN TIME FOR PUBLIC EXPRESSION

- Name Withheld, addressed the City Council regarding posting a No Smoking sign next to the picnic tables at Hartzell Park, as well as, upgrading San Rafael parks.

CITY MANAGER'S REPORT:

3. City Manager's Report:

City Manager Jim Schutz announced:

- Citywide Parks & Recreation Master Plan Update – Next Community Meeting to be held on Wednesday, March 30 at 6 pm
- Friends of San Rafael Library Spring Book Sale on Friday, March 25 at 10 am and Saturday, March 26 at 9 am
- 50th Anniversary of Vivalon March for Meals Campaign

Mayor Kate invited public comment.

Speaker: Lori Schifrin

COUNCILMEMBER REPORTS:

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

4. Councilmember Reports:

- Councilmember Kertz reported on a Cal Cities Planning Academy, a Children for Change event, an Age-Friendly San Rafael meeting, and the Marin Wildfire Prevention Authority (MWPA).
- Councilmember Bushey reported on meetings with Public Works, constituent groups and the County regarding two lane closures on Pt. San Pedro Road, as well as, Loch Lomond Oversight Committee, Central Marin Sanitation Agency and MCCMC Water Committee meetings.
- Councilmember Hill reported on the Third Street Rehabilitation Project and a MCCMC Water Committee meeting.
- Councilmember Llorens Gulati reported on Economic Development and Marin Clean Energy (MCE) meetings, as well as, a Climate Solutions for Marin event.
- Mayor Kate reported on a Climate Solutions for Marin event, a Mayor Kate Walkabout, as well as, Economic Development and Safe Routes to Schools meetings, a Transportation Authority of Marin (TAM) hard hat tour and her Joint Community Conversation.

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

CONSENT CALENDAR:

Mayor Kate invited public comment.

Speaker: Lori Schifrin

Staff responded to public comment.

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

5. Consent Calendar Items:

- a. **Approval of Minutes**
Approve Minutes of City Council / Successor Agency Regular Meeting and Special Meetings of Tuesday, March 7, 2022 (CC)
Approved minutes as submitted

- b. **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)
Resolution 15044 - 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

- c. **Update to Assistant City Attorney Compensation**
Resolution Approving the Adjustment of the Compensation Schedule for the Assistant City Attorney to Align with Executive Management Salaries (HR)
Resolution 15045 - Resolution Approving the Adjustment of the Compensation Schedule for the Assistant City Attorney to Align with Executive Management Salaries

- d. **Fifth Avenue Traffic Signal Upgrades**
Resolution Authorizing the City Manager to Sign Purchase Orders and/or Agreements with Miovision and DC Electric Group for Traffic Signal Upgrades on Fifth Avenue at: C, B, A, and Court Streets (PW)
Resolution 15046 - Resolution Authorizing the City Manager to Sign Purchase Orders and/or Agreements with Miovision and DC Electric Group for Traffic Signal Upgrades on Fifth Avenue at: C, B, A, and Court Streets

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

PUBLIC HEARINGS

6. Public Hearings:

a. 2021-2022 City Council Redistricting Process

Fourth Public Hearing on Existing City Council District Lines and Possible Changes; Resolution Adjusting the Boundaries and Selecting a Preferred District Map of the City Council Districts in Accordance with California Elections Code Sections 21601-21609 and San Rafael Municipal Code Section 2.02.040 (CA)

Robert Epstein, City Attorney introduced Chris Skinnell, Legal Counsel from Nielsen Merksamer. He and Kristen Parks, National Demographics Corporation presented the Staff Report.

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

Councilmembers provided comments.

Councilmember Kertz moved and Councilmember Bushey seconded to adopt the resolution, in the form attached to the Staff Report, approving the current district map for use beginning at the City's November 2022 election.

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

Resolution 15047 - Resolution Adopting Resolution, in the Form Attached to the Staff Report, Approving the Current District Map for Use Beginning at the City's November 2022 election

b. Annual Progress Report & Housing Policy Update

Annual Progress Report (APR) on Residential Development Approved and Built in 2021 and Implementing Housing Element Programs, Including an Update on Progress Implementing City Council Housing Policy Priorities. Case No. P21-003 (CD)

Alicia Giudice, Community Development Director introduced Alexis Captanian, Housing Program Analyst and Michaela O'Brien, Building & Planning Intern who presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Grace Geraghty, Responsible Growth, Bill Carney, Sustainable San Rafael, David Smith, Sunny Lee

Staff responded to public comment.

Councilmembers provided comments.

Councilmember Bushey moved and Councilmember Kertz seconded to accept the report.

Accepted report

OTHER AGENDA ITEMS:

7. Other Agenda Items:

a. **Community Development Block Grant (CDBG)**

Resolution Recommending Community Development Block Grant (CDBG) Project Funding for the Fiscal Year 2022-23 to the Marin County Board of Supervisors (CD)

Jacob Noonan, Housing Program Manager presented the Staff Report.

Staff, including Molly Kron, Marin County Housing and Federal Grants Senior Planner, responded to questions from Councilmembers.

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

Councilmembers provided comments.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Resolution 15048 - Resolution Recommending Community Development Block Grant (CDBG) Project Funding for the Fiscal Year 2022-23 to the Marin County Board of Supervisors

b. **Permanent Local Housing Allocation (PLHA)**

Resolution Recommending Permanent Local Housing Allocation (PLHA) Project Funding for the Fiscal Year 2022-23 to the Marin County Board of Supervisors (CD)

Jacob Noonan, Housing Program Manager presented the Staff Report.

Staff, including Aline Tanielian, Marin County Planner, responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Johnson Reynolds, Cory Hiraga, Eden Housing

Councilmembers provided comments.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Resolution 15049 - Resolution Recommending Permanent Local Housing Allocation (PLHA) Project Funding for the Fiscal Year 2022-23 to the Marin County Board of Supervisors

SAN RAFAEL SUCCESSOR AGENCY:

1. Consent Calendar: - None

ADJOURNMENT:

Mayor Kate adjourned the meeting at 9:18 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2022

KATE COLIN, Mayor

DRAFT



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

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 posed 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 or recommended 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, including masking in certain indoor public settings; 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 4th day of April 2022, by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Lindsay Lara, City Clerk




Agenda Item No: 5.c
Meeting Date: April 4, 2022

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Police Department

Prepared by: Lisa Holton, Lieutenant

City Manager Approval: _____ 

TOPIC: APPROVAL FOR SPECIAL EVENT STREET CLOSURES IN SAN RAFAEL

SUBJECT: RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF STREETS IN SAN RAFAEL FOR SPECIAL EVENTS FOR CALENDAR YEAR 2022

RECOMMENDATION: Adopt a resolution authorizing the temporary closure of streets in San Rafael for special events for Calendar Year 2022.

BACKGROUND:

The San Rafael Municipal Code requires City Council approval of all special events which necessitate the temporary closure of City streets and temporary parking restrictions. In addition, California Vehicle Code section 21101(e) authorizes the City to adopt a resolution temporarily closing a portion of any street for celebrations, parades, local special events, and other purposes when, in the opinion of local authorities having jurisdiction or a public officer or employee that the local authority designates by resolution, the closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing. As of March 2022, there are seven (7) special events that are planned which require street closures and/or parking restrictions; many involve closure of Downtown streets.

Individual operational reports covering staffing and street closures will be generated for each event as the year progresses. Staff recommends that the City Council approve these special event street closures for the year 2022.

Advance approval for the majority of events will streamline the approval process without sacrificing City input and control. If approval is granted for the stated events, City Staff will continue to process all event applications as in previous years. Event producers will be required to submit a Special Event Application, fulfill insurance requirements indemnifying the City from liability associated with the event, and provide detailed information regarding operation, logistics, and activities included in the event. The

FOR CITY CLERK ONLY

File No.: _____

Council Meeting: _____

Disposition: _____

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2

Events Coordinator will ensure event organizers effectively manage community notifications of potential event impacts as well as associated street closures.

ANALYSIS:

The following table includes the seven special event street closures:

Date	Event	Location
Every Thursday between May and September 2022. Friday evenings may be added for Dining Under the Lights based on demand.	Downtown San Rafael Market and Dining Under the Lights	Fourth Street: Cijos Street to B Street; additional side streets
May 7, 2022 (Saturday)	May Madness Car Show and Parade	Fourth Street: Lincoln Avenue to H Street; A Street between Fourth Street and Fifth Avenue; Julia Street between B Street and A Street
May 23, 2022 (Monday)	State of the City	A Street: Third Street to Fourth Street. Additional details TBD.
June 4, 2022 (Saturday)	Youth In Arts Annual Fundraiser	C Street: Third Street to Fourth Street
July 30, 2022 (Saturday)	San Rafael Sunset Criterium	Fourth Street: Lootens Place to E Street; Fifth Avenue: A Street to D Street
September 18, 2022 (Sunday)	San Rafael Porchfest	Gerstle Park; Bayview Street: D Street to Clark Street; San Rafael Avenue: D Street to Clark Street; Marin Street: San Rafael Avenue to Clayton Street; Clorinda Street: Marin Street to Clark Street
October 29 & 30, 2022 (Saturday and Sunday)	Marin Endurance Festival	Point San Pedro Road: Rivera Drive to Biscayne Drive

Specific Street closure times will be determined by City Staff and the Traffic Sergeant as needed for each event day and schedule and will be noticed to the public.

COMMUNITY OUTREACH:

Merchants, businesses, residents, and the general public are notified of the street closures through a variety of traditional outlets, including mailed notices, public service messages, event posters etc. In addition, staff will use official City of San Rafael social media accounts to communicate street closure information.

FISCAL IMPACT:

Pursuant to the current City policy, Police, Public Works, and Parking Services fees and/or costs will be assessed and reimbursed by the event organizer unless directed otherwise.

OPTIONS:

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

1. Adopt the resolution authorizing the specified special event temporary street closures.
2. Adopt resolution with modifications.
3. Direct staff to return with more information.
4. Take no action.

RECOMMENDED ACTION:

Adopt resolution.

ATTACHMENTS:

1. Resolution Authorizing the Temporary Closure of Streets in San Rafael for Special Events for Calendar Year 2022

RESOLUTION NO.

**RESOLUTION OF THE SAN RAFAEL CITY COUNCIL AUTHORIZING THE
TEMPORARY CLOSURE OF STREETS IN SAN RAFAEL FOR SPECIAL EVENTS
FOR CALENDAR YEAR 2022**

WHEREAS, the San Rafael City Council has determined that it is in the best interests of the public health and safety to implement a modified Traffic Plan and Road Closure for all special events in San Rafael and nearby neighborhoods; and

WHEREAS, after reviewing plans for the events and the traffic patterns, City staff has determined and recommended that, in the interest of the safety and welfare of pedestrian and auto traffic in the downtown area, the streets shown in Table 1 of the Staff Report attached hereto and incorporated herein by reference, should be temporarily closed to through traffic for the dates and locations as specified in the Staff Report; and

WHEREAS, the specific time periods for the temporary closures described in the Staff Report shall be as determined by the City's Events Coordinator in consultation with the Police Department, and the Events Coordinator shall give timely notice to the public of those time periods by signage and/or other appropriate means;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL HEREBY RESOLVES:

1. That all the above findings are true and correct; and
2. That pursuant to the authority of Vehicle Code section 21101(e), for the safety and protection of persons, both pedestrians and vehicle drivers, the City Council hereby authorizes the temporary closure of the listed streets for the locations and dates shown on Attachment 1.

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 held on the 4th day of April 2022 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: _____

TOPIC: BELLAM BOULEVARD TRAFFIC SIGNAL UPGRADES

SUBJECT: RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN PURCHASE ORDERS AND/OR AGREEMENTS WITH MIOVISION AND DC ELECTRIC GROUP FOR TRAFFIC SIGNAL UPGRADES ON BELLAM BOULEVARD AT: ANDERSEN DRIVE, I-580 RAMPS, FRANCISCO BOULEVARD EAST, AND KERNER BOULEVARD

RECOMMENDATION: Adopt the Resolution authorizing the City Manager to sign purchase orders and/or agreements with Miovision and DC Electric Group for traffic signal upgrades on Bellam Boulevard at Andersen Drive, I-580 Ramps, Francisco Boulevard East, and Kerner Boulevard.

BACKGROUND: The majority of signalized intersections in Central San Rafael went through extensive upgrades as part of the Innovative Deployments of Enhanced Arterials (IDEA) grant program, administered by the Metropolitan Transportation Commission (MTC). The upgrades included: new traffic signal cabinets and controllers, video detection, and an Automated Traffic Signal Performance Measure (ATSPM) platform so the traffic engineering division could better monitor traffic conditions in central San Rafael.

The video detection includes travel time summaries and turning movement counts, which help the traffic engineering division make informed decisions on temporary traffic control requests, detours, and multi-modal circulation. Further, video detection allows the signals to operate with actuated timing which is more reactive and efficient than the current pre-timed system. The traffic engineering division also worked with the Department of Digital Service and Open Government to expand the fiber network throughout the city limits.

The grant funding did not cover any intersections beyond Central San Rafael. Bellam Boulevard is a critical corridor, serving both local neighborhood traffic and connecting to regional facilities, I-580 and US 101. The corridor is a coordinated system that is operated by two different agencies, the City and Caltrans. Upgrading the Bellam Boulevard corridor with detection cameras will allow Public Works to better monitor conditions and make more informed decisions that can be shared with decision makers at Caltrans and the Transportation Authority of Marin.

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

ANALYSIS: Miovision Technologies (Miovision) has provided cameras and related technology at more than 40 intersection locations in San Rafael. Staff proposes to add these new locations using the same equipment in order to have a City-wide integrated traffic monitoring system. The San Rafael Municipal Code section 11.50.090 allows the City to purchase without competitive bidding under specific circumstances where:

1. Limitations on the source or the scope and nature of the contract are such that no more than one contractor is available to meet the technical specifications and/or quality considerations of the project;
2. The work is of a highly specialized nature;
3. There would be no competitive advantage to requiring bidding for the contract;
4. The cost of the work would be significantly increased, or its completion significantly delayed;
5. There exist other specific considerations justifying the waiver of the bidding requirements.

All of the exceptions apply to this procurement as Miovision is the only technology company that supplies these cameras, the technology is highly specialized, and other, inferior technology would be more expensive and harder to procure. Miovision will provide the cameras and processing equipment plus one spare set for this project at a cost of \$109,200. DC Electric will install the video detection equipment at a cost of \$22,242, or \$25,000 with a contingency.

FISCAL IMPACT: There are sufficient funds available in the Traffic Signal Maintenance Fund (#206) for the proposed labor in the amount of \$25,000. There are sufficient funds in the Traffic Mitigation Fund (#246) for the equipment purchase in the amount of \$109,200.

OPTIONS:

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

1. Approve the resolution authorizing the City Manager to purchase five plus one spare Miovision cameras plus processing equipment in a total amount not to exceed \$109,200 and to enter an agreement with DC Electric to install the new equipment in a total amount not to exceed \$25,000.
2. Direct the Department of Public Works to modify the proposed project.
3. Direct the Department of Public Works to not proceed with the project upgrades.

RECOMMENDED ACTION: Adopt Resolution.

ATTACHMENTS:

1. Resolution
2. Miovision quotation
3. DC Electric proposal

RESOLUTION NO.

**RESOLUTION OF CITY COUNCIL OF THE CITY OF SAN RAFAEL
AUTHORIZING THE CITY MANAGER TO SIGN PURCHASE ORDERS
AND/OR AGREEMENTS WITH MIOVISION AND DC ELECTRIC GROUP
FOR TRAFFIC SIGNAL UPGRADES ON BELLAM BOULEVARD AT: ANDERSEN
DRIVE, I-580 RAMPS, FRANCISCO BOULEVARD EAST, AND KERNER BOULEVARD**

WHEREAS, the City of San Rafael desires to facilitate safe and convenient movement of vehicles, bicycles, and pedestrians within the City; and

WHEREAS, delays currently experienced by all modes could be improved with traffic signal detection; and

WHEREAS, the City has made investments in Miovision Technology (Miovision) at most other signalized intersections in Central San Rafael; and

WHEREAS, DC Electric Group is familiar with the installation of Miovision detection equipment, traffic signal cabinet upgrades, and traffic signal controller switchovers and is the City's maintenance contractor for all of its traffic signals; and

WHEREAS, Miovision Technology proposed a quote for video detection and processing equipment for \$109,200, a unique and sole source offer, and this agreement qualifies for a waiver of competitive bidding pursuant to San Rafael Municipal Code 2.55.100(C); and

WHEREAS, DC Electric Group provided a proposal for the installation of the new equipment at \$22,242; and

WHEREAS, Public works staff reviewed the terms of the agreement, as included with the staff report for this resolution, and found it beneficial to the community.

NOW, THEREFORE, BE IT RESOLVED, that, in consideration of the above, the City Council hereby waives the requirement of competitive bidding and authorizes the City Manager to execute purchase orders and/or agreements with Miovision Technologies to provide the City of San Rafael with video detection equipment in the amount of \$109,200 and with DC Electric Group for the installation of the Miovision equipment and City-furnished cabinets and controllers in the amount of \$22,242 and a contingency of \$2,758, for a total not to exceed amount of \$25,000 in forms to be approved by the City Attorney.

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 4th day of April 2022, by the following vote, to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

Lindsay Lara, City Clerk



Quote

Miovision Technologies
137 Glasgow Street, Suite 110
Kitchener, ON N2G 4X8
Tax ID #831042346

Customer: **City of San Rafael (CA)**
Payment Term: Net 30
Shipping Term: FOB Shipping Point
Software Start Date: 8/31/2021
Software End Date: 8/30/2023
Subscription Term (Months): 24

Quote Number:	Q-14446
Account Executive:	Kyle McKenzie kmckenzie@miovision.com
Date:	9/9/2021
Valid Until:	9/20/2021
Currency:	U.S. Dollar

Bill To

City of San Rafael (CA)
Public Works Dept. P.O. Box 151560
San Rafael, California 94901
United States

Ship To

City of San Rafael (CA)
Public Works Dept. P.O. Box 151560
San Rafael, California 94901
United States

Description	Term (Months)	Qty	Price	Total
Miovision SmartLink - Wireless connectivity and sensor hub, includes ruggedized TrafficLink Antenna		6	\$3,000.00	\$18,000.00
Miovision SmartSense. Requires a SmartLink and SmartView 360 to function. SmartSense provides the computation power for Miovision's Detection and Counts products (software license required).		6	\$6,700.00	\$40,200.00
Miovision SmartView 360 - 360 degree camera including bell housing only.		6	\$2,000.00	\$12,000.00
Universal Camera Mount with Universal Hub - Camera mount used for both vertical and horizontal installs		6	\$480.00	\$2,880.00
Universal Camera Extension - 6ft extension used for both vertical and horizontal installs		6	\$400.00	\$2,400.00
Ethernet Cable - 100 ft with RJ45		6	\$160.00	\$960.00
TrafficLink Performance Measures A cloud-hosted solution that proactively surfaces inefficient operations using ATSPM data. Users also have access to 12 ATSPM metrics for detailed analysis, Travel Time information, and a before/after comparison tool to measure impact.	24	3	\$1,500.00	\$4,500.00
TrafficLink Continuous Counts Continuous multimodal traffic counts with cloud-based count storage, dashboard, reporting tools, API, configuration, and software updates.	24	5	\$1,500.00	\$7,500.00
Miovision Detection Video detection license to enable detection and actuation capability and configuration. Compatible with Miovision SmartSense.		3	\$3,000.00	\$9,000.00
TrafficLink Intersection Monitoring Real time cabinet telemetry, smart infrastructure alerts, remote cabinet device access, and video streaming & recall through the web-based TrafficLink portal.	24	5	\$390.00	\$1,950.00

Description	Term (Months)	Qty	Price	Total
Managed LTE Connectivity (2GB) Miovision device connectivity, managed Internet of Things (IoT) network, corporate firewall and 2GB of high-speed LTE connectivity per intersection per month. Customer agrees that Miovision may limit and/or charge Customer for excess or unauthorized data use.	24	3	\$600.00	\$1,800.00
UPS - UPS Standard		1	\$939.00	\$939.00

Subtotal (Net) : USD 102,129.00
Tax Total : USD 7,070.70
Total : USD 109,199.70

Comms for 580 ramps, Francisco East, and Kerner.

The Customer hereby agrees to order the products outlined above at the prices indicated, and acknowledges it has read, understands and agrees to be bound by the terms and conditions outlined at <http://miovision.com/terms-and-conditions>

Date: _____

Name: _____

Signature: _____

Select Payment Type:

Credit Card*

Purchase Order

Check (Net Term 30d)**

Bank Transfer

*Requires a Credit Card Authorization form

**Requires an approved Credit Application



November 2, 2021

City of San Rafael
Department of Public Works
111 Morpew St.
San Rafael, CA 94915

Attn: Lauren Davini

Job Name: Video Detection Installations (City Furnished)
Job Location: 1.) Bellam Blvd and Andersen (S/E/C) - CITY
2.) Bellam Blvd and Kerner Blvd (N/E/C) - CITY
3.) Bellam Blvd and I-580 E/B Ramps (S/E/C) - CALTRANS
4.) Bellam Blvd and I-580 W/B Ramps (N/W/C) - CALTRANS
5.) Bellam Blvd and E. Francisco Blvd (S/W/C) - CALTRANS

Dear Lauren:

Per your request, we offer to perform the following work, based on our standard terms and conditions:

- Obtain Caltrans Double Permit with 1 page of Traffic Control Plans per location (3 pages total).
 - *NOTE: Permit Fee (**typically \$492.00**) is included in the below price as a pass-thru cost to City; however if additional costs beyond this are required, they shall be covered by City via contract change order as an adder to the total project cost..*
- Pick up City-furnished Miovision™ video detection camera, mounting brackets, and associated Smart Sense and Smart Link devices from City DPW.
- Establish temporary traffic control with Arrow Board and necessary signs/cones for lane closures.
- Install one (1) new Miovision™ camera per intersection on the pre-determined traffic signal poles per **Exhibit A**, attached.
- Install necessary Smart Sense and Smart Link components in the signal cabinet at each location.
- Furnish and install new Cat5e cable from the traffic signal cabinet to each of the new cameras (assumes conduits are accessible, free of debris, and in good working order).
- Return to meet Miovision™ representative on site (or remotely) at each location to commission the new system and confirm proper operation.
 - *NOTE: Assumes coordinating with Caltrans technician to complete commissioning in (1) day for the (3) Caltrans locations (counts only).*

Total Labor, Material, & Equipment...	\$ 21,750.00
<u>Caltrans Double Permit Fee (minimum cost)...</u>	<u>\$ 492.00</u>
Grand Total...	\$22,242.00

Work can begin within fifteen (15) days from receipt of Notice to Proceed from the City of San Rafael upon receipt (by City) of new material, including approved Caltrans Permit and Double Permit. This price is valid for 30 days and assumes work will be done directly for the City of San Rafael and excludes any other fees/permits.

Any change to the above schedule/scope of work will need to be negotiated in writing in advance of said work.

DC Electric Group, Inc. 605 W. Sierra Ave., Cotati, CA 94931 t: (707) 992-0141 f: (888) 525-8419
Lic. #949934 DIR #1000003395 SBE #1748848



This proposal is hereby accepted on this _____ day of _____, 2021.

City of San Rafael

DC Electric Group, Inc.

By: _____

Tim Carter

Title: _____

Regional Manager

Exhibit A

Bellam/Andersen - 1 camera on the luminaire of the southeast pork chop island.



Bellam/Kerner - 1 camera on the luminaire of the northeast corner



Bellam/I-580 east ramps (turning movement counts only) - 1 camera on the luminaire of the southeast corner



Bellam/I-580 west ramps (turning movement counts only) - 1 camera on the luminaire of the northwest corner.



Bellam/Francisco East - 1 camera on the pork chop island of the southwest corner





SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works Department

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

City Manager Approval: _____

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

TOPIC: TEMPORARY STREET CLOSURE TO SUPPORT AN OPEN HOUSE FOR THE CANAL COMMUNITY BASED TRANSPORTATION PLAN

SUBJECT: RESOLUTION AUTHORIZING ALTO STREET CLOSURE ON SATURDAY, APRIL 23, 2022 TO SUPPORT A CANAL COMMUNITY BASED TRANSPORTATION PLAN OPEN HOUSE

RECOMMENDATION: Adopt the Resolution authorizing Alto Street closure on Saturday, April 23, 2022 to support a Canal Community Based Transportation Plan open house.

BACKGROUND:

The City is working on a Community Based Transportation Plan (CBTP) for the Canal neighborhood. Public input is a very important component of the plan. Part of the outreach process involves hosting an event to solicit feedback and hear about the challenges the residents experience. A consulting team convened to implement the CBTP is working to identify and document commonly used walking routes in the neighborhood with the goal of making recommendations to enhance the routes to improve public lighting and pedestrian safety and to control vehicle speeds.

The consultant team for the CBTP has requested that the City allow the closure of a portion of Alto Street, a one block street next to the Canal Alliance offices, on Saturday, April 23, 2022 to host an open house to document challenges and solicit feedback on proposed improvements from residents and others. The Alto Street closure would extend from Larkspur Street to mid-block. The event is scheduled to occur between the hours of 1:00 p.m. and 4:00 p.m., which requires the street to be closed from 11:00 a.m. to 6:00 p.m. that day to provide adequate time to install and remove closures and provide traffic control support.

The partial street closure will allow people to exhibit and view the ideas safely, in an open-air setting that facilitates public health during the COVID-19 pandemic. Other businesses on this short street support this effort and can access their properties from the Belvedere Street end of Alto Street during the event.

FOR CITY CLERK ONLY

Council Meeting:

Disposition: Resolution

ANALYSIS:

Temporary road closures require that the City Council adopt a resolution finding that the closing is necessary for the safety and protection of persons using the road during the closing, per Vehicle Code section 21101(e) which states:

*“(e) Temporarily closing a portion of any street for celebrations, parades, local special events, and other purposes when, in the opinion of local authorities having jurisdiction or a public officer or employee that the local authority designates **by resolution**, the closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.”*

Department of Public Works staff will support the street closure by providing closure signage and traffic control support. The Police Department and Fire Department may provide ancillary support as well.

STREET TO BE CLOSED:

Alto Street from its intersection with Larkspur Street to mid-block at approximately the entrance to the Johnson and Daly Moving Company warehouse entrance, on Saturday, April 23, 2022 between the hours of 11:00 a.m. and 6:00 p.m. Public walk-up access to businesses will be maintained during event hours.

COMMUNITY OUTREACH:

Voces del Canal will advertise the event and ensure that the public is aware and invited to participate.

FISCAL IMPACT:

The City will provide in-kind services, such as “no parking” signage and traffic control support and advice. Any cost associated with this support will be minimal.

OPTIONS:

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

1. Adopt the resolution authorizing the temporary street closure, as recommended by staff.
2. Adopt the resolution with modifications.
3. Direct staff to return with more information.
4. Take no action.

RECOMMENDED ACTION:

Adopt the resolution.

ATTACHMENTS:

1. Resolution authorizing Alto Street closure on Saturday, April 23, 2022 to support a Canal Community Based Transportation Plan open house

RESOLUTION NO.

**RESOLUTION OF THE SAN RAFAEL CITY COUNCIL AUTHORIZING
ALTO STREET CLOSURE ON SATURDAY, APRIL 23, 2022 TO SUPPORT A
CANAL COMMUNITY BASED TRANSPORTATION PLAN OPEN HOUSE**

WHEREAS, residents in the Canal area of San Rafael have expressed interest in enhancing the street lighting and identifying other safety improvements in their neighborhood; and

WHEREAS, the City is working on a Community Based Transportation Plan (CBTP) for the Canal neighborhood. Public input is a very important component of the plan. Part of the outreach process involves hosting an event to solicit feedback and hear about the challenges the residents experience; and

WHEREAS, the consultant team for the CBTP has requested that the City allow the closure of a portion of Alto Street, a one block street next to the Canal Alliance offices, from Larkspur Street to mid-block, on Saturday, April 23, 2022 to host an open house to document challenges and solicit feedback on proposed improvements from residents and others; and

WHEREAS, after reviewing the request, City staff has determined and recommended that, in the interest of the safety and welfare of pedestrian and auto traffic, Alto Street should be temporarily closed to through traffic on Saturday, April 23, 2022 from 11:00 a.m. to 6:00 p.m. to accommodate the event;

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

1. That all of the above findings are true and correct.
2. That, pursuant to the authority of Vehicle Code section 21101(e), for the safety and protection of persons, both pedestrians and vehicle drivers, the City Council hereby authorizes the temporary closure of Alto Street for the date and time described above.

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 4th day of April 2022 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: 

TOPIC: SOUTHERN HEIGHTS BRIDGE REPLACEMENT PROJECT

SUBJECT: ACCEPT COMPLETION OF THE SOUTHERN HEIGHTS BRIDGE REPLACEMENT PROJECT, CITY PROJECT NO. 11282, AND AUTHORIZE THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

RECOMMENDATION: Accept completion of the Southern Heights Bridge Replacement Project and authorize the City Clerk to file the Notice of Completion.

BACKGROUND: Caltrans routinely inspects bridges across the state to ensure the public’s safety. Through this process, the Southern Heights Bridge was identified as needing to be reconstructed to meet current design, structural, and safety standards.

After completing design, the construction project was advertised in accordance with San Rafael’s Municipal Code on August 4, 2020 and bids were opened on September 25, 2020. On [October 5, 2020](#), the City Council awarded the construction contract to Disney Construction, Inc. in the amount of \$2,733,333 and approving a construction contingency of \$466,667 for a total appropriation of \$3,200,000. Construction began on December 14, 2020 and was substantially completed on January 31, 2022. If approved by Council, the date of project acceptance will be April 4, 2022.

ANALYSIS: Pursuant to Civil Code Section 3093, the City is required to record a Notice of Completion upon City acceptance of the improvements. This acceptance initiates a period during which project subcontractors may file Stop Notices seeking payment from the City from the funds owed to the Contractor for the project work.

FISCAL IMPACT: No fiscal impact is associated with this report.

RECOMMENDED ACTION: Accept completion of the Southern Heights Bridge Replacement Project and authorize the City Clerk to file the Notice of Completion.

- ATTACHMENTS:**
- 1. Notice of Completion

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

Recording Requested By:
The City of San Rafael

When Recorded Mail To:
Lindsay Lara, City Clerk
1400 Fifth Avenue
San Rafael, CA 94901

EXEMPT FROM RECORDING FEES PER
GOVERNMENT CODE §27383

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

NOTICE OF COMPLETION

Civil Code §§ 8182, 8184, 9204, and 9208

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is the agent of the owner of the Project described below.
2. Owner's full name is the City of San Rafael ("City")
3. City's address is 1400 Fifth Ave, San Rafael, CA 94901
4. The nature of City's interest in the Project is:
__ Fee Ownership __ Lessee X Other Public Right of Way Easement
5. Construction work on the Project performed on City's behalf is generally described as follows: Replacement of the existing wooden bridge with a new concrete bridge.
6. The name of the original Contractor for the Project is: Disney Construction, Inc. located at 533 Airport Blvd. Suite 120, Burlingame CA 94010.
7. The Project was accepted as complete on: April 4, 2022.
8. The Project is located at: Southern Heights Blvd between Meyer Road and Pearce Road.

Verification: In signing this document, I, the undersigned, declare under penalty of perjury under the laws of the State of California that I have read this notice, and I know and understand the contents of this notice, and that the facts stated in this notice are true and correct.

Date and Place

Signature

Bill Guerin, Director of Public Works
Name and Title

*EXEMPT FROM NOTARY ACKNOWLEDGMENT REQUIREMENTS PER
GOVERNMENT CODE § 27287 AND CIVIL CODE § 9208*

**City of San Rafael
PROCLAMATION**

CELEBRATE DIVERSITY MONTH IN APRIL

- WHEREAS,** In 2004, diversity educators created a proclamation to declare April “Celebrate Diversity Month” in celebration of the many backgrounds, experiences, and identities that enrich our world; and
- WHEREAS,** enhancing our understanding and celebration of diverse perspectives, backgrounds, and contributions makes San Rafael a more thoughtful and welcoming place; and
- WHEREAS,** the month of April, 2022, encompasses major celebrations and commemorations worldwide for many different groups, which include Ramadan, Vaisakhi, Easter, Ridvan, Mahavir Jayanti, and the LGBTQ+ Day of Silence; and
- WHEREAS,** the City of San Rafael Library & Recreation Department provides resources and programming specifically to educate the community on important topics such as anti-racism, equity and diversity; and
- WHEREAS,** the City of San Rafael takes great pleasure in recognizing Celebrate Diversity Month and urges all residents of San Rafael to join in celebrating the ways that recognizing our differences and diverse contributions make us a stronger and more compassionate community.

NOW, THEREFORE, I, KATE COLIN, Mayor of San Rafael, hereby proclaim the month of April 2022 as Celebrate Diversity Month and recognize the multitude of ways that our diverse and varied perspectives, identities, and experiences enrich our society and community across Marin County and San Rafael.



**Kate Colin
Mayor**

City of San Rafael
Proclamation
National Library Week - April 3 – 9, 2022

WHEREAS, libraries are accessible and inclusive places that foster a sense of connection and build community; and

WHEREAS, libraries connect people to technology, providing access to broadband internet, computers, and training that are critical for accessing education and employment opportunities; and

WHEREAS, libraries offer opportunities for everyone to connect with new ideas and become their best selves through access to multimedia content, programs, and classes – in addition to books; and

WHEREAS, today’s libraries and their services extend far beyond the four walls of a building and everyone is welcome to use their resources; and

WHEREAS, in times of crisis, libraries and library professionals play an invaluable role in supporting their communities both in person and virtually; and

WHEREAS, libraries strive to develop and maintain programs and collections that are as diverse as the populations they serve and ensure equity of access for all; and

WHEREAS, to adapt to our changing world, libraries are expanding their resources and continuing to meet the needs of their patrons; and

WHEREAS, libraries have long served as trusted and treasured institutions for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, gender identity, or socio-economic status; and

WHEREAS, libraries are cornerstones of democracy, promoting the free exchange of information and ideas for all; and

WHEREAS, libraries, librarians, and library workers are joining library supporters and advocates across the nation to celebrate National Library Week;

NOW, THEREFORE, I, KATE COLIN, Mayor of San Rafael, hereby proclaim April 2 through 8, 2022 as National Library Week. During this week, I encourage all residents to connect with their library by visiting any of the San Rafael libraries online or in person to access resources and services.



Kate Colin
Mayor

City of San Rafael
Proclamation
Week of the Young Child - April 2 – 8, 2022

WHEREAS, children’s cognitive, physical, social and emotional, and language and literacy development are built on a foundation of children’s positive interactions with adults, peers, and their environment; and

WHEREAS, quality early childhood education promotes the intellectual, emotional and physical development of children, which in turn lay the foundation for children's success in school and later life; and

WHEREAS, young children need developmentally appropriate, accessible, and available early care and education settings; and

WHEREAS, high–quality early childhood education depends on high–quality early childhood educators who ensure that children, supported by families, have the early experiences they need for a strong foundation; and

WHEREAS, public policies and programs which support early learning for all young children are crucial to their futures, and those who contribute significantly to the lives of young children in our community deserve our recognition and gratitude; and

WHEREAS, San Rafael is a strong, safe community which is supportive of families raising caring and capable children, and it appreciates the many organizations and individuals that support access to high-quality childcare programs for our young people;

NOW, THEREFORE, I, KATE COLIN, Mayor of San Rafael, hereby proclaim April 2 through 8, 2022 as the Week of the Young Child.



A handwritten signature in blue ink, appearing to read "Kate Colin".

Kate Colin
Mayor




Agenda Item No: 7.a
Meeting Date: April 4, 2022

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Fire

Prepared by: Darin White, Fire Chief
Thomas Wong, Sr. Mgmt Analyst

City Manager Approval: _____ 

TOPIC: PARAMEDIC TAX RATE FOR FISCAL YEAR 2022-23

SUBJECT: ORDINANCE AMENDING THE PARAMEDIC SERVICE SPECIAL TAX RATES WITHIN THE VOTER-APPROVED LIMIT, COMMENCING WITH FISCAL YEAR 2022-2023, FOR IMPROVED RESIDENTIAL AND NON-RESIDENTIAL PROPERTIES IN THE CITY OF SAN RAFAEL, COUNTY SERVICE AREA NO. 13, COUNTY SERVICE AREA NO. 19, AND THE MARINWOOD COMMUNITY SERVICES DISTRICT

RECOMMENDATION: Pass the Ordinance to print amending the Paramedic Service Special Tax rates within the voter-approved limit, commencing with fiscal year 2022-2023, for improved residential and non-residential properties in the City of San Rafael, County Service Area No. 13, County Service Area No. 19, and the Marinwood Community Services District.

BACKGROUND: In 1979, the voters of San Rafael approved a "Paramedic Service Special Tax" for the purpose of supporting a paramedic program. The original ordinance established [Municipal Code Chapter 3.28](#). Included in that Chapter, under Section 3.28.060, is the authority of the City Council to set the tax rates based upon a budget recommendation by the City Manager. The tax was applied at a flat rate per residential dwelling. This tax was also approved by three separate jurisdictions that receive paramedic service from the City of San Rafael. These areas included the Marinwood Community Services District (CSD), County Service Area (CSA) No.13 (Upper Lucas Valley) and County Service Area (CSA) No. 19.

In 1988, the voters approved an extension of the tax to improved non-residential properties, which was levied on a building square footage basis.

In 1996, Proposition 218 was passed by California voters, limiting local governments' ability to implement new or raise existing taxes, assessments and other property-related fees. Effectively, under Proposition 218, no tax can be added or increased without a two-thirds voter approval.

In November 2006, the voters of San Rafael passed Measure P, subsequently designated as [Ordinance No. 1846](#), which increased the ceiling on the residential tax rate to \$85.00 per residential unit and to \$0.11 per square foot of structures on non-residential property. All improved commercial and industrial sites were levied based upon Assessor square footage records for building size. The other service areas approved paramedic tax rate ceilings to coincide with San Rafael's measure. In November of 2006, CSA

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

No. 13 approved Measure H and CSA No. 19 approved Measure I, each by a 2/3 majority. Both Measures set the tax maximums at \$85.00 for residential and \$0.11 cents per square foot for non-residential properties. Similarly, in November 2006, Marinwood CSD approved Measure M to establish the same tax ceilings.

In November 2010, by a two-thirds vote, the voters of San Rafael passed Measure I, subsequently designated as [Ordinance 1891](#), which amended the Paramedic Service Special Tax rate to increase the ceiling on the residential tax rate from \$85.00 to \$108.00 per residential unit and on the non-residential tax rate from \$0.11 to \$0.14 per square foot (based on Assessor records of square footage). This vote was conducted in accordance with Proposition 218 requirements.

In November 2011, the voters of CSA No. 13 and CSA No. 19 passed Measures E and F, respectively. These measures increased the ceiling on the residential tax rate from \$85.00 to \$95.00 per residential unit and on the non-residential tax rate from \$0.11 to \$0.132 per square foot for both service areas. (Marinwood CSD continues under its Measure M at the rate of \$85.00 for residential and \$0.11 cents per square foot for non-residential. That district does not have current plans to introduce a rate increase measure on future ballots.)

The purpose of this report is to present the proposed budget upon which the recommended tax rates for Fiscal Year 2022-2023 have been determined.

ANALYSIS:

Tax rates and paramedic charges are based upon recovering the cost of service. The cost of the paramedic program expenditures has been determined in a manner consistent with prior fiscal year trends, through the study of personnel costs and economic conditions. Through prudent fiscal management and the pursuit of additional revenue and reimbursement opportunities, this tax rate has increased by an average of 1.22% per year since 2012. The proposed increase would mark the fourth instance of rate increases for the City of San Rafael since fiscal year 2011-2012. Pursuant to San Rafael Municipal Code Section 3.28.060, annual rate increases must be approved by ordinance. So long as the new tax rates are within the voter-approved limits, the tax increase is not required to be approved by the voters.

Based upon rising projected expenses outpacing revenue sources in future projections, staff recommends a \$5.00 increase in the tax rate for residential units properties in San Rafael. The recommended increase will provide additional revenue stability for items such as grants and third-party billings that may vary from year to year as well as support the allocation of funds toward critical capital needs.

This tax increase will provide additional revenues of approximately \$114,120 annually:

Jurisdiction	Current Rates	Proposed Rates	Tax Ceiling	Projected Revenue Increase
San Rafael	\$99 / \$0.140	\$104 / \$0.140	\$108 / \$0.14	\$ 114,120
CSA No. 13	\$95 / \$0.132	\$95 / \$0.132	\$95 / \$0.132	\$ -
CSA No. 19	\$95 / \$0.132	\$95 / \$0.132	\$95 / \$0.132	\$ -
Marinwood	\$85 / \$0.110	\$85 / \$0.110	\$85 / \$0.110	\$ -

The sources of funds projected to cover the fiscal year 2022-2023 program expenditures of \$8,608,000

include paramedic tax, third party billings for medical emergency response and Medi-Cal reimbursements, paramedic tax back billings, federal grants and other revenues. Attachment II provides detailed information regarding the proposed revenues and expenditures for Fiscal Year 2022-2023, as well as the estimated results for Fiscal Year 2021-2022, the previous three years of actual financial results, and three years of future year projections.

Of the fund balance, a reserve of 10% of the year-over-year change in expenses is recommended to be set aside for future operational needs to support unexpected revenue or expenditure variances. The remaining balance is recommended to be allocated to capital projects such as the Essential Facilities Phase II.

Staff recommends maintaining the current respective residential rates of \$85 per residential unit in Marinwood CSD and \$95 per residential unit in CSAs No.13 and No.19 as they have hit the cap. For nonresidential properties, staff recommends maintaining the current rate of \$0.11 per square foot in Marinwood CSD and \$0.132 per square foot for CSAs No. 13 and No. 19 as they have hit the cap. Staff recommends increasing residential rates within the City of San Rafael by \$5 to \$104 and maintaining the current nonresidential rate of \$0.14 per square foot, which is the cap. (See Attachment III)

Adoption of this Ordinance will have no impact on the environment and is therefore categorically exempt from review under the California Environmental Quality Act (CEQA). Notice of the Public hearing on this matter was published in the Marin Independent Journal on March 12, 2022, per the attached Affidavit of Publication. (See Attachment IV)

COMMUNITY OUTREACH: For the purpose of transparency and sharing relevant information to the service areas for whom emergency medical services are provided, all service areas have been advised of the recommendations contained in this report through discussions and correspondence with the Fire Chief.

FISCAL IMPACT: The budget as presented is within the voter-approved tax rates for both the residential and non-residential (commercial and industrial) ratepayers in all jurisdictions, therefore Proposition 218 does not require voter approval of the proposed increases.

The paramedic services are accounted for in the Emergency Medical Services Special Revenue Fund. This fund operates self-sufficiently with revenues from paramedic taxes, third-party medical billings and other reimbursements. The total expenditures for fiscal year 2022-2023 are projected to be \$8,608,000. Total resources (including fund balance and projected revenues) exceed this amount. An Emergency Medical Services Fund final budget, which will include changes, if any, to the proposed budget, will be incorporated into the 2022-23 City-wide operating budget, which will be adopted in June 2022.

RECOMMENDED ACTION: Staff recommends that City Council pass the Ordinance to print.

ATTACHMENTS:

1. Attachment I Ordinance
2. Attachment II (FY 22-23 Paramedic Tax Budget)
3. Attachment III (Paramedic Rate and Ratio History)
4. Attachment IV (Affidavit of Publication of Notice of Public Hearing in *Marin IJ* – March 12, 2022)

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AMENDING THE PARAMEDIC SERVICE SPECIAL TAX RATES WITHIN THE VOTER-APPROVED LIMIT, COMMENCING WITH FISCAL YEAR 2022-2023, FOR IMPROVED RESIDENTIAL AND NON-RESIDENTIAL PROPERTIES IN THE CITY OF SAN RAFAEL, COUNTY SERVICE AREA NO. 13, COUNTY SERVICE AREA NO. 19, AND THE MARINWOOD COMMUNITY SERVICES DISTRICT

WHEREAS, the electors of the City of San Rafael in 1979 and in 1988, adopted a Paramedic Service Special Tax (Chapter 3.28 of the San Rafael Municipal Code) to be imposed annually upon all improved residential and non-residential properties within the City of San Rafael; and

WHEREAS, the City, pursuant to three separate Joint Powers Agreements, provides paramedic services to Marinwood Community Services District, County Service Area No. 13, and County Service Area No. 19; and

WHEREAS, on November 2, 2010, the electors of the City of San Rafael approved Measure "I", subsequently designated as Ordinance No. 1891, increasing the ceiling on the Paramedic Service Special Tax rate to \$108.00 per residential unit for residential properties and to \$0.14 per square foot of buildings on non-residential properties; and providing a corresponding increase in the appropriations limit; and

WHEREAS, the current annual Paramedic Service Special Tax rate in the city limits of the City of San Rafael is \$99.00 per residential unit for residential properties and \$0.140 per square foot of buildings on non-residential properties; and

WHEREAS, Paramedic Service Special Tax rates were approved by the electors of County Service Area No. 13 and County Service Area No. 19 by elections held in November 2006 and November 2011, and by the electors of Marinwood Community Services District by an election held in November 2006; and

WHEREAS, the current annual Paramedic Service Special Tax rate in County Service Area No. 13, and County Service Area No. 19, is \$95.00 per residential unit for residential properties and \$0.132 per square foot of buildings on non-residential properties, which rates are the maximum rates approved by voters in those County Service Areas; and

WHEREAS, the current annual Paramedic Service Special Tax rate in the Marinwood Community Services District is \$85.00 per residential unit for residential properties and \$0.11 per square foot of structures on non-residential properties, which rates are the maximum rates approved by voters in that Community Services District; and

WHEREAS, the City Council, after reviewing the proposed budget recommendation of the City Manager, finds that for the City of San Rafael, the annual Paramedic Service Special Tax rate for residential properties should be adjusted to \$104.00 per residential unit, and the non-residential properties tax rate should remain at \$0.140 per square foot of buildings; for the County Service Area No. 13 and County Service Area No. 19, the annual Paramedic Service Special Tax rate for residential properties should remain at \$95.00 per residential unit, and the non-residential properties tax rate should remain at \$0.132 per square foot of buildings; and that for Marinwood Community Services District, the annual

Paramedic Tax Rates for residential properties should remain at \$85.00 per residential unit, and the non-residential tax rate should remain at \$0.11 per square foot of buildings; these rates will cover the cost of providing paramedic services within these service areas for fiscal year 2022-2023; and

WHEREAS, County Service Area No. 13 and County Service Area No. 19, based upon budgets recommended to them, have advised the City that they approved of the setting of the annual Paramedic Service Special Tax rate within their respective jurisdictions, at \$95.00 per residential unit for residential properties, and at \$0.132 per square foot for buildings on non-residential properties; and

WHEREAS, Marinwood Community Services District, based upon budgets recommended to them, have advised the City that they approved of the continuing of the annual Paramedic Service Special Tax rate within its jurisdiction, at \$85.00 per residential unit for residential properties, and at \$0.11 per square foot for buildings on non-residential properties;

NOW THEREFORE, the City Council of the City of San Rafael does ordain as follows:

Division 1. Pursuant to San Rafael Municipal Code Section 3.28.060, the City Council hereby sets the tax rate for paramedic services within City limits commencing in fiscal year 2022-2023, at \$104.00 per year for each residential unit, and \$0.140 per square foot for non-residential structures.

Division 2. The City Council hereby sets the Paramedic Tax Rates for County Service Area No. 13 and County Service Area No. 19, commencing with fiscal year 2022-2023, at \$95.00 per year for each residential unit, and \$0.132 per square foot for each non-residential structure.

Division 3. The City Council hereby sets the Paramedic Tax Rates for Marinwood Community Services District, commencing with fiscal year 2022-2023, at \$85.00 per year for each residential unit, and at \$0.11 per square foot for each non-residential structure.

Division 4. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such holding or holdings shall not affect the validity of the remaining portions of this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Division 5. This Ordinance shall be published once, in full or in summary form, before its final passage, in a newspaper of general circulation, published, and circulated in the City of San Rafael, and shall be in full force and effect thirty (30) days after its final passage. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

Kate Colin, Mayor

Attest:

Lindsay Lara, City Clerk

The foregoing Ordinance No. was introduced at a Regular Meeting of the City Council of the City of San Rafael, held on the 4th day of April 2022, and ordered passed to print by the following vote, to wit:

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

and will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the 18th day of April 2022.

LINDSAY LARA, CITY CLERK

Paramedic Tax Budget FY 22-23

For illustrative purposes - assumes a tax rate increase and 4% expense increase

City of San Rafael Residential/Non-Residential	\$95 / 0.1320	\$95 / 0.1320	\$99 / 0.1400	\$99 / 0.1400	\$104 / 0.1400	\$104 / 0.1400	\$108 / 0.1400	\$108 / 0.1400
	Actual 2018-2019	Actual 2019-2020	Actual 2020-2021	Estimated 2021-2022	Preliminary Budget 2022-2023	Projected 2023-2024	Projected 2024-2025	Projected 2025-2026
Paramedic Tax (a)	\$ 4,875,274	\$ 4,884,029	\$ 5,109,206	\$ 5,112,000	\$ 5,225,000	\$ 5,225,000	\$ 5,317,000	\$ 5,317,000
Paramedic Tax: Prior Year Billings	59,310	38,488	44,243	\$ 11,745	31,000	-	-	-
Fire Dept.: 3rd Party Billing	2,470,659	2,698,523	2,199,287	\$ 2,800,000	2,800,000	2,856,000	2,913,000	2,971,000
Federal Grant - GEMT	140,706	108,829	118,007	\$ 130,000	130,000	130,000	130,000	130,000
Other Revenue	37,380	70,096	50,881	\$ 51,100	51,100	51,100	51,100	51,100
IGT-Intergovernmental Transfer	392,228	504,324	510,889	\$ 426,685	450,000	450,000	450,000	450,000
Total Revenues	\$ 7,975,557	\$ 8,304,289	\$ 8,032,512	\$ 8,531,530	\$ 8,687,100	\$ 8,712,100	\$ 8,861,100	\$ 8,919,100
Personnel Costs	\$ 5,925,907	\$ 5,800,930	\$ 5,940,094	\$ 6,554,999	\$ 6,741,000	\$ 7,011,000	\$ 7,291,000	\$ 7,583,000
Supplies and Services	1,449,437	1,640,902	1,973,392	\$ 1,867,618	1,867,000	1,942,000	2,020,000	2,100,000
Total Expenditures	\$ 7,375,344	\$ 7,441,832	\$ 7,913,486	\$ 8,422,616	\$ 8,608,000	\$ 8,953,000	\$ 9,311,000	\$ 9,683,000
Revenues Over/Under Expenditures	\$ 600,213	\$ 862,457	\$ 119,026	\$ 108,914	\$ 79,100	\$ (240,900)	\$ (449,900)	\$ (763,900)
Fund balance, beginning of year	1,269,435	813,348	726,005	845,031	953,945	860,800	619,900	170,000
Transfer to Capital Fund (b)(c)	\$ (1,056,300)	\$ (949,800)	\$ -	\$ -	\$ (172,245)	\$ -	\$ -	\$ -
Fund balance, end of year	\$ 813,348	\$ 726,005	\$ 845,031	\$ 953,945	\$ 860,800	\$ 619,900	\$ 170,000	\$ (593,900)

(a) FY 22-23 Paramedic Tax Assumes an increase in tax in San Rafael to \$104 per living unit and \$0.140 per sq. ft. non-residential

(b) Policy direction to allocate resources to the Essential Facilities Fund for the capital projects.

(c) Fund is to maintain a 10% operations reserve and the remainder is to be transferred to support capital improvements for the paramedic program. The transfer occurs annually after year-end numbers are finalized.

**CITY OF SAN RAFAEL
PARAMEDIC SERVICE AREA ZONE B
HISTORY OF TAX RATES AND CAPS**

ATTACHMENT III

Fiscal Year	Residential Tax Rate	Authorized Cap	Non-Residential Tax Rate	Authorized Cap	Explanations
2011-12	\$ 89.00	\$ 108.00	\$ 0.1200	\$ 0.1400	Passage of Measure I
2012-13	\$ 89.00	\$ 108.00	\$ 0.1200	\$ 0.1400	
2013-14	\$ 89.00	\$ 108.00	\$ 0.1200	\$ 0.1400	
2014-15	\$ 89.00	\$ 108.00	\$ 0.1200	\$ 0.1400	
2015-16	\$ 89.00	\$ 108.00	\$ 0.1200	\$ 0.1400	
2016-17	\$ 89.00	\$ 108.00	\$ 0.1200	\$ 0.1400	
2017-18	\$ 92.00	\$ 108.00	\$ 0.1250	\$ 0.1400	
2018-19	\$ 95.00	\$ 108.00	\$ 0.1320	\$ 0.1400	
2019-20	\$ 95.00	\$ 108.00	\$ 0.1320	\$ 0.1400	
2020-21	\$ 99.00	\$ 108.00	\$ 0.1400	\$ 0.1400	
2021-22 adopted	\$ 99.00	\$ 108.00	\$ 0.1400	\$ 0.1400	
2022-23 proposed	\$ 104.00	\$ 108.00	\$ 0.1400	\$ 0.1400	

**CSA# 13, and CSA# 19
PARAMEDIC SERVICE AREA ZONE B
HISTORY OF TAX RATES AND CAPS**

Fiscal Year	Residential Tax Rate	Authorized Cap	Non-Residential Tax Rate	Authorized Cap	Explanations
2011-12	\$ 85.00	\$ 85.00	\$ 0.1100	\$ 0.1100	Passage of Measure E & F
2012-13	\$ 89.00	\$ 95.00	\$ 0.1200	\$ 0.1320	
2013-14	\$ 89.00	\$ 95.00	\$ 0.1200	\$ 0.1320	
2014-15	\$ 89.00	\$ 95.00	\$ 0.1200	\$ 0.1320	
2015-16	\$ 89.00	\$ 95.00	\$ 0.1200	\$ 0.1320	
2016-17	\$ 89.00	\$ 95.00	\$ 0.1200	\$ 0.1320	
2017-18	\$ 92.00	\$ 95.00	\$ 0.1250	\$ 0.1320	
2018-19	\$ 95.00	\$ 95.00	\$ 0.1320	\$ 0.1320	
2019-20	\$ 95.00	\$ 95.00	\$ 0.1320	\$ 0.1320	
2020-21	\$ 95.00	\$ 95.00	\$ 0.1320	\$ 0.1320	
2021-22 adopted	\$ 95.00	\$ 95.00	\$ 0.1320	\$ 0.1320	
2022-23 proposed	\$ 95.00	\$ 95.00	\$ 0.1320	\$ 0.1320	

**MARINWOOD (CSD)
PARAMEDIC SERVICE AREA ZONE B
HISTORY OF TAX RATES AND CAPS**

Fiscal Year	Residential Tax Rate	Authorized Cap	Non-Residential Tax Rate	Authorized Cap	Explanations
2011-12	\$ 85.00	\$ 85.00	\$ 0.1100	\$ 0.1100	
2012-13	\$ 85.00	\$ 85.00	\$ 0.1100	\$ 0.1100	
2013-14	\$ 85.00	\$ 85.00	\$ 0.1100	\$ 0.1100	
2014-15	\$ 85.00	\$ 85.00	\$ 0.1100	\$ 0.1100	
2015-16	\$ 85.00	\$ 85.00	\$ 0.1100	\$ 0.1100	
2016-17	\$ 85.00	\$ 85.00	\$ 0.1100	\$ 0.1100	
2017-18	\$ 85.00	\$ 85.00	\$ 0.1100	\$ 0.1100	
2018-19	\$ 85.00	\$ 85.00	\$ 0.1100	\$ 0.1100	
2019-20	\$ 85.00	\$ 85.00	\$ 0.1100	\$ 0.1100	
2020-21	\$ 85.00	\$ 85.00	\$ 0.1100	\$ 0.1100	
2021-22 adopted	\$ 85.00	\$ 85.00	\$ 0.1100	\$ 0.1100	
2022-23 proposed	\$ 85.00	\$ 85.00	\$ 0.1100	\$ 0.1100	

Paramedic Tax Ratio

Fiscal Year	Residential	Non-Residential
2011-12	63.70%	36.30%
2012-13	63.70%	36.30%
2013-14	63.50%	36.50%
2014-15	63.60%	36.40%
2015-16	63.60%	36.40%
2016-17	56.99%	43.01%
2017-18	53.97%	46.03%
2018-19	53.40%	46.60%
2019-20	53.35%	46.65%

Marin Independent Journal

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2070419

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

PROOF OF PUBLICATION (2015.5 C.C.P.)

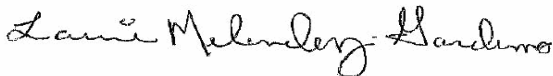
STATE OF CALIFORNIA County of Marin

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

03/12/2022

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

Dated this 23th day of March, 2022.



Signature

PROOF OF PUBLICATION

Legal No. **0006652799**

CITY OF SAN RAFAEL NOTICE OF PUBLIC HEARING

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

PURPOSE: Public Hearing to consider adoption of an ordinance increasing, within the voter-approved limit, the paramedic services special tax on both residential and non-residential properties in the City of San Rafael, CSA 13, CSA 19 and Marinwood CSD, commencing in fiscal year 2022/2023.

DATE/TIME/PLACE: Monday, April 4, 2022 at 7:00 PM Pursuant to state law, the public hearing will be held virtually. Please visit the City's website, www.cityofsanrafael.org, and view the meeting agenda for instructions on how to participate in the public hearing.

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

IF YOU CANNOT ATTEND: You may send a letter to City Clerk, City of San Rafael, 1400 5th Ave, San Rafael, CA 94901 or by email city.clerk@cityofsanrafael.org

FOR MORE INFORMATION: You may contact Thomas Wong, Senior Management Analyst (415) 458-5360. 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

March 12, 2022




Agenda Item No: 8.a
Meeting Date: April 4, 2022

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Community Development

Prepared by: Alicia Giudice, Director
Barry Miller, Consulting Project Mgr.

City Manager Approval: _____ 

TOPIC: SAN RAFAEL 2023-2031 HOUSING ELEMENT

SUBJECT: PROGRESS REPORT ON THE 2023-2031 HOUSING ELEMENT

RECOMMENDATION:
Accept the Progress Report on the 2023-2031 Housing Element.

EXECUTIVE SUMMARY

All cities and counties in the Bay Area are required by State law to update the housing elements of their general plans by January 31, 2023. The housing element represents each city or county’s plan for conserving and maintaining its housing supply, removing regulatory barriers to housing production, and meeting the housing needs of all residents, including lower-income households and persons with special needs. Housing elements cover an eight-year time period. The [current San Rafael Housing Element](#), adopted in 2015, covers 2015-2023 and the new Housing Element will cover 2023-2031.

The City Council received an informational report on the Housing Element when the project started in August 2021. This update is intended as a “progress report” on the work completed so far and major upcoming tasks. Staff have completed several state-mandated tasks, including: Evaluation of the Prior Housing Element, the Housing Needs Assessment, and initial community engagement. The project team has also completed a first draft of the Housing Sites Inventory and is starting the Housing Constraints Analysis. Four meetings of the 13-member Housing Element Working Group have been convened. Staff will continue engaging the community during Spring and Summer through workshops, electronic media (website, survey, etc.), briefings to civic organizations, and Working Group meetings.

FOR CITY CLERK ONLY

File No.: _____

Council Meeting: _____

Disposition: _____

BACKGROUND:

Overview

Every city and county in California is required to adopt a housing element as part of its general plan. The housing element is the only part of the general plan that must be submitted to the State for certification, a process that is performed by the State Department of Housing and Community Development (HCD). HCD makes a formal determination that each housing element complies with Government Code requirements, including demonstration that each city and county is accommodating its fair share of the region's housing needs and is "affirmatively furthering fair housing."¹

San Rafael's current [Housing Element](#) was adopted on January 5, 2015 and was certified by the State on January 23, 2015. The planning period covered by that Housing Element was January 31, 2015 through January 31, 2023. The next Housing Element is due on January 31, 2023 and will cover the period from January 31, 2023 through January 31, 2031. The City initiated the update process in September 2021, immediately after adoption of General Plan 2040.

The contents of the housing element are specified by State law. HCD has developed guidelines for local governments that list the data to be collected and analyzed, research questions that must be answered, policies and programs that must be included, and the standards that must be met. The requirements have become more rigorous over time. Dozens of bills have been approved by the legislature in response to the statewide housing crisis since 2015, adding many new requirements for local housing elements. <https://www.hcd.ca.gov/community-development/housing-element/index.shtml>

Regional Housing Needs Allocation

Previous reports to the City Council described the Regional Housing Needs Allocation (RHNA) process and the housing assignments made to San Rafael and other Marin County cities for the 2023-2031 planning period. The RHNA represents each city or county's share of the region's housing needed in the upcoming eight years. Cities and counties must demonstrate in the housing element adequate zoning in place (or commitment to rezone) to meet their RHNA allocation. Local governments are not responsible for building housing directly, but they are responsible for adopting zoning regulations and policies that assist the private and non-profit sectors in doing so. Further, the RHNA is intended to be the minimum number of housing units needed for the coming eight years and not the maximum. In developing the Housing Element, community needs around housing and especially housing affordability for both the rental and for-sale markets are taken into consideration. Ultimately, housing needs in the community may surpass the RHNA and may require a broad range of actions to stimulate housing development, provide adequate protections, prevent displacement, and assist community members who have traditionally been left out of housing and homeownership.

San Rafael's RHNA allocation for 2023-2031 is 3,220 units, which is a 220 percent increase over the allocation for 2015-2023 (1,007 units). While San Rafael's RHNA has increased dramatically, it represents 22 percent of the countywide total for the next eight years. In the 2015-2023 Housing

¹ California's [AB 686](#), signed into law in October 2018, states, "Affirmatively furthering fair housing (AFFH) means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics." The law is explicitly tied to the 2015 HUD rules and requires all jurisdictions to administer their programs and activities relating to housing and community development in a manner that affirmatively furthers fair housing, and to not take any action that is materially inconsistent with this obligation. Every jurisdiction in the state is now required to integrate plans for ending discrimination and promoting integration into the Housing Element. <https://www.hcd.ca.gov/community-development/affh/index.shtml>

Element cycle, San Rafael's RHNA was 44 percent of the countywide total. In Marin County as a whole, including the County unincorporated areas plus its 11 cities, the RHNA has increased by 526 percent (from 2,298 units in 2015-2023 to 14,405 units in 2023-2031).

ABAG disaggregates the RHNA into four income categories. San Rafael's 3,220-unit allocation includes 857 very low income units, 492 low income units, 521 moderate income units, and 1,350 above moderate income units. As a benchmark, a household of four earning less than \$91,350 in Marin County is considered "very low income" and a household of four earning between \$91,350 and \$146,350 is considered "low" income. These income thresholds are used by the State to determine eligibility for various housing assistance programs. The income ranges follow a sliding scale based on the number of people in each household.

Affordable Housing Needs, Segregation, and the Need for Equity

Although the State considers a household earning \$91,350 to be "very low income," most very low-income households in Marin County earn significantly less than this. The State income benchmarks are based on average income earned in a region. The Marin County figure includes the Counties of San Mateo, San Francisco, and Marin, which includes higher than average proportions of high-income earning individuals and households. This upwardly skews the benchmarks for Marin County resulting in income bands that are inflated in comparison to other local areas. For instance, just on the other side of the Richmond Bridge in Contra Costa and Alameda Counties, the top end of "very low income" is \$68,500, which is \$22,850 less than the figure for Marin. This should not be taken to indicate that workers doing the same job in the East Bay and Marin earn radically different wages. Instead, this indicates that many lower wage earners working in Marin County most likely cannot find housing here and must commute into work from other areas. At the same time, the lower wage-earning households who are lucky enough to find housing in Marin County may struggle to pay the rent or opt to live in overcrowded conditions, or accept substandard conditions in order to be closer to work.

Although housing and affordability are important in both the rental and for sale markets, there is a greater need among renters. The census indicates that currently in San Rafael homeowners have a median annual income of \$141,212, while renters on average earn less than half of this with a median annual income of \$61,595. This suggests that a majority of San Rafael renters are most likely very low income earners. Further, information from the recent census, which may have undercounted the city's denser residential, predominantly renter occupied neighborhoods, indicates half of the population of San Rafael are renters. This means that at least one-quarter of San Rafael households, or half of the city's renter households, earn below \$61,595. It also suggests that a sizable portion of renter households most likely earn below \$91,350. There is a racial component to this and a need to address patterns of discrimination and segregation. Rental housing in San Rafael tends to be concentrated in specific neighborhoods with high concentrations of poverty and overcrowding. From the census information, a sizeable number of residents in rental neighborhoods identify as Latino and may speak English less than well. San Rafael has been identified as one of the most racially segregated cities in the Bay Area measured by segregation within its neighborhoods. <https://belonging.berkeley.edu/most-segregated-and-integrated-cities-sf-bay-area>

To address existing community needs, affordability goals should be based on what lower income residents and workers actually earn and not rely only on the State income benchmarks. The goals should intentionally target neighborhoods and residents with the greatest needs. For instance, there might be a greater need for very low and extremely low income housing in San Rafael than the number of units allotted through the RHNA. Also, there most likely is a greater need among current renters in San Rafael for programs providing assurances that the property where they live is clean, safe, and well maintained, and that rent increases are reasonable. Current city programs addressing these needs include the

[Housing Inspection Program](#), and [Mandatory Mediation](#) and [Cause for Eviction](#) Programs. The city also has [below market rate rental and homeownership programs](#) that could be better marketed and designed to support current renters to attain affordable housing and make the transition into homeownership. In total, these city programs begin to address current needs, while other programs improve housing production. As programs focus on creating new housing and affordable housing², other programs must focus on reducing the risk of families and neighbors being displaced, work to assure all residents have safe, stable housing, and create and support economic empowerment and equitable opportunities for all residents and families.

Content of the Housing Element

The August 16, 2021 City Council [staff report](#) provided a detailed description of the required contents of each housing element. In San Rafael, the Housing Element includes a policy document and a technical appendix. The policy document is similar to the other elements of the General Plan, and includes goals, policies, and action programs. The technical appendix provides the supporting data and analysis required by the Government Code, including:

- An evaluation of the previous (2015) Housing Element
- A needs assessment
- An opportunity sites analysis
- A constraints analysis
- A discussion of housing resources
- A description of public outreach to develop the element

The updated Housing Element will also include a detailed evaluation of segregation and fair housing issues in the city, referred to as the “AFFH” (Affirmatively Furthering Fair Housing) analysis. See previous footnote for an explanation of AFFH.

ANALYSIS:

Community Engagement to Date:

State law requires a robust community engagement program for housing element updates, with a focus on lower income and special needs populations. Engaging the public is an essential part of creating housing policies that respond to local needs, reflect local values, and make San Rafael a more inclusive city.

Engagement milestones completed so far are listed below:

- A project website (www.sanrafaelhousing.org) was developed in September 2021. The tagline “Let’s House San Rafael” has been used to brand the project.
- An [introductory workshop](#) was convened using Zoom in November 2021. Participants were invited to comment on housing issues. The workshop included simultaneous interpretation in Spanish and Vietnamese. About 35 people participated.
- A [survey](#) on housing issues, challenges, and opportunities has been developed and is now in circulation. The survey is available in English, Spanish, Chinese, and Vietnamese.
- The Housing Element Working Group has convened four meetings, including an orientation meeting in December 2021. The Working Group is a 13-member committee appointed by the City Council, including persons representing neighborhoods, environmental advocates, older adults, the business community, tenants, housing advocates, affordable housing developers, for-profit housing developers, fair housing advocates, the Latino community, and unhoused residents. A

² Housing costs are considered affordable when no more than 30 percent of a household’s monthly gross adjusted income is spent on rent.

representative of the Planning Commission also serves on the Working Group. The Working Group meets from 4 to 6 PM on the third Thursday of each month.

- The project team has made presentations to community groups and organizations, including the Federation of San Rafael Neighborhoods and the League of Women Voters. Additional presentations are planned.
- A progress report was provided to the Planning Commission on February 15, 2022.
- Housing is being addressed as a major theme and discussion topic in “community conversations” convened by the City in the Canal neighborhood, including meetings convened in Spanish. Additional listening sessions and conversations are planned.
- The City is organizing a developer forum to discuss housing obstacles and opportunities, in collaboration with the County of Marin.

Evaluation of the Prior Element:

The Government Code requires that every housing element include an evaluation of the community’s progress toward implementing its adopted housing policies and programs. This was completed in December 2021 and discussed by the Housing Element Working Group at its January 2022 meeting. The evaluation can be accessed [here](#).

The evaluation is formatted as a matrix. Column 1 indicates the goal, policy, or program number. Column 2 indicates the goal, policy, or program text, exactly as it appears in the adopted Housing Element. There are two goals, 19 policies, and 49 programs in the existing Element. Column 3 indicates staff’s evaluation of each goal, policy, or program, as well as information on the City’s progress and activities related to the topic. This includes guidance as to whether the goal, policy, or program should be retained, and where new goals, policies, and programs may be needed. A fourth column was provided in the matrix for comments from the public.

Staff is recommending revisions to the goals and policies, so they are more responsive to local housing issues and do not repeat policies that appear elsewhere in the General Plan. The number of goals will likely be expanded, with greater attention given to equity and fair housing, and the overarching goals of housing production and preservation. Many of the housing programs will need to be updated. New programs will be needed to comply with State laws, and to reflect the findings of the Needs Assessment and the Constraints Analysis.

Needs Assessment:

The Housing Needs Assessment is based on an analysis of data from the US Census, the Department of Finance, ABAG/MTC, the Employment Development Department, the County of Marin, the City of San Rafael, other government sources, and various private industry sources. It includes an assessment of trends in population, age, race/ethnicity, language, household size, household composition, income, employment, tenure, percent of income spent on housing, and characteristics of the housing stock. It also addresses the special needs of seniors, persons with disabilities, unhoused residents, single parents, large families, extremely low income residents, and others with special needs. The Draft Needs Assessment can be accessed [here](#).

Some of the major findings of the Assessment are highlighted below:

- The city’s population was 61,271 based on the 2020 Census, an increase of 6.1% since 2010. San Rafael accounted for 36% of Marin County’s population growth between 2010 and 2020.
- The median age in San Rafael increased from 40.2 in 2010 to 41.1 in 2020. During that 10-year period, the number of residents over 65 increased by 2,179. There was also substantial growth in

the youth population. The number of school age children increased by nearly 1,892 over the decade. Population decreased in all other age cohorts. The greatest decrease was in the number of young adults (25-44), which dropped by 1,815 residents.

- San Rafael has become more racially and ethnically diverse in the last 10 years. Census data indicates that the population identifying as “White” declined from 70.6% in 2010 to 54.6% in 2020. The percentage identifying as “Other” increased from 14.8% to 20.8% and the percentage identifying as multi-racial increased from 5.1% to 12.4%.
- In 2020, roughly 2% of the city’s residents were African-American and 7% were Asian or Pacific Islander.
- Latino residents represented 30% of the city’s population in 2010 and 34.3% in 2020.
- About 25% of the city’s residents speak Spanish at home. Of this total, about half are bilingual and speak English “very well” and about half speak English “not well” or “not at all.”
- Nearly half of the city’s children (5-18) are bilingual, speaking English “well” or “very well” while also speaking a second language at home.
- Among the city’s foreign-born residents, 20% entered the US after 2010 and 29% entered between 2000 and 2009.
- Among San Rafael residents with limited English, 85% speak Spanish. Chinese is the second most common non-English language spoken, followed by Vietnamese.
- Marin County as a whole gained 23,200 jobs between 2010 and 2019 while adding just 1,300 housing units—a ratio of 18:1.
- There are 31,200 San Rafael residents in the labor force and about 39,000 jobs located in the city. The city is a regional employment center and is the location of 35% of all jobs in the county.
- Only 27% of those working in San Rafael also live in San Rafael. Prior to the COVID-19 pandemic, about 30% commuted in from elsewhere in Marin, 21% commuted in from other North Bay counties, and 14% commuted in from the East Bay, and 8% commuted in from San Francisco, San Mateo, and Santa Clara counties.
- One in every three San Rafael households is a single person living alone.
- About 29% of the city’s households have children under 18 living at home.
- 50% of the city’s households are homeowners and 50% are renters. The percentage of renters has been trending upward, from 46% in 2000 to 48% in 2010 and 50% today.
- Renters in San Rafael are more likely to be younger, non-White, and lower-income than the population at large. The home ownership rate in the city is 61% for White, Non-Hispanic households, 55% for Asian households, 14% for Latino households, and 13% percent for African-American households. The home ownership gap between White and non-White households is significantly larger in San Rafael than in the State as a whole.
- Among householders under 45 years old, only 24% are owners. Among householders over 54 years old, 66% are owners.
- San Rafael homeowners have a median annual income of \$141,212. The city’s renters have a median annual income of \$61,595.

- Data from the US Department of Housing and Urban Development (HUD) indicates that 47% of San Rafael's households meet the definition of "lower income," as defined for Marin County. This includes more than 4,000 households earning less than 30% of the County median income, more than 3,000 households earning 30-50% of the County median income, and more than 3,500 households earning 50-80% of the County median income.
- The city added 575 households between 2010 and 2020.
- The mean number of persons per household in San Rafael was 2.55 in 2010. This compares to 2.44 in 2010, 2.42 in 2000, and 2.31 in 1990. Larger average household sizes are an indicator of a growing number of children in the city, as well as households doubling up and a larger number of adult children living at home.
- Households spending more than 30% of their incomes on housing are considered by the state to be "cost-burdened." In 2020, this applied to 32% of the city's homeowners and 55% of its renters.
- Households in San Rafael were more likely to be cost-burdened than in the Bay Area as a whole.
- Among racial/ethnic groups, cost burdens were highest for Latino households, with 60% experiencing a cost-burden. Census data indicates that nearly 40% of the city's Latino households spend more than half of their household incomes on housing costs.
- Overcrowding, which is defined by the Census as more than one person per room, has increased since 2010. In 2010, 6.1% of all households in the city lived in housing units meeting this definition. By 2020, this had increased to 10.9%. All of the increase over the decade was associated with rental units—the percentage of overcrowded owner-occupied units actually *declined* between 2010 and 2020.
- Census data indicates that 50.9% of all Latino households in San Rafael experience overcrowded conditions, compared to 1.3% among White, non-Latino households.
- San Rafael experienced a 61% increase in home value between 2015 and 2021 (based on the Zillow Home Value Index)—the largest percentage increase of any city in Marin County. The median home price was \$1,370,000 in December 2021.

Sites Inventory:

Every Housing Element must include an inventory of sites available to accommodate the jurisdiction's RHNA. These are referred to as "Housing Opportunity Sites." Cities must demonstrate that they have a sufficient number of opportunity sites to meet the RHNA by income category. Typical criteria used to identify housing sites include zoning and General Plan designations, availability of infrastructure, the size and shape of the site, existing activities on the property, the value of improvements on the site, the age and condition of structures, slope and erosion conditions, environmental and pollution conditions, access to transit and job centers, and site ownership.

The City has completed an initial screen of potential housing opportunity sites and determined that it has sufficient capacity to meet the RHNA. More than 100 potential housing sites, with a capacity of over 4,000 housing units, have been identified. The sites include:

- Projects that have been approved but not yet built (approximately 750 units)
- Sites listed in the 2015-2023 Housing Element that are still vacant or underutilized
- "Opportunity Sites" identified during the Downtown Precise Plan process in 2019
- Other vacant and/or underutilized sites with residential zoning

- Other vacant and/or underutilized sites with commercial/ mixed use zoning
- Underutilized public and tax-exempt land

In addition to these sites, the City anticipates that continued development of Accessory Dwelling Units (ADUs) and Junior ADUs will meet a portion of San Rafael's housing needs.

The Housing Element project team has not yet published the inventory of available sites so that each site can be more closely evaluated to ensure that it meets State HCD requirements. Staff also intends to notify the owners of all sites of the Opportunity Site designation. The designation does not obligate the owner to build housing, nor does it limit the use of a property to housing. It simply acknowledges that the site provides an opportunity for housing construction.

The City will publish its draft site inventory in April 2022. Because San Rafael recently completed its General Plan Update, the City does not anticipate the need to rezone property or amend the General Plan Map as part of this process. However, the Housing Element presents an important opportunity to revisit local development standards and modify those standards if they are found to be an obstacle to housing production. Staff is currently evaluating zoning standards to determine where changes may be needed.

The State has introduced new requirements for housing sites that may result in some sites on the preliminary list being dropped and new sites being added. For instance, HCD has determined that sites smaller than 0.5 acres and sites that are larger than 10 acres are generally unsuitable for lower income housing (due to the economics of building housing on such sites). HCD also requires that cities provide "substantial evidence" that any non-vacant sites on the list can realistically be developed in the next eight years. There is also a requirement to allow expedited ("by right") permitting for certain types of projects on sites that are being carried forward from the prior Housing Element. Finally, the State requires that sites be geographically distributed in a way that does not over-concentrate lower income housing in a single area.

The Housing Element Working Group convened a meeting on housing opportunity sites on March 17, 2022. The staff report for that meeting included a detailed discussion of the methodology and can be reviewed [here](#). The PowerPoint presentation delivered at that meeting can be reviewed [here](#).

Upcoming Tasks:

Upcoming tasks are highlighted below:

- **Constraints Analysis.** This includes an evaluation of governmental and non-governmental constraints to housing production in San Rafael. Governmental constraints include local zoning standards, restrictions on particular housing types, local fees and development review procedures, and similar factors that a City or County can control. Non-governmental constraints include the cost of construction, availability of infrastructure, interest rates and availability of tax credits, local opposition to development, and other factors that may be more difficult for the City to control. The constraints analysis will be completed in April.
- **Affirmatively Furthering Fair Housing (AFFH) Analysis.** This is a new Housing Element requirement. It evaluates patterns of segregation and economic disparity in the city using data from a variety of sources. The analysis provides the basis for new policies and programs to improve access to housing by lower income households, promote housing stability, avoid displacement, and eliminate housing discrimination.

- Policies and Programs. The City will be developing policies and programs for the 2015-2023 Housing Element in May. Existing policies and programs will be updated as needed and new policies and programs will be added.
- Assemble HCD Draft Housing Element. A “Working Draft” Housing Element will be prepared in June 2022. The document will be presented to the Planning Commission in June and the City Council in July, and then submitted to HCD for their review. The intent of the June/July hearings is simply to recommend submittal of the Working Draft to the State for their review and comment, not to adopt the new Element.

Remaining Schedule:

Once the Working Draft document is submitted to the State, staff will continue to do public outreach and engagement on the Draft Housing Element. This could include additional community conversations and workshops, potentially resulting in additional policies and programs. Environmental review of the Draft Housing Element (see next section) also will occur during this time period.

State comments will be received in October 2022. At that time, the City will revise the Element and address any requests for additional data, analysis, policies, or programs. An “Adoption Draft” will be published in November 2022. This will be considered at public hearings before the Planning Commission and City Council prior to the January 31, 2023 deadline. There is a 120-day “grace period” beyond January 31, 2023 during which the City can make additional changes to the Element in the event the State finds the adopted Element is not compliant.

ENVIRONMENTAL REVIEW:

As a General Plan amendment, the Housing Element update is subject to the California Environmental Quality Act (CEQA). Staff does not envision a full Environmental Impact Report (EIR) for the project, since the City recently certified the EIR for the General Plan 2040 and Downtown Precise Plan. That EIR evaluated the impacts of adding roughly 4,000 housing units in the city, in most cases located on the designated housing opportunity sites.

The appropriate form of CEQA review for the Housing Element 2023-2031 (HE2023-2031) is an Addendum to the General Plan EIR. The Addendum would determine if the findings identified in the General Plan EIR would be changed by the policies and programs in the new Housing Element, including any zoning changes that are recommended. As with the General Plan EIR, environmental review will still be required for individual projects proposed after HE2023-2031 is adopted.

COMMUNITY OUTREACH:

The April 4 City Council public hearing was advertised in the Marin Independent Journal and also publicized with a postcard notice to stakeholders, agencies, and special interest groups.

FISCAL IMPACT:

The Housing Element is a policy document and does not have a direct fiscal impact on the city. Future programs developed as a result of HE2023-2031 adoption could have fiscal impacts by identifying programs requiring funding. Other HE2023-2031 programs may have positive fiscal impacts by identifying new revenue sources or improving the City’s eligibility for grants and other funds. Conversely, the absence of a certified Housing Element would have adverse fiscal impacts, as the City would become ineligible for numerous state grants and funds.

RECOMMENDED ACTION:

1. Accept the informational report.