



AGENDA

SAN RAFAEL CITY COUNCIL – MONDAY, MAY 2, 2022

REGULAR MEETING AT 7:00 P.M.

In-Person:

San Rafael City Council Chambers
1400 Fifth Avenue, San Rafael, CA 94901

Participate Virtually:

Watch on Webinar: <https://tinyurl.com/cc-2022-05-02>

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 in-person, virtually using Zoom and is being streamed to YouTube at www.youtube.com/cityofsanrafael.

How to participate in the meeting in-person:

- Stay home if you are experiencing COVID-19 symptoms
- Face coverings are recommended for attendees
- Use the sign-in sheet (optional) which allows notification of potentially exposed individuals if contact tracing reveals COVID-19 transmission may have occurred in a given meeting
- Attendance will be limited to 50 percent of room capacity (no more than 90 persons) and all in-person attendees should socially distance as recommended by public health authorities. If the Chambers are 50% occupied, please participate online instead or utilize the audio feed in the lobby.
- All attendees are encouraged to be fully vaccinated.

How to participate in the meeting virtually:

- 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:

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, April 18, 2022 (CC)

Recommended Action - Approve minutes as submitted

b. **Vacancies on San Rafael Boards and Commissions**

Announcement of Vacancies on the Design Review Board, Board of Library Trustees, Park and Recreation Commission, and Planning Commission (CC)

Recommended Action - Receive and file

c. **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 City Boards and Commissions During the Continuing State of Emergency Relating to the Covid-19 Pandemic (CA)

Recommended Action - Adopt Resolution

d. **Streamlined Review for Certain Residential Projects (Formerly Design Review Advisory Committee, DRAC)**

Final Adoption of Ordinance 2006: An Ordinance Amending Section 14.25.070 of Title 14 (Zoning Ordinance) of the San Rafael Municipal Code to Establish Streamlined Review for Certain Residential Projects (CC)

Recommended Action - Approve final adoption of Ordinance 2006

e. **Adoption of a Military Equipment Funding, Acquisition and Use Policy in Compliance with Assembly Bill 481**

Final Adoption of Ordinance 2007: An Ordinance Adding New Chapter 2.52 to the San Rafael Municipal Code, entitled "Police Acquisition and Use of 'Military Equipment,'" and

Approving the San Rafael Police Department's Policy §706 – Military Equipment Funding, Acquisition and Use Policy" (CC)

Recommended Action – Approve final adoption of Ordinance 2007

f. **Citizen of the Year 2022**

Resolution of Appreciation to Recipient of The Richard P. O'Brien and Mary Ferrario O'Brien Citizen of the Year Award 2022 (CC)

Recommended Action – Adopt Resolution

g. **Homelessness Program Consulting Services**

Resolution Approving and Authorizing the City Manager to Execute an Agreement for Professional Services with Marc Sabin for Consulting Services for San Rafael Homelessness Programs (CM)

Recommended Action – Adopt Resolution

h. **2021 Fire Prevention Inspections of Certain Occupancies**

Resolution Acknowledging Receipt of a Report Made by the Fire Chief Regarding the 2021 Annual Fire Prevention Inspection of Certain Occupancies Pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code (FD)

Recommended Action – Adopt Resolution

i. **Advertising Transit Shelter Agreement**

Resolution Authorizing the City Manager to Execute an Amendment to the Advertising Transit Shelter Agreement with Outfront Media LLC Extending the Term by Five Years (PW)

Recommended Action – Adopt Resolution

j. **Temporary Street Closure to Support Vaccination Efforts in the Canal Neighborhood**

Resolution Authorizing Saturday Street Closures to Support Canal Alliance's Effort to Provide Covid-19 Vaccinations on Saturday May 7 and Saturday May 21, 2022 (PW)

Recommended Action – Adopt Resolution

k. **Fire Station 55 - Environmental Services**

Resolution Approving and Authorizing the City Manager to Execute a First Amendment to the Professional Services Agreement with BSK Associates, Inc. for Services Required for Environmental Permitting, Sampling, Soils Testing, and Removal and Soils Remediation Work Related to the Unforeseen Underground Storage Tank Discovered at Fire Station 55, In the Amount of \$63,805, Increasing the Total Contract Amount to \$209,549, And Authorizing the City Manager to Expand the Scope of Work if Extensive Contamination is Discovered (PW)

Recommended Action – Adopt Resolution

SPECIAL PRESENTATIONS

6. Special Presentations:

a. **Presentation of Resolution of Appreciation to Recipient of The Richard P. O'Brien and Mary Ferrario O'Brien Citizen of the Year Award 2022**

b. **Presentation of Proclamation Supporting Public Service Recognition Week (HR)**

c. **Presentation of Proclamation Supporting National Police Week (PD)**

d. **Presentation of Proclamation Supporting Wildfire Awareness Month (FD)**

OTHER AGENDA ITEMS:

7. Other Agenda Items:

a. **Canal Neighborhood Lighting**

Accept Informational Report Regarding the Canal Lighting Project (CM)
Recommended Action - Accept report

b. **Wildfire Prevention Efforts in San Rafael**

Informational Report on the 38-Point Wildfire Action Plan and Marin Wildfire Prevention Authority Activity in Recognition of Wildfire Awareness Month (FD)
Recommended Action - Accept report and provide feedback

PUBLIC HEARING

8. Public Hearing:

a. **Amendment of the Current Smoking Ordinance**

Introduction of An Ordinance Amending Sections 9.04.030, 9.04.090 and 19.10.060 of the San Rafael Municipal Code to Prohibit Smoking in Open Space Year-Round and Require Designated Smoking Areas in Multi-Family Housing Complexes with Over 10 Units Located within 1,000 Feet from Open Space and Undeveloped Lots in Order to Prevent Cigarette-Caused Fires (FD)
Recommended Action - Pass Ordinance to print

OTHER AGENDA ITEMS (continued):

9. Other Agenda Items:

a. **Set Public Hearing for Amendment to San Rafael's Building Code to Require Replacement of Wood Roofing**

Introduction of An Ordinance Amending Chapters 12.200 and 12.255 of the San Rafael Municipal Code to Make Local Amendments to California Building Codes to Require that Wood Roofing be Replaced by May 31, 2027 (FD)
Recommended Action - Pass Ordinance to print and set public hearing

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, in the City Clerk's Office, Room 209, 1400 Fifth Avenue, and placed with other agenda-related materials on the table in front of the Council Chamber prior to the meeting.. Sign Language interpreters may be requested by calling (415) 485-3066 (voice), emailing city.clerk@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. To request Spanish language interpretation, please submit an online form at <https://www.cityofsanrafael.org/request-for-interpretation/>.



MINUTES

SAN RAFAEL CITY COUNCIL – MONDAY, APRIL 18, 2022

REGULAR MEETING AT 7:00 P.M.

In-Person:

**San Rafael City Council Chambers
1400 Fifth Avenue, San Rafael, CA 94901**

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

Absent: Councilmember Hill

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

OPEN SESSION

1. None.

CLOSED SESSION

2. Closed Session: - None.

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, except for Councilmember Hill.

Mayor Kate provided opening remarks, which included tonight's first in-person, hybrid City Council meeting, the COVID-19 pandemic and a land acknowledgement.

City Clerk Lindsay Lara informed the community that the in-person meeting would also be recorded and 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, through Zoom and in-person.

OPEN TIME FOR PUBLIC EXPRESSION

- Vicki Sievers, EMF Safety Network, introduced herself to the City Council. Her Network's mission is to educate the public and public officials about the environmental/human harms from wireless radiation from electromagnetic radiation.

CITY MANAGER'S REPORT:

3. City Manager's Report:

City Manager Jim Schutz announced:

- His gratitude and appreciation to City Council for their leadership and to City Staff and the community for their resiliency during the COVID-19 pandemic
- Downtown Clean & Green / Shop Local for Earth Day on Friday, April 22 at 10 a.m.
- City Neighborhood Beautification Projects, on Saturday, April 23 at 10 a.m.
- Broom Pull with Point San Pedro Road Coalition, on Saturday, April 23 at 9-11 a.m. or 11 a.m. to 1 p.m.
- PG&E Virtual Safety Town Hall, on Wednesday, April 20 at 5:30 p.m.

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

COUNCILMEMBER REPORTS:

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

4. Councilmember Reports:

- Councilmember Kertz reported on an upcoming Marin Wildfire Prevention Authority (MWPA) meeting, the Planning Commission Interviews, a Fire Commission meeting and fire station visits. She announced her upcoming Community Conversation on Sunday, April 24 at Terra Linda Park at 3 p.m.
- Councilmember Bushey reported on a Central Marin Sanitation Agency meeting, Library Foundation Dinner, the Planning Commission Interviews and the MCCMC Water Committee. She announced her upcoming Community Conversation on Wednesday, April 27 at Peacock Gap Park at 5:30 p.m.
- Councilmember Llorens Gulati reported on Economic Development Subcommittee and East San Rafael Business meetings, as well as, the Planning Commission Interviews. She

announced her upcoming Earth Day Cleanup on Saturday, April 23 at Pickleweed Park at 10 a.m., followed by her Community Conversation.

- Mayor Kate reported on a SMART and a Schools/City/County meeting, as well as, Economic Strategic Plan interviews.

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

CONSENT CALENDAR:

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

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

5. Consent Calendar Items:

a. **Approval of Minutes**

Approve Minutes of City Council / Successor Agency Regular and Special Meetings of Monday, April 4, 2022 and Monday, April 11, 2022 (CC)

Approved minutes as submitted

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

Final Adoption of Ordinance 2005: 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)

Approved final adoption of Ordinance 2005

c. **MCSTOPPP Kerner Pump Station Trash Capture Device Project**

Resolution Approving and Authorizing the City Manager to Execute a Second Amendment to the Professional Services Agreement with Schaaf & Wheeler Consulting Civil Engineers, Inc. for Design and Environmental Engineering Services Associated with the MCSTOPPP Kerner Pump Station Trash Capture Device Project, In an Amount Not to Exceed \$280,832 (PW)

Resolution 15054 - Resolution Approving and Authorizing the City Manager to Execute a Second Amendment to the Professional Services Agreement with Schaaf & Wheeler Consulting Civil Engineers, Inc. for Design and Environmental Engineering Services Associated with the MCSTOPPP Kerner Pump Station Trash Capture Device Project, In an Amount Not to Exceed \$280,832

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hill

PUBLIC HEARINGS

6. Public Hearings:

- a. [Streamlined Review for Certain Residential Projects \(Formerly Design Review Advisory Committee, DRAC\)](#)

Jacob Noonan, Housing Program Manager presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Grace Geraghty, Responsible Growth Marin, Victoria DeWitt

Councilmembers provided comments.

Staff recommended modifying the wording in the Ordinance. On page 2, under 14.25.070 Design Review Board, under A. Purpose and Authority, 2.a could be modified to “Residential structures of 3 to 10 units.”

Staff recommended modifying the wording in the Resolution. On page 2, under A. Purpose and Authority, the first bullet point could be modified to “Residential structures of 3 to 10 units.”

i. Consideration of an Ordinance Amending Section 14.25.070 of Title 14 (Zoning Ordinance) of the San Rafael Municipal Code to Establish Streamlined Review for Certain Residential Projects (CD)

Councilmember Bushey moved and Councilmember Llorens Gulati seconded to pass Ordinance No. 2006 to print, with the modifications that Staff recommended tonight.

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

Passed to print Ordinance No. 2006 Amending Section 14.25.070 of Title 14 (Zoning Ordinance) of the San Rafael Municipal Code to Establish Streamlined Review for Certain Residential Projects

ii. Resolution Establishing a One Year Pilot Program for Streamlined Review for Certain Residential Projects

Councilmember Bushey moved and Councilmember Kertz seconded to adopt the resolution, with the modifications that Staff recommended tonight.

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

Resolution 15055 - Resolution Establishing a One Year Pilot Program for Streamlined Review for Certain Residential Projects

b. [Adoption of a Military Equipment Funding, Acquisition and Use Policy in Compliance with Assembly Bill 481](#)

Consideration of an Ordinance Adding New Chapter 2.52 to the San Rafael Municipal Code, Entitled “Police Acquisition and Use of ‘Military Equipment,’” and Approving the San Rafael Police Department’s Policy §706 – Military Equipment Funding, Acquisition and Use Policy” PD

David Spiller, Police Chief presented the Staff Report.

Staff responded to questions from Councilmembers.

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

Councilmember Kertz moved and Councilmember Bushey seconded to pass Ordinance No. 2007 to print.

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

Passed to Print Ordinance No. 2007 Adding New Chapter 2.52 to the San Rafael Municipal Code, Entitled "Police Acquisition and Use of 'Military Equipment,'" and Approving the San Rafael Police Department's Policy §706 - Military Equipment Funding, Acquisition and Use Policy"

OTHER AGENDA ITEMS:

7. Other Agenda Items:

a. **[Third Street Safety Improvements Project](#)**

Adopt Resolutions Related to the Third Street Safety Improvements Project HSIPL 5043(043), City Project No. 11362 (PW)

April Miller, Assistant Public Works Director/City Engineer presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Jean Severinghaus, Patrick Seidler, WTB-TAM, Kate Powers, Bicycle & Pedestrian Advisory Committee, Name Withheld

Councilmembers provided comments.

i. **Resolution Awarding and Authorizing the City Manager to Execute the Construction Agreement for the Third Street Safety Improvements Projects, HSIPL 5043(043) to Ghilotti Bros., Inc., In the Amount of \$2,236,926, and Authorizing Contingency Funds In the Amount of \$263,074, for a Total Appropriated Amount of \$2,500,000**

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

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

Resolution 15056 - Resolution Awarding and Authorizing the City Manager to Execute the Construction Agreement for the Third Street Safety Improvements Projects, HSIPL 5043(043) to Ghilotti Bros., Inc., In the Amount of \$2,236,926, and Authorizing Contingency Funds In the Amount of \$263,074, for a Total Appropriated Amount of \$2,500,000

- ii. **Resolution Approving and Authorizing the City Manager to Execute a Professional Services Agreement with Park Engineering, Inc. for Construction Management, Materials Testing and Inspection Services Associated with the Third Street Safety Improvements Project, HSIPL 5043(043), In the Amount of \$258,499, In a Form Approved by the City Attorney**

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

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

Resolution 15057 - Resolution Approving and Authorizing the City Manager to Execute a Professional Services Agreement with Park Engineering, Inc. for Construction Management, Materials Testing and Inspection Services Associated with the Third Street Safety Improvements Project, HSIPL 5043(043), In the Amount of \$258,499, In a Form Approved by the City Attorney

- iii. **Resolution Approving and Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with Kimley-Horn and Associates, Inc. for Construction Support Services Associated with the Third Street Safety Improvements Project, HSIPL 5043(043), In the Amount of \$40,000 for a New Total Professional Services Agreement of \$320,000, In a Form Approved by the City Attorney**

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

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

Resolution 15058 - Resolution Approving and Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with Kimley-Horn and Associates, Inc. for Construction Support Services Associated with the Third Street Safety Improvements Project, HSIPL 5043(043), In the Amount of \$40,000 for a New Total Professional Services Agreement of \$320,000, In a Form Approved by the City Attorney

- b. **[Merrydale Road Multi-Use Path Connection Alternatives](#)
Informational Report on Multi-Use Path Connection Alternatives from Las Gallinas Avenue to the Civic Center SMART Station via Merrydale Road (PW)**

Bill Guerin, Public Works Director presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Shirley Fischer, Matthew Hartzell, WTB-TAM, Bill Carney, Sustainable San Rafael, Margaret Johnston, Gallinas Watershed Council, Cathy Manovi, Patrick Seidler, WTB/TAM, Name Withheld, Kate Powers, Bicycle & Pedestrian Advisory Committee, Grace Geraghty,

Responsible Growth Marin, Heidi Howerton, Merrydale Promenade Citizens Advisory Group

Councilmembers provided comments and feedback on the four options regarding pathway design and the amount of parking that should be included.

Councilmember Bushey was more inclined for Option D (No Parking), without the one ADA parking space and recommends the utilization of the available recycled water. Councilmember Llorens Gulati was more inclined for Option D (No Parking) and would recommend more trees. Vice Mayor Kertz was more inclined for Option B (Partial Parking) but would push harder for SMART to provide additional parking. Mayor Kate was more inclined for Option B and noted the importance of parking for SMART riders and liking the bioswale, recycled water and trees.

Staff provided comments.

Councilmember Llorens Gulati moved and Councilmember Bushey seconded to accept the report.

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

Accepted report

SAN RAFAEL SUCCESSOR AGENCY:

1. Consent Calendar: - None

ADJOURNMENT:

Mayor Kate adjourned the meeting at 9:38 p.m. and expressed appreciation to the City Clerk's Office and Digital Service and Open Government for their work on a successful first hybrid City Council meeting.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2022

KATE COLIN, Mayor

Term: Present through April 30, 2023

2022 Meeting Schedule: 2nd Tuesday of each month at 6:00 p.m.

Eligibility Requirements: Must reside in San Rafael city limits

Application Deadline (subject to extension): May 17, 2022 or open until filled

Park and Recreation Commission (Three Vacancies)

Board Description: The Park and Recreation Commission assists the City Council in developing and implementing the long-range plans for City parks and recreation facilities; monitors current service levels and community needs; reviews the performance of City partnerships with community groups in the utilization of facilities and production of programs; reviews and advises on general policies and procedures in the delivery of park, recreation, childcare and cultural services.

Terms: June 2022 through May 31, 2026
June 2022 through May 31, 2026
June 2022 through May 31, 2026

2022 Meeting Schedule: Third Thursday of each month at 6:00 p.m.

Eligibility Requirements: Must live in San Rafael city limits

Application Deadline (subject to extension): May 13, 2022 or open until filled

Planning Commission (Two Vacancies)

Board Description: The Planning Commission consists of citizen volunteers appointed by the City Council to make decisions or advise the Council on land use and property development issues. The Commission assures that new development is consistent with our long-range General Plan, State laws and other public policies that advance the interests of our community.

Term: July 1, 2022 through June 30, 2026
July 1, 2022 through June 30, 2026

2022 Meeting Schedule: Second and Fourth Tuesdays at 7:00 p.m.

Eligibility Requirements: Must live in San Rafael city limits

Application Deadline (subject to extension): May 13, 2022 or open until filled

COMMUNITY OUTREACH:

The recruitment for applications is being advertised through mass email notification, the City's website, Nextdoor and Facebook social media platforms.

FISCAL IMPACT:

There is no financial impact to the City of San Rafael.

RECOMMENDED ACTION:

Receive and file the announcement of upcoming vacancies on San Rafael's Boards and Commissions.



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Attorney

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

City Manager Approval: _____

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

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 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 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 allowed the City Council and the City’s other formal boards and commissions to hold their public meetings using teleconferencing technologies until the order expired on

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

September 30, 2021. On September 16, 2021 Governor Newsom signed into law as an urgency measure Assembly Bill (AB) 361. [AB 361](#) amended 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. Therefore, since October 1, 2021, the City has relied on the amendments enacted by AB 361 as its authority to continue to hold meetings using teleconferencing technologies.

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.

ANALYSIS:

The City Council has determined that it is now safe to hold in person meetings in the City Council Chambers, and the Council held its first such meeting on April 18, 2022. The City Council Chambers are roomy enough to allow for social distancing in most cases and are now equipped with teleconferencing equipment that also allows participation in public meetings from other locations. This hybrid meeting model provides an alternative means to attend for those persons who feel that cannot safely attend in person, as well as for those persons who may find it more convenient to participate in the meetings through teleconferencing.

Other boards and commissions that meet in the City Council Chambers will also be able to meet in person. However, not all City boards and commissions meet in the City Council Chambers and staff has not yet been able to make comparable arrangements for hybrid meetings in those other meeting locations. Therefore, staff recommends that the City Council continue to adopt the resolution required by AB 361, so that these other boards and commissions can continue to meet using teleconferencing technology.

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) may continue to be held using only teleconferencing technology.

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 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 certain 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 and its legislative bodies, for the 30 days following adoption of this resolution, public meetings of the City’s legislative bodies may 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 2nd day of May 2022 by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Lindsay Lara, City Clerk

ORDINANCE NO. 2006**ORDINANCE OF THE CITY COUNCIL OF THE CITY SAN RAFAEL AMENDING SECTION 14.25.070 OF TITLE 14 (ZONING ORDINANCE) OF THE SAN RAFAEL MUNICIPAL CODE TO ESTABLISH STREAMLINED REVIEW FOR CERTAIN RESIDENTIAL PROJECTS**

WHEREAS, the City Council has directed staff to explore the issues related to the challenges to the approval and development of housing in San Rafael and to identify changes that could be made to facilitate housing development; and

WHEREAS, the City's zoning regulations in Title 14 – "Zoning", contain requirements for environmental and design review of certain development projects by the five-member Design Review Board. The regulations governing the Design Review Board are located in Section 14.25.070 of the San Rafael Municipal Code (SRMC); and

WHEREAS, staff has advanced a proposal to streamline the processing of certain housing development projects by delegating the Design Review Board's (DRB) advisory authority over the architectural design of those projects to two members who would participate in duly noticed Planning Commission meetings as representatives of the DRB at; and

WHEREAS, on January 21, 2022, the Planning Commission held a duly-noticed public hearing on staff's proposed amendment to SRMC Section 14.25.070 to establish a Design Review Advisory Committee (DRAC) and its authority. The Planning Commission accepted all public testimony and the written report of the Community Development Department, and recommended the City Council approve the municipal code amendment; and

WHEREAS, on April 18, 2022, the City Council held a duly-noticed public hearing on the ordinance and accepted all public testimony and the written report of the Community Development Department; and

WHEREAS, the City Council, pursuant to SRMC 14.27.060, finds the proposed amendment consistent in principle with the General Plan, and that the public health, safety and general welfare are served by adopting the amendment. The amendment aligns with the General Plan Housing Element Program H-17d for Efficient Project Review and the public health, safety and general welfare are served through exploring how the City can maintain the quality of project review while reducing time and the associated costs of doing so; and

WHEREAS, adoption of the amendment to SRMC Section 14.25.070(A) regulating the Design Review Board is not subject to the California Environmental Quality Act (CEQA) under Public Resources Code Section 15060(c)(2) which provides that CEQA does not apply if the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment. The streamlined review of certain residential projects would allow a combined review of those projects in a duly noticed public meeting.

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

Division 1. Amendment of Municipal Code.

Section 14.25.070(A) of Title 14 of the San Rafael Municipal Code (SRMC) is hereby amended to read as follows.

14.25.070 Design review board.

A. Purpose and Authority.

1. The design review board shall serve as an advisory body to the city for the purpose of reviewing and formulating recommendations on all major physical improvements requiring environmental and design review permits, except that an alternate streamlined review process is allowed for certain eligible projects as described below. The design review board may also serve as an advisory body on other design matters, including minor physical improvements or administrative design permits, referred to the board by the community development director, planning commission or city council. The design review board shall provide professional design analysis, evaluation and judgment as to the completeness, competence and appropriateness of development proposals for the use and setting and to recommend approval, approval with conditions, redesign or denial based on design standards adopted by the city council.

2. Streamlined Review of Certain Residential projects. The following residential projects shall be eligible for a streamlined review process, as established by city council resolution under a pilot program known as the "Streamlined Review for Certain Residential Projects".

- a. Residential structures of 3 to 10 units.
- b. Additions to multifamily residential structures of between three (3) to ten (10) units, where the addition constitutes no more than forty percent (40%) of the total square footage of the building and would not increase the unit count by more than 3 units.

This streamlined review process allows for a joint meeting of the planning commission and two (2) representatives of the design review board. The framework, roles and membership of the design review board representatives for a streamlined review process shall be as established by City Council resolution.

Division 2. CEQA Determination.

Adoption of this ordinance and the accompanying pilot program resolution are not subject to the California Environmental Quality Act (CEQA) under Public Resources Code Section 15060(c)(2) which provides that CEQA does not apply if the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment. The Pilot Program for Streamlined Review for Certain Residential Projects only affects administration of the design review program, which is advisory to the Planning Commission and does not take any action on entitlement applications. Further, CEQA does not apply to the adoption of the Pilot Program for Streamlined Review for

Certain Residential Projects because the action is not a Project under Section 15060(c)(3) and Section 15378(b) which includes continuing administrative activities.

Division 3. Severability.

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

Division 4. Publication; Effective Date.

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


KATE COLIN, Mayor

ATTEST:


LINDSAY LARA, City Clerk

The foregoing Ordinance No. 2006 was introduced at a Regular Meeting of the City Council of the City of San Rafael, held on the 18th day of April, 2022 and ordered passed to print by the following vote, to wit:

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

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 2nd day of May, 2022.



LINDSAY LARA, City Clerk

SUMMARY OF ORDINANCE NO. 2006**AN ORDINANCE OF THE CITY OF SAN RAFAEL CITY COUNCIL AMENDING SECTION 14.25.070 OF TITLE 14 (ZONING ORDINANCE) OF THE SAN RAFAEL MUNICIPAL CODE TO ESTABLISH STREAMLINED REVIEW FOR CERTAIN RESIDENTIAL PROJECTS**

This Summary concerns a proposed ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 2006, which will amend the San Rafael Municipal Code to establish an alternate streamlined review process for certain eligible projects described below. Ordinance No. 2006 is scheduled for adoption by the San Rafael City Council at its regular meeting of May 2, 2022. The City Clerk has been directed to publish this Summary pursuant to City Charter and California Government Code section 36933(c)(1).

SUMMARY OF AMENDMENT TO MUNICIPAL CODE

Over the past few years, the City Council has received informational reports on challenges to housing development in San Rafael. The City Council has directed staff to explore and identify possible solutions that would facilitate housing development. A streamlined development review alternative is timely; for several years the state legislature has adopted laws to streamline residential project review, including Objective Design Standards (Senate Bill 35); the Housing Crisis Act of 2019 (SB 330, as amended by SB 8); and SB 9, which mandates a ministerial review for certain types of projects.

The ordinance amends section 14.25.070 "Design review board" of the San Rafael Municipal Code to allow an alternative streamlined review of development applications allowing for a joint meeting of the planning commission and two (2) representatives of the design review board. The framework shall be established by City Council resolution and the following residential projects shall be eligible for streamlined review, as established by city council resolution under a pilot program known as the "Streamlined Review for Certain Residential Projects": (a) Residential structures of 3 to 10 units, (b) Additions to multifamily residential structures of between three (3) to ten (10) units, where the addition constitutes no more than forty-percent (40%) of the total square footage of the building and would not increase the unit count by more than 3 units.

Copies of Ordinance No. 2006 will be available for public review as of Wednesday, April 22, 2022 at the San Rafael City Clerk's Office, 1400 Fifth Avenue, 2nd Floor, Room 209 during regular business hours, 8:30 a.m. to 5:00 p.m., and on the City's website: <https://www.cityofsanrafael.org>. You may also contact Jacob Noonan, Housing Program Manager, at (415) 295-5471 or jacob.noonan@cityofsanrafael.org for information.

LINDSAY LARA
San Rafael City Clerk
Dated:4/20/2022

ORDINANCE NO. 2007

**AN ORDINANCE OF THE CITY OF SAN RAFAEL CITY COUNCIL
ADDING NEW CHAPTER 2.52 TO THE SAN RAFAEL MUNICIPAL CODE,
ENTITLED "POLICE ACQUISITION AND USE OF 'MILITARY EQUIPMENT,'" AND
APPROVING THE SAN RAFAEL POLICE DEPARTMENT'S POLICY §706 - "MILITARY
EQUIPMENT FUNDING, ACQUISITION AND USE POLICY"**

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

DIVISION 1. FINDINGS.

WHEREAS, in 2021, California Assembly Bill 481 was authored by Assembly Member David Chiu (D-San Francisco) to address the funding, acquisition, and use of military equipment by California law enforcement agencies; and

WHEREAS, on September 30, 2021, Governor Newsom signed Assembly Bill 481 into law, adding new Sections 7070, 7071, and 7072 to the California Government effective January 1, 2022, mandating law enforcement agencies, after January 1, 2022, to obtain approval by ordinance of the applicable governing body of a military equipment use policy governing the acquisition and continued use of defined military equipment within its jurisdiction; and

WHEREAS, the new statutes also require law enforcement agencies using military equipment acquired prior to January 1, 2022 to obtain approval by ordinance of the applicable governing body to continued use of that equipment. The law enforcement agency must commence the ordinance approval process no later than May 1, 2022; and

WHEREAS, this ordinance would add to the San Rafael Municipal Code a new chapter to establish the requirements for approval and annual review of a military equipment use policy for the San Rafael Police Department, so as to increase transparency and oversight for use of military equipment by the San Rafael Police Department, while providing safeguards to protect the public's welfare, safety, civil rights, and liberties; and

WHEREAS, as of January 1, 2022 the San Rafael Police Department owned military equipment that is regulated by the new statutes; and

WHEREAS, to be able to continue to use that equipment, or acquire and use any new military equipment, the Police Department has developed a military equipment use policy designated as "Policy 706 - Military Equipment Funding, Acquisition and Use Policy", including the Military Equipment Inventory List dated March 7, 2022, which policy is attached hereto marked "Exhibit A" and incorporated herein by reference;

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

DIVISION 2. AMENDMENT OF MUNICIPAL CODE.

Title 2 of the San Rafael Municipal Code, entitled "Administration" is hereby amended by adding new Chapter 2.52 entitled "Police Acquisition and Use of 'Military Equipment'" to read in its entirety as follows:

2.52.010 Definitions

For the purpose of this Chapter and any ordinance or policy adopted pursuant hereto, unless the context clearly requires a different meaning, the words, terms, and phrases set forth in this section shall have the meanings given them in this section:

- A. "Military Equipment" includes all of the following (Per Gov. Code §7070):
1. Unmanned, remotely piloted, powered aerial or ground vehicles.
 2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
 3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
 4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
 5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
 6. Weaponized aircraft, vessels, or vehicles of any kind.
 7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
 8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
 9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
 10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
 11. Any firearm or firearm accessory that is designed to launch explosive projectiles.
 12. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.
 13. Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).

14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.
 15. Any other equipment as determined by a governing body or a state agency to require additional oversight.
 16. Notwithstanding paragraphs (1) through (15), "Military Equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.
- B. "Police Department" means any division, section, bureau, employee, volunteer and/or contractor of the San Rafael Police Department.
- C. "Military Equipment Use Policy" means a publicly released, written document that includes, at a minimum, all of the following:
1. A description of each type of Military Equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the Military Equipment.
 2. The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of Military Equipment.
 3. The fiscal impact of each type of Military Equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
 4. The legal and procedural rules that govern each authorized use.
 5. The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of Military Equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the Military Equipment Use Policy.
 6. The mechanisms to ensure compliance with the Military Equipment Use Policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
 7. For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of Military Equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.
- D. "Type" means each item that shares the same manufacturer model number.

2.52.020 Military Equipment Use Policy Approval Requirement

- A. The Police Department shall obtain approval of the City Council, by an ordinance adopting a Military Equipment Use Policy at a regular meeting of the City Council, prior to engaging in any of the following:

1. Requesting Military Equipment made available pursuant to Section 2576a of Title 10 of the United States Code.
 2. Seeking funds for Military Equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
 3. Acquiring Military Equipment either permanently or temporarily, including by borrowing or leasing.
 4. Collaborating with another law enforcement agency in the deployment or other use of Military Equipment within the territorial jurisdiction of the City of San Rafael.
 5. Using any new or existing Military Equipment for a purpose, in a manner, or by a person not previously approved by the City Council body pursuant to this chapter.
 6. Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, Military Equipment.
 7. Acquiring Military Equipment through any means not provided by this section.
- B. The City Council shall hold a public hearing at a regular City Council meeting prior to approval of a proposed new or amended Military Equipment Use Policy.
- C. At least 30 days prior to the City Council's public hearing on the approval of a new or amended Military Equipment Use Policy, the Police Department shall submit the proposed Military Equipment Use Policy to the City Council and make those documents available on the Police Department's internet website.
- D. The City Council shall only approve a Military Equipment Use Policy pursuant to this chapter if it determines all of the following:
1. The Military Equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
 2. The proposed Military Equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
 3. If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
 4. Prior Military Equipment use complied with the Military Equipment Use Policy that was in effect at the time, or if prior uses did not comply with the accompanying Military Equipment Use Policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.
- E. In order to facilitate public participation, any proposed or final Military Equipment Use Policy shall be made publicly available on the internet website of the Police Department for as long as the Military Equipment is available for use.

2.52.030 Annual Reports on the Use of Military Equipment.

- A. The Police Department shall submit to the City Council an annual Military Equipment Report for each type of Military Equipment approved by the City Council within one year of approval, and annually thereafter for as long as the Military Equipment is available for use.
- B. The Police Department shall also make each annual Military Equipment Report required by this section publicly available on its internet website for as long as the Military Equipment is available for use.
- C. The annual Military Equipment Report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of Military Equipment:
 - 1. A summary of how the Military Equipment was used and the purpose of its use.
 - 2. A summary of any complaints or concerns received concerning the Military Equipment.
 - 3. The results of any internal audits, any information about violations of the Military Equipment Use Policy, and any actions taken in response.
 - 4. The total annual cost for each type of Military Equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the Military Equipment in the calendar year following submission of the annual Military Equipment Report.
 - 5. The quantity possessed for each type of Military Equipment.
 - 6. If the Police Department intends to acquire additional Military Equipment in the next year, the quantity sought for each type of Military Equipment.
- D. Within 30 days of submitting and publicly releasing an annual Military Equipment Report pursuant to this section, the Police Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual Military Equipment report and the Police Department's funding, acquisition, or use of Military Equipment.

2.52.040 Annual Review and Renewal of Ordinance Approving Military Equipment Use Policy.

- A. Following receipt of the annual Military Equipment Report required by Section 2.52.030, the City Council shall hold a public hearing at a regular City Council meeting to review any ordinance it has adopted pursuant to this Chapter approving the funding, acquisition, or use of Military Equipment, and shall vote on whether to renew the ordinance.

- B. In considering whether to renew the ordinance, the City Council shall consider the Police Department's current annual Military Equipment Report and find and determine whether each type of Military Equipment identified in that report has complied with the standards for approval set forth in Section 2.52.020(D) of this code and the Military Equipment Use Policy. If the City Council determines that a type of Military Equipment identified in the annual Military Equipment Report has not complied with the standards required for approval, the City Council shall either disapprove a renewal of the authorization for that type of Military Equipment or require modifications to the Military Equipment Use Policy in a manner that will resolve the lack of compliance.

DIVISION 3. APPROVAL OF MILITARY EQUIPMENT USE POLICY.

1. The City Council has reviewed the San Rafael Police Department's "Policy §706 – Military Equipment Funding, Acquisition and Use Policy" and the Military Equipment Inventory List dated March 7, 2022 (together, the "Policy") attached as Exhibit A, and held a noticed public hearing thereon at its regular City Council meeting on April 18, 2022 as required by Government Code section 7071.
2. The City Council hereby finds and determines that:
 - a. In compliance with Government Code Section 7071(b), the San Rafael Police Department submitted a copy of the Policy attached as Exhibit A to the City Council, and posted it on the Police Department's website, at least 30 days prior to the public hearing held by the City Council;
 - b. Within 30 days of submitting and publicly releasing an annual Military Equipment Report pursuant to this section, the Police Department held a well-publicized and teleconferenced community engagement meeting, at which the general public was invited to discuss and ask questions regarding the Police Department's proposed policy for funding, acquisition, or use of Military Equipment.
 - c. The Policy meets the requirements of California Government Code section 7070 et seq.;
 - d. The Military Equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;
 - e. The Policy will safeguard the public's welfare, safety, civil rights, and civil liberties;
 - d. All Military Equipment that has been purchased by the San Rafael Police Department is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety;
 - g. Military Equipment use prior to the adoption of this ordinance complied with the applicable equipment use policy (which included equipment now defined as military equipment) that was in effect at the time, or if prior uses did not comply with the

Policy attached as Exhibit A, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

3. Based upon the findings, the City Council approves and adopts “Policy 706 – Military Equipment Funding, Acquisition and Use Policy” and the Military Equipment Inventory List dated March 7, 2022, attached as Exhibit A.

DIVISION 4. SEVERABILITY.

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. PUBLICATION; EFFECTIVE DATE.

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



Kate Colin, Mayor

ATTEST:



LINDSAY LARA, City Clerk

The foregoing Ordinance No. 2007 was introduced at a Regular Meeting of the City Council of the City of San Rafael, held on the 18th day of April, 2022 and ordered passed to print by the following vote, to wit:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hill

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 2nd day of May, 2022.



LINDSAY LARA, City Clerk

Exhibit A: "Policy 706 – Military Equipment Funding, Acquisition and Use Policy" and the Military Equipment Inventory List dated March 7, 2022

Military Equipment Funding, Acquisition and Use Policy

706.1 PURPOSE AND SCOPE

State

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

706.1.1 DEFINITIONS

State MODIFIED

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Department.

Military equipment categories– Includes but is not limited to the following:

- (1) Unmanned, remotely piloted, powered aerial or ground vehicles.
- (2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- (3) High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- (4) Tracked armored vehicles that provide ballistic protection to their occupants.
- (5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- (6) Weaponized aircraft, vessels, or vehicles of any kind.
- (7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- (8 and 9) Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- (10) Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue handguns and ammunition of less than .50 caliber that are issued to officers, agents, or employees of the Police Department.
- (11) Any firearm or firearm accessory that is designed to launch explosive projectiles.
- (12) Noise-flash diversionary devices and explosive breaching tools. Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- (13) TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- (14) Kinetic energy weapons and munitions.

Military Equipment Funding, Acquisition and Use Policy

(15) Any other equipment as determined by a governing body or a state agency to require additional oversight.

706.2 POLICY

State

It is the policy of the San Rafael Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

706.3 MILITARY EQUIPMENT COORDINATOR

Best Practice

The Chief of Police may designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of San Rafael Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 1. Publicizing the details of the meeting.
 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

706.4 MILITARY EQUIPMENT INVENTORY

State **MODIFIED**

The following constitutes a list of qualifying equipment for the Department:

A current inventory of the Military Equipment is listed on the department's website; SRPD.ORG

706.5 APPROVAL

State

Military Equipment Funding, Acquisition and Use Policy

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting, or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

706.6 COORDINATION WITH OTHER JURISDICTIONS

State

Military equipment used by any member of this jurisdiction shall be approved for use and in accordance with this Department policy. Military equipment used by other jurisdictions that are providing mutual aid to this jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid.

706.7 ANNUAL REPORT**State**

Upon approval of a military equipment policy, the Chief of Police or the authorized designee shall submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee shall also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

706.8 COMMUNITY ENGAGEMENT**State**

The San Rafael Police Department will update on its website any changes to its military equipment so that it is available to members of the public. Along with updating the website, the department will provide a link to which the community can address any comments or concerns relating to funding, acquisition, or use of military equipment.

Type	Description	Quantity	Capabilities	Expected lifespan	Manufacturer's description	Purpose and authorized uses	Fiscal impact	Legal and procedural rules	Required training	Compliance mechanisms
Category 1										
Tactical Robot	ROBOTEX remote controlled tactical robot, track driven, attachable arm and trailers	1	Remote intelligence gathering device	10 years	The AVATAR® enhances the capabilities of SWAT and tactical response teams by allowing them to quickly and safely inspect dangerous situations, there is no longer a need to send personnel in before you've had a chance to assess the situation	Emergency incidents above normal patrol operations.	\$27,627.68 initial cost in 2010. \$500 average yearly maintenance costs	Refer to SRPD policy 300.	Agency authorized orientation course	Operational use under the review of the SWAT Commander or appropriate team supervisor.
Tactical Robot	Northern Lights Tactical remote controlled, armored tactical robot	1	Larger and heavier robot capable of delivering items in high risk situations and range training	10 years	Northern Lights Tactical TRACS robot target system. Features 10-inch foam-filled tires and has a top speed of 7 miles per hour.	Range training for moving targets. And exceptional high risk situations.	\$10,025 initial cost in 2008. \$100 average yearly maintenance costs	Refer to SRPD policy 300 and range procedures	None	Operational use under the review of the SWAT Commander or appropriate team supervisor.
Unmanned Aerial Vehicles (Shared with Novato PD)	Small unmanned aerial system	4	28 minute flight time per battery, maximum transmission distance 3-10 km based on surroundings	3 years	Grey DJI unmanned aerial system, <249 g weight, four rotor remotely operated airframe with video and photo capability	All-hazard and incidents which would benefit from an aerial perspective.	\$2,000 initial cost; \$500 annual maintenance	Refer to Novato PD policies 613.	Agency-authored orientation course; Monthly individual training; Quarterly team training.	Requires Watch Commander authorization
Category 2										
Armored Rescue Vehicle: Ford Transit-Van 350 HD (Shared with Novato PD)	Armored, wheeled vehicle. White, reflective San Rafael / Novato PD markings and red/blue lights. Equipped with a siren. Can hold a driver, equipment, and seven passengers.	1	Range 100 mi. Armor rated to .50 cal.	10 years	Four-wheeled, five-speed automatic transmission, gas engine-powered personnel carrier with ballistic glass and armor rated to .50 cal.	To provide for the safe transport, security, and rescue of agency personnel and citizens in high-risk incidents.	Shared resource with Novato PD, \$150,272.50 initial cost, \$1000 annual maintenance costs	Refer to policies 702, 703.	Agency-authored orientation course	Operational use under the review of the SWAT Commander or appropriate team supervisor.
Category 5										
Command Trailer: 2006 Sundowner	30 foot wheeled trailer, bathroom, towable, white, reflective San Rafael Mobile Command markings	1	equipment movement, command and control mobile location	10 years	Towable, wheeled-trailer	Equipment movement / mobile dispatch, command meeting location at emergency incidents.	Purchased in 2006. \$18,727. \$500 annually maintenance cost	Refer to policies 702, 703	Class A drivers license required to tow	None
Category 7										
Breaching Projectiles: Remington TB-12BK	12 Gauge breaching rounds	100	Operational range 0-1 foot	5 years	Ballistic breaching round used to defeat a variety of structures to include exterior and interior doors.	To breach entrances beyond the capabilities of hand held / impact methods.	\$150 initial purchase for duty projectiles, less than \$50 per year for on going cost	Refer to policies 300, 303, 303.9, 303.9.1, 303.9.2, 303.9.3.	Agency-authored orientation course; annual refresher.	Operational use under the review of the SWAT Commander or appropriate team supervisor.
Category 10										
Patrol Rifle (COLT, Olympic Arms & Knights Armament)	.223 caliber AR-15 rifle, semi automatic [Standard Issue Firearm - Patrol Application]	84	Single round	10 years	M4/AR15 semi-automatic rifle, gas operated, 16.1 inch barrel	Officers may use deadly force to protect themselves or others from what they reasonably believe is an imminent threat of death or serious bodily injury.	\$884 each for initial purchase \$5,000 ongoing for maintained costs.	Refer to SRPD policies 300, 303, 303.9, 303.9.1, 303.9.2, 303.9.3.	Agency-authored orientation course; annual refresher.	Use is subject to the applicable policies (300.5, 300.5.1, 301, 303.11).
Rifle: COLT (SWAT Operator)	.223 caliber M-4 semi-automatic rifle, short barrel	15	Single or multiple round option	10 years	M-4 semi-automatic rifle, 11.4 inch barrel	Officers may use deadly force to protect themselves or others from what they reasonably believe is an imminent threat of death or serious bodily injury.	\$1,200 each, \$500 yearly maintenance costs.	Refer to SRPD policies 300, 303, 303.9, 303.9.1, 303.9.2, 303.9.3.	Agency-authored orientation course; annual refresher.	Operational use under the review of the SWAT Commander or appropriate team supervisor. Use is subject to the applicable policies (300.5, 300.5.1, 301, 303.11)

Rifle : Knights Armament SR-25	.308 Caliber semi-automatic rifle with suppressor	4	Single round only	10 years	Precision .308 caliber, gas-operated rifle	Precision Rifle team use. Officers may use deadly force to protect themselves or others from what they reasonably believe is an imminent threat of death or serious bodily injury.	\$4,460 each initial cost, \$500 yearly maintenance	Refer to SRPD policies 300, 303, 303.9, 303.9.1, 303.9.2, 303.9.3.	Agency-authored orientation course; monthly refresher.	Operational use under the review of the SWAT Commander or appropriate team supervisor.
.223 caliber rounds	.223 caliber rounds (Patrol Rifle Rounds)	\$10,000+	operational range 0-1000 yards	N/A	.223 caliber rounds	Officers may use deadly force to protect themselves or others from what they reasonably believe is an imminent threat of death or serious bodily injury.	\$358 per 1000 rounds, \$10,000 a year for ongoing replacement costs	Refer to SRPD policies 300, 303, 303.9, 303.9.1, 303.9.2, 303.9.3, 306.	Initial orientation course including qualification; annual recertification including qualification.	Use is subject to the applicable policies (300.5, 300.5.1, 301, 303.11).
.308 caliber rounds	.308 caliber rounds (Precision Rifle Rounds)	500+	Operational range 0-1000 yards	N/A	.308 caliber rounds	Officers may use deadly force to protect themselves or others from what they reasonably believe is an imminent threat of death or serious bodily injury.	\$450 per 500 rounds, \$450 a year for replacement rounds	Refer to SRPD policies 300, 303, 303.9, 303.9.1, 303.9.2, 303.9.3, 306.	Initial orientation course including qualification; annual recertification including qualification.	Use is subject to the applicable policies (300.5, 300.5.1, 301, 303.11).
Category 12										
Diversionary Device - Def-Tec	Diversionary Device with reloads	45	Approx. 162db at 5 feet	5 years	A reloadable unit that can be used up to 30 times.	Distraction / diversionary device to be used in high risk situations in accordance to policy.	\$35 each, no ongoing costs.	Refer to SRPD policy 300.	Agency-authored orientation course; annual refresher.	Operational use under the review of the SWAT Commander or appropriate team supervisor.
Diversionary Device - ALS-TRMR	Reloadable Diversionary Device (Housing unit only)	10	Approx. 172db and 1.2 PSI at 5 feet	5 years	The reloadable diversionary device can be reloaded up to 250 times. The body incorporates a safety button. Upon deployment the device's kinetic energy causes the top to move the firing pin into the primer to function.	Distraction / diversionary device to be used in high risk situations in accordance to policy.	\$250 each, replacements cost when needed.	Refer to SRPD policy 300.	Agency-authored orientation course; annual refresher.	Operational use under the review of the SWAT Commander or appropriate team supervisor.
Reloadable Distraction Rounds	Reloads for the ALS-TRMR distraction device, 12 Gauge muzzle bang	50	N/A	5 years	12 ga muzzle bang that produces 175dB at 5 feet	Distraction / diversionary device to be used in high risk situations in accordance to policy.	\$7.50 per box of 5. \$100 a year ongoing costs for replacements	Refer to policies 300, 303,303.9, 303.9.1, 303.9.2, 303.9.3.	Initial orientation course including qualification; annual recertification including qualification.	Operational use under the review of the SWAT Commander or appropriate team supervisor.
Tear Gas: Chemical CS / Chemical OC	Combination CS and OC irritants (Can be "thrown" or discharged via department approved delivery system)	41	Capable of deployed up to 450 feet	5 years	When utilized, the submunition will discharge the agent for approximately 20-30 seconds, on average, providing a wide area of coverage.	Agency approved less lethal and chemical rounds to be used in accordance to policy in high risk and volatile situations.	\$944.20 initial purchase and average \$500/year maintenance costs	Refer to SRPD policies 300, 303, 303.6, 303.9, 303.9.1, 303.9.2, 303.9.3, 306.	Initial Orientation course including qualification; annual ongoing training	Operational use under the review of the Watch Commander or appropriate team supervisor.
Custom Air-Powered Less Lethal Delivery System (pepper ball) - Tippman 98	Semi-automatic, single shot, compressed air powered delivery system (paint ball gun)	4	Effective range 150 Ft	10 years	.68 caliber, semi-automatic, 3000 PSI HPA (paint ball gun that is meant to discharge chemical irritant projectiles)	Agency approved less lethal and chemical rounds to be used in accordance to policy in high risk situations	\$600 Initial cost, \$150 every two years for more projectiles.	Refer to SRPD policies 300, 303, 303.9, 303.9.1, 303.9.2, 303.9.3.	Agency-authored orientation course; annual refresher.	Operational use under the review of the SWAT Commander or appropriate team supervisor. Use is subject to the applicable policies (300.5, 300.5.1, 301, 303.11)
Category 14										
Less than Lethal Impact Device (Multi-Use) - ALSTAC -40mm	Double action multi-shot 40 mm less than lethal weapon	1	Up to 40 yards	10 years	A double-action, multi-shot, 40mm delivery system. Designed to discharge 40mm less-than-lethal ammunition	Agency approved less lethal and chemical rounds to be used in accordance to policy in high risk situations.	\$3200 initial purchase, no anticipated ongoing costs	Refer to SRPD policies 300, 303, 303.9, 303.9.1, 303.9.2, 303.9.3. Refer to SWAT procedures	Agency-authored orientation course; annual refresher.	Operational use under the review of the SWAT Commander or appropriate team supervisor. Use is subject to the applicable policies (300.5, 300.5.1, 301, 303.11)

Less Lethal Impact Device (Single-Use) - ALSTAC -40mm	Double action, single shot, 40mm less than lethal weapon	12	Up to 40 yards	10 years	A double-action, single shot, 40mm delivery system. Designed to discharge 40mm less-than-lethal ammunition	Agency approved less lethal and chemical rounds to be used in accordance to policy in high risk situations.	\$740 initial purchase each, no anticipated ongoing costs	Refer to SRPD policies 300, 303, 303.9, 303.9.1, 303.9.2, 303.9.3.	Agency-authored orientation course; annual refresher.	Operational use under the review of the SWAT Commander or appropriate team supervisor. Use is subject to the applicable policies (300.5, 300.5.1, 301, 303.11)
Kinetic Energy Projectiles: 40mm (ALS 4006D)	40mm, foam-tipped kinetic energy discharged from an agency-authorized 40mm delivery device.	100+	Operational range 5-120 ft.	5 years	40mm foam-tipped projectile capable of traveling 325 fps to a maximum range of 120 feet.	To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application.	\$25.00 each and approximately \$1000 yearly for training projectiles	Refer to SRPD policies 300, 303, 303.9, 303.9.1, 303.9.2, 303.9.3.	Initial orientation course including qualification; annual recertification including qualification.	Use is subject to the applicable policies (300.5, 300.5.1, 301, 303.11).
Shotgun: Remington 870	12 Gauge pump-action Shotgun (Orange Stock / Utilized as Less Lethal Delivery System)	51	Single round	10 years	Single shot pump-action.	To be used with Less-lethal bean bag rounds. To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application.	\$424 each, \$500-ongoing for maintenance costs	Refer to SRPD policies 300, 303, 303.9, 303.9.1, 303.9.2, 303.9.3.	Agency-authored orientation course; annual refresher.	Use is subject to the applicable policies (300.5, 300.5.1, 301, 303.11).
Kinetic Energy Projectiles: 12 Gauge "bean bag" rounds	12 Gauge cotton sock discharged from an agency-authorized 12 Gauge deliver device	100+	21 feet	N/A	12ga cotton sock round capable of traveling 525 fps.	To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application.	\$535.00 per 100, \$500 annual replacement cost	Refer to SRPD policies 300, 303, 303.9, 303.9.1, 303.9.2, 303.9.3.	Agency-authored orientation course; annual refresher.	Use is subject to the applicable policies (300.5, 300.5.1, 301, 303.11).

SUMMARY OF ORDINANCE NO. 2007**AN ORDINANCE OF THE CITY OF SAN RAFAEL CITY COUNCIL
ADDING NEW CHAPTER 2.52 TO THE SAN RAFAEL MUNICIPAL
CODE, ENTITLED “POLICE ACQUISITION AND USE OF ‘MILITARY
EQUIPMENT,’” AND APPROVING THE SAN RAFAEL POLICE
DEPARTMENT’S POLICY §706 - “MILITARY EQUIPMENT FUNDING,
ACQUISITION AND USE POLICY”**

This Summary concerns a proposed ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 2007, which will establish rules and regulations for the San Rafael Police Department to acquire and use “Military Equipment” as defined by Assembly Bill 481 and codified into law under California Government Code sections 7070, 7071, and 7072. Ordinance No. 2007 is scheduled for adoption by the San Rafael City Council at its regular meeting of May 2, 2022. The City Clerk has been directed to publish this Summary pursuant to City Charter and California Government Code section 36933(c)(1).

SUMMARY OF ORDINANCE

Ordinance No. 2007 adds new Chapter 2.52 to the San Rafael City Municipal Code, establishing the requirements for approval and annual review of a military equipment use policy for the San Rafael Police Department. This will increase transparency and oversight for use of military equipment by the San Rafael Police Department while providing safeguards to protect the public’s welfare, safety, civil rights, and liberties. In addition, Ordinance No. 2007 specifically approves the Police Department’s military equipment use policy, Policy §706 - “Military Equipment Funding, Acquisition and Use Policy.” The City Council’s approval of this policy allows the San Rafael Police Department to continue to use military equipment regulated by the new statutes which the Department acquired prior to January 1, 2022, and is a prerequisite for the acquisition and use of any new military equipment by the Police Department.

For a complete copy of the text of the Ordinance, please contact Police Lieutenant Scott Eberle at (415) 485-3452 or by email: 475@srpd.org. Copies of the Ordinance are also available for public review by contacting the City Clerk’s office by email to city.clerk@cityofsanrafael.org.

/s/ Lindsay Lara
LINDSAY LARA
San Rafael City Clerk
Dated: 04/20/2022

Item 5.f

Citizen of the Year 2022

Staff Report and Resolution to be published
on May 3, 2022



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Manager's Office

Prepared by: Nadine Atieh Hade
Administrative Services Director

City Manager Approval: _____

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

TOPIC: HOMELESSNESS PROGRAM CONSULTING SERVICES

SUBJECT: RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES WITH MARC SABIN FOR CONSULTING SERVICES FOR SAN RAFAEL HOMELESSNESS PROGRAMS

RECOMMENDATION:

Adopt the resolution approving and authorizing the City Manager to execute an Agreement for Professional Services with Marc Sabin for consulting services for San Rafael homelessness programs.

BACKGROUND:

Like many cities in California and across the country, San Rafael is seeking to support a growing homeless community and recognizes the need for more homeless support services. While many of these types of programs and services typically fall under the scope of Marin County, the City of San Rafael is actively expanding homeless programs and services to best serve our most vulnerable residents. To ensure their success, these programs require professional leadership and program management.

ANALYSIS:

The consultant, Marc Sabin, has served the City of San Rafael as a fixed-term employee for the past five months overseeing these programs and services, but gave notice to terminate his employment to be able to pursue certain other professional opportunities and his desire to control his hours worked and facilitate a distributed work environment. Marc initially gave notice on March 28 and would like to terminate his employment as of May 15. Should the City Council approve this recommendation, the professional services agreement would begin March 17. He has extensive experience in this area and will have the capacity to devote part of his time to work for the City on a consulting basis. This agreement would support the development of robust and effective programs to combat homelessness in San Rafael.

FISCAL IMPACT:

The proposed Professional Services Agreement totals a not-to-exceed amount of \$24,375 monthly, which would be the maximum amount if full time services are requested by the City of San Rafael in any given

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

month. The actual monthly amount will be based on hours worked and will typically fall between half time and full time. The Agreement will be for consulting services, project management, and support for City homelessness programs as directed by, and until terminated by, the City Manager. The funds needed to cover the cost of this service will be provided from the General Fund and through grant funding when available. The funds are available in the fiscal year 2021-22 budget and will be included as part of the budget process for fiscal year 2022-23.

OPTIONS:

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

1. Adopt the resolution as presented approving the Professional Services Agreement;
2. Adopt resolution with modifications to the Professional Services Agreement;
3. Direct staff to return with more information; or
4. Take no action.

RECOMMENDED ACTION:

Adopt the resolution authorizing the City Manager to execute a Professional Services Agreement with Marc Sabin for consulting services on City of San Rafael homelessness programs.

ATTACHMENTS:

1. Resolution
2. Draft Professional Services Agreement

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES WITH MARC SABIN FOR CONSULTING SERVICES FOR SAN RAFAEL HOMELESSNESS PROGRAMS

WHEREAS, the City has a need for professional analyst services to oversee various City projects, including projects related to persons experiencing homelessness in the community; and

WHEREAS, Marc Sabin has been a fixed-term employee for CITY for the past five months, and will terminate his employment on May 15; and

WHEREAS, Marc Sabin has the necessary education, skills, and professional experience to provide the necessary services; and

WHEREAS, the City has requested that Marc Sabin continue to provide needed services as requested by the City in a consulting capacity and Marc Sabin is willing to do so.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of San Rafael hereby approves and authorizes the City Manager to execute a Professional Services Agreement for consulting services for homelessness programs in an amount not to exceed \$24,375 per month, in the form included with the Agenda Report for this Resolution, subject to final approval as to form by the City Attorney.

I, Lindsay Lara, Clerk of the City of San Rafael, hereby certify foregoing resolution was duly and regularly introduced and adopted at a regular meeting on the City Council of said City held on Monday, the 2nd day of May 2022, by the following vote to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement is made and entered into this ____ day of April, 2022, by and between the CITY OF SAN RAFAEL (hereinafter "CITY"), and MARC SABIN (hereinafter "CONSULTANT").

RECITALS

WHEREAS, the CITY has a need for professional analyst services to oversee various CITY projects, including projects related to persons experiencing homelessness in the community; and

WHEREAS, CONSULTANT has been a fixed-term employee for CITY for the past five months, and gave notice to terminate his employment as of May 15; and

WHEREAS, CONSULTANT has the necessary education, skills, and professional experience to provide the necessary services; and

WHEREAS, CITY has requested that CONSULTANT continue to provide needed services as requested by CITY and CONSULTANT is willing to do so; and

WHEREAS, CONSULTANT has not participated in the making of this Agreement in his official capacity as an employee of the CITY, only in his personal capacity;

AGREEMENT

NOW, THEREFORE, the parties hereby agree as follows:

1. **PROJECT COORDINATION.**

A. **CITY'S Project Manager.** The City Manager is hereby designated the PROJECT MANAGER for the CITY, and said PROJECT MANAGER shall supervise all aspects of the progress and execution of this Agreement.

B. **CONSULTANT'S Project Director.** CONSULTANT shall assign a single PROJECT DIRECTOR to have overall responsibility for the progress and execution of this Agreement for CONSULTANT. Marc Sabin is hereby designated as the PROJECT DIRECTOR for CONSULTANT. Should circumstances or conditions subsequent to the execution of this Agreement require a substitute PROJECT DIRECTOR, for any reason, the CONSULTANT shall notify the CITY within ten (10) business days of the substitution.

2. **DUTIES OF CONSULTANT.**

CONSULTANT shall perform the duties and/or provide services and supervise projects related to homelessness, as specifically requested by the City Manager. CONSULTANT shall not have a regular workspace at CITY'S offices and must provide his own workspace, equipment and materials.

3. DUTIES OF CITY.

CITY shall pay the compensation as provided in Paragraph 4, and provide **CONSULTANT** with access to such **CITY** resources as may be necessary to perform **CONSULTANT'S** services under this Agreement.

4. COMPENSATION.

For the full performance of the services described herein by **CONSULTANT**, **CITY** shall pay **CONSULTANT** at the rate of \$150 per hour, plus reimbursement of all direct project expenses, including but not limited to transportation, postage, messengers, photographs, and photocopying, provided that in no event shall the compensation payable under this Agreement exceed \$24,375 per month.

Payment will be made monthly upon receipt by PROJECT MANAGER of itemized invoices submitted by **CONSULTANT**.

5. TERM OF AGREEMENT.

The term of this Agreement shall commence upon execution of this Agreement on May 17, 2022, and can be terminated as provided in Paragraph 6.

6. TERMINATION.

A. **Discretionary.** Either party may terminate this Agreement without cause upon thirty (30) days written notice mailed or personally delivered to the other party.

B. **Cause.** Either party may terminate this Agreement for cause upon fifteen (15) days written notice mailed or personally delivered to the other party, and the notified party's failure to cure or correct the cause of the termination, to the reasonable satisfaction of the party giving such notice, within such fifteen (15) day time period.

C. **Effect of Termination.** Upon receipt of notice of termination, neither party shall incur additional obligations under any provision of this Agreement without the prior written consent of the other.

D. **Return of Documents.** Upon termination, any and all **CITY** documents or materials provided to **CONTRACTOR** and any and all of **CONTRACTOR'S** documents and materials prepared for or relating to the performance of its duties under this Agreement, shall be delivered to **CITY** as soon as possible, but not later than thirty (30) days after termination.

7. OWNERSHIP OF DOCUMENTS.

The written documents and materials prepared by the **CONSULTANT** in connection with

the performance of its duties under this Agreement, shall be the sole property of CITY. CITY may use said property for any purpose, including projects not contemplated by this Agreement.

8. INSPECTION AND AUDIT.

Upon reasonable notice, CONSULTANT shall make available to CITY, or its agent, for inspection and audit, all documents and materials maintained by CONSULTANT in connection with its performance of its duties under this Agreement. CONSULTANT shall fully cooperate with CITY or its agent in any such audit or inspection.

9. ASSIGNABILITY.

The parties agree that they shall not assign or transfer any interest in this Agreement nor the performance of any of their respective obligations hereunder, without the prior written consent of the other party, and any attempt to so assign this Agreement or any rights, duties or obligations arising hereunder shall be void and of no effect.

10. INSURANCE.

A. **Scope of Coverage.** During the term of this Agreement, CONSULTANT shall maintain, at no expense to CITY, the following insurance policies:

1. A commercial general liability insurance policy in the minimum amount of one million dollars (\$1,000,000) per occurrence/two million dollars (\$2,000,000) aggregate, for death, bodily injury, personal injury, or property damage.

2. An automobile liability (owned, non-owned, and hired vehicles) insurance policy in the minimum amount of one million dollars (\$1,000,000) dollars per occurrence.

3. If any licensed professional performs any of the services required to be performed under this Agreement, a professional liability insurance policy in the minimum amount of one million dollars (\$1,000,000) per occurrence/two million dollars (\$2,000,000) aggregate, to cover any claims arising out of the CONSULTANT's performance of services under this Agreement. Where CONSULTANT is a professional not required to have a professional license, CITY reserves the right to require CONSULTANT to provide professional liability insurance pursuant to this section.

4. If it employs any person, CONSULTANT shall maintain worker's compensation insurance, as required by the State of California, with statutory limits, and employer's liability insurance with limits of no less than one million dollars (\$1,000,000) per accident for bodily injury or disease. CONSULTANT's worker's compensation insurance shall be specifically endorsed to waive any right of subrogation against CITY.

B. **Other Insurance Requirements.** The insurance coverage required of the CONSULTANT in subparagraph A of this section above shall also meet the following requirements:

1. Except for professional liability insurance or worker's compensation insurance, the insurance policies shall be specifically endorsed to include the CITY, its officers, agents, employees, and volunteers, as additional insureds (for both ongoing and completed operations) under the policies.

2. The additional insured coverage under CONSULTANT'S insurance policies shall be "primary and non contributory" with respect to any insurance or coverage maintained by CITY and shall not call upon CITY's insurance or self-insurance coverage for any contribution. The "primary and noncontributory" coverage in CONSULTANT'S policies shall be at least as broad as ISO form CG20 01 04 13.

3. Except for professional liability insurance or worker's compensation insurance, the insurance policies shall include, in their text or by endorsement, coverage for contractual liability and personal injury.

4. By execution of this Agreement, CONSULTANT hereby grants to CITY a waiver of any right to subrogation which any insurer of CONSULTANT may acquire against CITY by virtue of the payment of any loss under such insurance. CONSULTANT agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation, but this provision applies regardless of whether or not CITY has received a waiver of subrogation endorsement from the insurer.

5. If the insurance is written on a Claims Made Form, then, following termination of this Agreement, said insurance coverage shall survive for a period of not less than five years.

6. The insurance policies shall provide for a retroactive date of placement coinciding with the effective date of this Agreement.

7. The limits of insurance required in this Agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and noncontributory basis for the benefit of CITY (if agreed to in a written contract or agreement) before CITY'S own insurance or self-insurance shall be called upon to protect it as a named insured.

8. It shall be a requirement under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum insurance coverage requirements and/or limits shall be available to CITY or any other additional insured party. Furthermore, the requirements for coverage and limits shall be: (1) the minimum coverage and limits specified in this Agreement; or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured; whichever is greater. No representation is made that the minimum Insurance requirements of this agreement are sufficient to cover the obligations of the CONSULTANT under this agreement.

C. **Deductibles and SIR's.** Any deductibles or self-insured retentions in CONSULTANT's insurance policies must be declared to and approved by the PROJECT MANAGER and City Attorney, and shall not reduce the limits of liability. Policies containing any

self-insured retention (SIR) provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named insured or CITY or other additional insured party. At CITY's option, the deductibles or self-insured retentions with respect to CITY shall be reduced or eliminated to CITY's satisfaction, or CONSULTANT shall procure a bond guaranteeing payment of losses and related investigations, claims administration, attorney's fees and defense expenses.

D. **Proof of Insurance.** CONSULTANT shall provide to the PROJECT MANAGER or CITY'S City Attorney all of the following: (1) Certificates of Insurance evidencing the insurance coverage required in this Agreement; (2) a copy of the policy declaration page and/or endorsement page listing all policy endorsements for the commercial general liability policy, and (3) excerpts of policy language or specific endorsements evidencing the other insurance requirements set forth in this Agreement. CITY reserves the right to obtain a full certified copy of any insurance policy and endorsements from CONSULTANT. Failure to exercise this right shall not constitute a waiver of the right to exercise it later. The insurance shall be approved as to form and sufficiency by PROJECT MANAGER and the City Attorney.

11. INDEMNIFICATION.

A. Except as otherwise provided in Paragraph B., CONSULTANT shall, to the fullest extent permitted by law, indemnify, release, defend with counsel approved by CITY, and hold harmless CITY, its officers, agents, employees and volunteers (collectively, the "**City Indemnitees**"), from and against any claim, demand, suit, judgment, loss, liability or expense of any kind, including but not limited to attorney's fees, expert fees and all other costs and fees of litigation, (collectively "**CLAIMS**"), arising out of CONSULTANT'S performance of its obligations or conduct of its operations under this Agreement. The CONSULTANT's obligations apply regardless of whether or not a liability is caused or contributed to by the active or passive negligence of the **City Indemnitees**. However, to the extent that liability is caused by the active negligence or willful misconduct of the **City Indemnitees**, the CONSULTANT's indemnification obligation shall be reduced in proportion to the **City Indemnitees**' share of liability for the active negligence or willful misconduct. In addition, the acceptance or approval of the CONSULTANT's work or work product by the CITY or any of its directors, officers or employees shall not relieve or reduce the CONSULTANT's indemnification obligations. In the event the **City Indemnitees** are made a party to any action, lawsuit, or other adversarial proceeding arising from CONSULTANT'S performance of or operations under this Agreement, CONSULTANT shall provide a defense to the **City Indemnitees** or at CITY'S option reimburse the **City Indemnitees** their costs of defense, including reasonable attorneys' fees, incurred in defense of such claims.

B. The defense and indemnification obligations of this Agreement are undertaken in addition to, and shall not in any way be limited by, the insurance obligations contained in this Agreement, and shall survive the termination or completion of this Agreement for the full period of time allowed by law.

12. NONDISCRIMINATION.

CONSULTANT shall not discriminate, in any way, against any person on the basis of age,

sex, race, color, religion, ancestry, national origin or disability in connection with or related to the performance of its duties and obligations under this Agreement.

13. COMPLIANCE WITH ALL LAWS.

CONSULTANT shall observe and comply with all applicable federal, state and local laws, ordinances, codes and regulations, in the performance of its duties and obligations under this Agreement. **CONSULTANT** shall perform all services under this Agreement in accordance with these laws, ordinances, codes and regulations. **CONSULTANT** shall release, defend, indemnify and hold harmless **CITY**, its officers, agents and employees from any and all damages, liabilities, penalties, fines and all other consequences from any noncompliance or violation of any laws, ordinances, codes or regulations.

14. NO THIRD PARTY BENEFICIARIES.

CITY and **CONSULTANT** do not intend, by any provision of this Agreement, to create in any third party, any benefit or right owed by one party, under the terms and conditions of this Agreement, to the other party.

15. NOTICES.

All notices and other communications required or permitted to be given under this Agreement, including any notice of change of address, shall be in writing and given by personal delivery, or deposited with the United States Postal Service, postage prepaid, addressed to the parties intended to be notified. Notice shall be deemed given as of the date of personal delivery, or if mailed, upon the date of deposit with the United States Postal Service. Notice shall be given as follows:

TO CITY 's Project Manager:	Jim Schutz, City Manager City of San Rafael 1400 Fifth Avenue San Rafael, CA 94901
------------------------------------	---

TO CONSULTANT 's Project Director:	Marc Sabin 608 Hampshire Street San Francisco, CA 94110
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16. INDEPENDENT CONSULTANT.

For the purposes, and for the duration, of this Agreement, **CONSULTANT**, its officers, agents and employees shall act in the capacity of an Independent Consultant, and not as employees of the **CITY**. **CONSULTANT** and **CITY** expressly intend and agree that the status of **CONSULTANT**, its officers, agents and employees be that of an Independent Consultant and not that of an employee of **CITY**.

17. ENTIRE AGREEMENT -- AMENDMENTS.

A. The terms and conditions of this Agreement, all exhibits attached, and all documents expressly incorporated by reference, represent the entire Agreement of the parties with respect to the subject matter of this Agreement.

B. This written Agreement shall supersede any and all prior agreements, oral or written, regarding the subject matter between the **CONSULTANT** and the **CITY**.

C. No other agreement, promise or statement, written or oral, relating to the subject matter of this Agreement, shall be valid or binding, except by way of a written amendment to this Agreement.

D. The terms and conditions of this Agreement shall not be altered or modified except by a written amendment to this Agreement signed by the **CONSULTANT** and the **CITY**.

E. If any conflicts arise between the terms and conditions of this Agreement, and the terms and conditions of the attached exhibits or the documents expressly incorporated by reference, the terms and conditions of this Agreement shall control.

18. SET-OFF AGAINST DEBTS.

CONSULTANT agrees that **CITY** may deduct from any payment due to **CONSULTANT** under this Agreement, any monies which **CONSULTANT** owes **CITY** under any ordinance, agreement, contract or resolution for any unpaid taxes, fees, licenses, assessments, unpaid checks or other amounts.

19. WAIVERS.

The waiver by either party of any breach or violation of any term, covenant or condition of this Agreement, or of any ordinance, law or regulation, shall not be deemed to be a waiver of any other term, covenant, condition, ordinance, law or regulation, or of any subsequent breach or violation of the same or other term, covenant, condition, ordinance, law or regulation. The subsequent acceptance by either party of any fee, performance, or other consideration which may become due or owing under this Agreement, shall not be deemed to be a waiver of any preceding breach or violation by the other party of any term, condition, covenant of this Agreement or any applicable law, ordinance or regulation.

20. COSTS AND ATTORNEY'S FEES.

The prevailing party in any action brought to enforce the terms and conditions of this Agreement, or arising out of the performance of this Agreement, may recover its reasonable costs (including claims administration) and attorney's fees expended in connection with such action.

21. CITY BUSINESS LICENSE / OTHER TAXES.

CONSULTANT shall obtain and maintain during the duration of this Agreement, a **CITY**

business license as required by the San Rafael Municipal Code **CONSULTANT** shall pay any and all state and federal taxes and any other applicable taxes. **CITY** shall not be required to pay for any work performed under this Agreement, until **CONSULTANT** has provided **CITY** with a completed Internal Revenue Service Form W-9 (Request for Taxpayer Identification Number and Certification).

22. SURVIVAL OF TERMS.

Any terms of this Agreement that by their nature extend beyond the term (or termination) of this Agreement shall remain in effect until fulfilled, and shall apply to both Parties' respective successors and assigns.

23. APPLICABLE LAW.

The laws of the State of California shall govern this Agreement.

24. COUNTERPARTS AND ELECTRONIC SIGNATURE.

This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one document. Counterpart signature pages may be delivered by telecopier, email or other means of electronic transmission.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day, month and year first above written.

CITY OF SAN RAFAEL

CONSULTANT

JIM SCHUTZ, City Manager

By: _____

Name: _____

Title: _____

ATTEST:

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

LINDSAY LARA, City Clerk

By: _____

APPROVED AS TO FORM:

Name: _____

Title: _____

ROBERT F. EPSTEIN, City Attorney



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Fire

Prepared by: Darin White, Fire Chief

City Manager Approval: _____ 

TOPIC: 2021 FIRE PREVENTION INSPECTIONS OF CERTAIN OCCUPANCIES

SUBJECT: RESOLUTION ACKNOWLEDGING RECEIPT OF A REPORT MADE BY THE FIRE CHIEF REGARDING THE 2021 ANNUAL FIRE PREVENTION INSPECTION OF CERTAIN OCCUPANCIES PURSUANT TO SECTIONS 13146.2 AND 13146.3 OF THE CALIFORNIA HEALTH AND SAFETY CODE

RECOMMENDATION:

Adopt the resolution acknowledging receipt of a report made by the Fire Chief regarding the 2021 annual fire prevention inspection of certain occupancies pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code.

BACKGROUND:

On December 2, 2016, a fire broke out in a warehouse, known as the Ghost Ship, in Oakland, California. What became the deadliest fire in the history of the city took 36 lives that night. The deadliest fire since the Station nightclub fire in 2003, it quickly caught the attention of media throughout California, and the United States. Several articles, editorials, and social media postings were published, specifically around the Bay Area.

Media attention put a spotlight on fire and safety laws and inspections in California. In response, lawmakers passed Senate Bill ("SB") 1205, which was authored to assist in the prevention of tragedies of this nature and magnitude. On September 27, 2018, SB 1205 became effective, and added a new section to the California Health and Safety Code (CHSC) which affects every fire department or fire district in the State. This new bill requires every fire department or district to annually report to its administering authority their compliance with the annual inspection requirements of the California Health and Safety Code. The bill also requires the administering authority to formally acknowledge receipt of the compliance report in a resolution or a similar formal document.

ANALYSIS:

In addition to reporting requirements, SB 1205 requires every fire department or district providing fire protection services to annually inspect every building used as a public or private school. This same annual inspection requirement is applicable to hotels, motels, lodging houses, residential care facilities and apartment houses containing three or more living units. SB 1205 and the required reporting provides

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

an avenue for policy makers to understand the annual inspection requirements as well as compliance so they can understand full compliance or shortcomings.

Within the City of San Rafael, there are 626 residential occupancy structures and 20 academic occupancies. The Fire Department was able to inspect 98% of the residential occupancies and 100% of the academic facilities in 2021. Roughly 2% of residential occupancies were not able to be inspected due to our inability to access the site, addressing problems, or difficulties associated with contacting a property owner or building manager. Additional effort will be made to ensure these properties are inspected in 2022.

FISCAL IMPACT:

There is no additional impact to the General Fund. The inspection program is funded by existing Fire Department staffing resources.

OPTIONS:

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

1. Adopt the resolution.
2. Adopt the resolution with modifications.
3. Direct staff to return with more information.
4. Take no action.

RECOMMENDED ACTION:

Adopt the resolution acknowledging receipt of a report made by the Fire Chief regarding the 2021 annual fire prevention inspection of certain occupancies pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code.

ATTACHMENTS:

1. Resolution

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
ACKNOWLEDGING RECEIPT OF A REPORT MADE BY THE FIRE
CHIEF REGARDING THE 2021 ANNUAL FIRE PREVENTION
INSPECTION OF CERTAIN OCCUPANCIES PURSUANT TO SECTIONS
13146.2 AND 13146.3 OF THE CALIFORNIA HEALTH AND SAFETY
CODE**

WHEREAS, California Health & Safety Code Section 13146.4 was added in 2018, and became effective on September 27, 2018; and

WHEREAS, California Health & Safety Code Sections 13146.2 and 13146.3 require all fire departments, including the San Rafael Fire Department, that provide fire protection services to perform annual inspections in every building used as a public or private school, hotel, motel, lodging house, and apartment house for compliance with building standards, as provided; and

WHEREAS, California Health & Safety Code Section 13146.2 requires all fire departments, including the San Rafael Fire Department, that provide fire protection services to report annually to its administering authority on its compliance with Sections 13146.2 and 13146.3; and

WHEREAS, the City Council of the City of San Rafael intends this Resolution to fulfill the requirements of the California Health & Safety Code regarding acknowledgment of the San Rafael Fire Department's compliance with California Health and Sections 13146.2 and 13146.3.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL RESOLVES that it has received the annual inspection report required pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code, as follows:

A. EDUCATIONAL GROUP E OCCUPANCIES:

Educational Group E occupancies are generally those public and private schools, used by more than six persons at any one time for educational purposes through the 12th grade. Within the City of San Rafael, there lie twenty Group E occupancies, buildings, structures and/or facilities.

During calendar/fiscal year 2021, the San Rafael Fire Department completed the annual inspection of twenty Group E occupancies, buildings, structures and/or facilities. This is a compliance rate of 100% for this reporting period.

B. RESIDENTIAL GROUP R OCCUPANCIES:

Residential Group R occupancies, for the purposes of this resolution, are generally those occupancies containing sleeping units, and include hotels, motels, apartments (three units or more), etc. as well as other residential occupancies (including several residential care facilities). These residential care facilities have a few different sub-classifications, and they may contain residents or clients that have a range of needs, including those related to custodial care, mobility impairments, cognitive disabilities, etc. The residents may also be non-ambulatory or bedridden.

During calendar year 2021, the San Rafael Fire Department completed the annual inspection of 615 of the 626 Group R occupancies, buildings, structures and/or facilities. This is a compliance rate of 98% for this reporting period. Additional items of note regarding this compliance rate can be found in the accompanying staff report for this resolution.

I, Lindsay Lara, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of said City held on the 2nd day of May 2022 by the following vote, to wit:

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

LINDSAY LARA, City Clerk



SAN RAFAEL
THE CITY WITH A MISSION

Agenda Item No: 5.i

Meeting Date: May 2, 2022

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

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

City Manager Approval: _____

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

TOPIC: ADVERTISING TRANSIT SHELTER AGREEMENT

SUBJECT: RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE ADVERTISING TRANSIT SHELTER AGREEMENT WITH OUTFRONT MEDIA LLC EXTENDING THE TERM BY FIVE YEARS

RECOMMENDATION: Adopt the resolution authorizing the City Manager execute an amendment to the advertising transit shelter agreement with Outfront Media LLC extending the term by five years.

BACKGROUND: On September 7, 1993, the City entered into an Advertising Transit Shelter Agreement with Gannett Outdoor Co. for a term of 15 years, commencing on the date the first shelter was put into operation. In the original agreement, in exchange for “the exclusive right to erect and maintain advertising transit shelters on City property” the Contractor agreed to pay a portion of its advertising revenue to the City of San Rafael. This amount was originally specified in 1993 as the greater of \$90 per shelter per month or 18% of advertising revenue.

Since then, Gannett was succeeded by Outdoor Systems then by CBS Outdoor, and now by Outfront Media, LLC, the current contractor. The original 15-year agreement expired in 2008; however, the City and the Contractor continued to operate under the terms of the original 1993 agreement until the agreement was formally amended and approved by City Council on November 21, 2011; raising the payment to the City to \$150 per shelter per month. Six months later, on May 7, 2012, Public Works returned to Council to reduce the payment terms in the 2011 agreement from \$150 to \$126 per shelter (or 25% of gross revenues, whichever was greater), citing the recession and resulting financial hardship impeding the company’s ability to make the higher payments. This amendment to the agreement was set to expire on May 7, 2017. Subsequently, on May 1, 2017, City Council extended the agreement for an additional 5 years, which is set to expire on May 7, 2022.

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2

The 2012 agreement with Outfront Media stated that Outfront Media shall make payments to the City equal to the greater of \$126 per shelter per month (adjusted annually for inflation based on CPI) or 25% of advertising revenue. In a second amendment in 2017, the City agreed to remove the \$126 per shelter per month minimum and allow Outfront Media to pay 25 percent of their monthly revenue as compensation to the City.

It is important to note that in addition to managing advertising services on San Rafael's bus shelters, Outfront Media also incurs the cost of erecting and maintaining the bus shelters. Under the current terms of the agreement, Outfront Media maintains the shelters on a weekly basis, or more often if necessary, to keep shelters and the surrounding area free of litter, graffiti, posters and debris. Shelters are high pressure washed once a month. Importantly, Outfront Media is also responsible for the cost of repair to any damages to the shelters, including responding to any dangerous conditions within 24 hours of notice. There is a telephone contact number posted in all City bus shelters for purposes of notification.

Public Works staff have reported that Outfront Media and its predecessors have consistently maintained bus shelters in a satisfactory manner as described above. The City has received minimal complaints, and Outfront Media has responded to damages and hazards reported in shelters within 24 hours. Bus shelters have been an important and enhanced service the City has been able to provide to transit riders, and one that the City likely would not be able to afford to maintain were it not for the partnership with Outfront Media.

Additionally, under the current agreement, the City is allowed use of unsold bus shelter advertising space, at no charge to the City. The agreement outlines that Outfront Media shall give the City 30 days' notice when unsold space becomes available and will post City messages at no cost. This is an enhanced and free service for the City to utilize in communicating with the public.

ANALYSIS: Due to the upcoming expiration date of the agreement of May 7, 2022, the City Council is being asked to extend the current agreement with Outfront Media for another five-year term.

Under a 25% of revenue payment model, the City anticipates that it will receive payments totaling between \$25,000 and \$35,000 annually.

The maintenance costs for the advertising bus shelters in San Rafael is estimated at \$90,000 per year, and as described above, are fully incurred by Outfront Media under the current agreement. Were it not for the current agreement, the Department of Public Works would have to incur the costs of cleaning and maintaining the existing shelters, including maintaining a 24-hour response to unsafe conditions and graffiti removal. Additionally, since Outfront Media owns the transit shelters for the term of the current agreement; were the City to end the current agreement, San Rafael transit riders may be left without bus shelters if the City cannot afford to take ownership of and maintain the shelters.

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 3

FISCAL IMPACT: The City will receive \$25,000 to \$35,000 annually from Outfront Media and the City will continue to benefit from the erection and maintenance of the bus shelters that are necessary for transit riders which equates to an approximate benefit of \$90,000 annually.

OPTIONS:

1. Approve the resolution authorizing the City Manager to execute an amendment to the Agreement with Outfront Media LLC. to extend the Agreement for another 5-year period.
2. Do not accept the proposal and provide further direction to staff.

ACTION REQUIRED: Adopt the resolution authorizing the City Manager execute an amendment to the advertising transit shelter agreement with Outfront Media LLC extending the term by five years.

ATTACHMENTS:

1. Resolution
2. Agreement Amendment

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE ADVERTISING TRANSIT SHELTER AGREEMENT WITH OUTFRONT MEDIA LLC EXTENDING THE TERM BY FIVE YEARS

WHEREAS, the City of San Rafael and Combined Communications Corp. dba Gannett Outdoor Co. ("Gannett") entered into an Advertising Transit Shelter Agreement, dated September 7, 1993 ("Agreement"), under which Gannett assumed the obligation to install and maintain transit shelters in the City's right-of-way, on which Gannett could place advertising in exchange for compensation paid to the City; and

WHEREAS, after a series of corporate changes, Outfront Media LLC ("Outfront"), is the current successor-in-interest to the rights and obligations of Gannett under the ; and

WHEREAS, on May 7, 2012, the City and Outfront agreed to an Amendment of the Agreement to amend Paragraph II (Duration of the Contract) to provide for an extension of the term of the Agreement for an additional period of 5 years through May 6, 2017, with an option for renewal for another 5 years, under the terms of the original 1993 Agreement, except for a revision to Paragraph V (Payment) to provide for the payment of \$126 per shelter per month (adjusted annually by CPI change) or 25% of gross advertising revenues, whichever was greater; and

WHEREAS, on May 7, 2017, the parties agreed to a Second Amendment of the Agreement to remove the \$126 per shelter per month minimum payment, requiring only that Outfront Media pay the City 25% of gross advertising revenues, and amend Paragraph II (Duration of Contract) to extend the term for an additional period of 5 years, May 7, 2017 through May 6, 2022 and, by written agreement of both parties, for another 5 year period on the same terms; and

WHEREAS, the OUTFRONT has performed regular and satisfactory maintenance and upkeep to transit shelters located within the City Right of Way, providing enhanced service for San Rafael transit riders; and

WHEREAS, the parties wish to amend the Agreement will be extended for a five-year period commencing May 7, 2022 through May 6, 2027 and may be extended for another five-year period on the same terms by the written agreement of the parties, subject to the written approval of the City Manager.

WHEREAS, all other terms and conditions of the Agreement shall remain unchanged and in full force and effect for the term of this Agreement, as amended.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL resolves that it approves and authorizes the City Manager to execute the Amendment to the Advertising Transit Shelter Agreement, subject to approval as to form by the City Attorney.

I, LINDSAY LARA, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of said City held on Monday, the 2nd day of May 2022 by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

**THIRD AMENDMENT TO ADVERTISING TRANSIT SHELTER AGREEMENT
WITH OUTFRONT MEDIA LLC.**

THIS THIRD AMENDMENT to the Advertising Transit Shelter Agreement by and between the **CITY OF SAN RAFAEL** (hereinafter “**CITY**”), and **OUTFRONT MEDIA LLC.** (“**CONTRACTOR**”) is made and entered into as of the _____ day of _____, 202_.

RECITALS

WHEREAS, the **CITY** and Combined Communications Corp. dba Gannett Outdoor Co. of Northern California (“Gannett”), entered into an Advertising Transit Shelter Agreement, dated September 7, 1993 (“Agreement”), under which Gannett assumed the obligation to install and maintain transit shelters in the **CITY**’s right-of-way, on which Gannett could place advertising in exchange for compensation paid to the **CITY**; and

WHEREAS, on May 7, 2012, the **CITY** and CBS Outdoor, Inc., the successor-in-interest to Gannett, agreed to an Amendment of the Agreement to extend the term of the Agreement for an additional period of 5 years through May 7, 2017, with an option for renewal for another 5 years, under the terms of the original 1993 Agreement; and

WHEREAS, **CONTRACTOR** is the successor-in-interest to CBS Outdoor, Inc. and in May 2017 the **CITY** and **CONTRACTOR** entered into a Second Amendment to the Agreement to extend the term of the Agreement for an additional period of 5 years from May 7, 2017 through May 6, 2022; and

WHEREAS, **CITY** and **CONTRACTOR** now wish to further extend the term of the Agreement;

AMENDMENT TO AGREEMENT

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

1. Article II of the Agreement, entitled “DURATION OF THE CONTRACT” is hereby amended to extend the Agreement for a five-year period commencing May 7, 2022 through May 6, 2027, as set forth in

CONTRACTOR's proposal dated April 7, 2022 attached to this Amendment as Exhibit A and incorporated herein by reference.

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

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

CITY OF SAN RAFAEL

CONTRACTOR

JIM SCHUTZ, City Manager

By: _____

Name: _____

Title: _____

ATTEST:

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

LINDSAY LARA, City Clerk

By: _____

APPROVED AS TO FORM:

Name: _____

Title: _____

ROBERT F. EPSTEIN, City Attorney



April 07, 2022

Iman K. Kayani
Administrative Analyst
City of San Rafael
Department of public works

Dear Iman

Outfront Media Group LLC. Is prepared to move forward with the 5-year option outlined in the last amendment of our bus shelter advertising agreement which are as follows:

1. Effective Date of May 7, 2022 or as soon as practical after approval by the City of San Rafael.
2. The term would be for 5 years as defined in our amendment.
3. The revenue to the city of San Rafael will be 25% of the collected advertising revenue sold on the San Rafael bus shelters.
4. OUTFRONT Media will continue to maintain the city's bus shelters per the agreement.

All of the other terms and conditions in the original contract remain in effect.

Yours sincerely,

Frank Sandusky
VP Transit Western US
Direct: 657.221.2762 Cell 714.325.5679
2100 W. Oranewood Ave. Suite 160
Orange, CA 92868



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

Prepared by: Bill Guerin, Director
Department of Public Works

City Manager Approval: _____

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

TOPIC: TEMPORARY STREET CLOSURE TO SUPPORT VACCINATION EFFORTS IN THE CANAL NEIGHBORHOOD

SUBJECT: RESOLUTION AUTHORIZING SATURDAY STREET CLOSURES TO SUPPORT CANAL ALLIANCE'S EFFORT TO PROVIDE COVID-19 VACCINATIONS ON SATURDAY MAY 7 AND SATURDAY MAY 21, 2022

RECOMMENDATION:

Adopt the Resolution authorizing Saturday street closures to support Canal Alliance's effort to provide Covid-19 vaccinations on Saturday May 7, 2022 and Saturday May 21, 2022.

BACKGROUND:

Coronavirus (Covid-19) has had a dramatic impact on the residents of San Rafael and especially essential workers and other people that live in the Canal neighborhood. With vaccinations available, the Canal Alliance is seeking approval to conduct free vaccinations for this community. A similar effort in Spring and Summer of 2021 was very successful.

The Marin County Department of Public Health will help support the vaccination effort by providing a mobile vaccination unit and other logistical support. To effectively administer the Covid-19 vaccine, the Canal Alliance has requested approval to close a portion of Alto Street, a one block street next to the Canal Alliance offices, from Larkspur Street to mid-block, on the above mentioned Saturdays between 6:30 am and 3 pm. The partial street closure will allow people seeking vaccinations to drive or walk up to the medical professionals administering the vaccine. Other businesses on this short street support the vaccination effort and can access their properties from the Belvedere Street end of Alto Street.

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

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

*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 May 7th and on Saturday May 21, 2022, from 6:30 a.m. to 3:00 p.m. Public walk-up access to businesses will be maintained during event hours.

COMMUNITY OUTREACH:

Canal Alliance is advertising the opportunity to be vaccinated through their public outreach network. Canal Alliance has also received the support of other nearby businesses for this closure.

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 resolution.
2. Adopt resolution with modifications.
3. Direct staff to return with more information.
4. Take no action.

RECOMMENDED ACTION:

Adopt the Resolution authorizing Saturday street closures to support Canal Alliance’s effort to provide Covid-19 vaccinations on Saturday May 7, 2022 and Saturday May 21, 2022.

ATTACHMENTS:

1. Resolution

RESOLUTION NO.

RESOLUTION OF THE SAN RAFAEL CITY COUNCIL AUTHORIZING SATURDAY STREET CLOSURES TO SUPPORT CANAL ALLIANCE'S EFFORT TO PROVIDE COVID-19 VACCINATIONS ON SATURDAY MAY 7 AND SATURDAY MAY 21, 2022

WHEREAS, the Corona Virus (Covid-19) has had a dramatic impact on the residents of San Rafael and especially essential workers and other people that live in the Canal neighborhood of the City; and

WHEREAS, the Canal Alliance, with the support of the Marin County Department of Public Health, has the capability to administer Covid-19 vaccinations to nearby residents who wish to receive it: and

WHEREAS, the Canal Alliance has requested that the City allow the temporary closure of a portion of Alto Street on Saturday May 7 and Saturday May 21, 2022 to support their vaccination; 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 in the Downtown area, Alto Street should be temporarily closed to through traffic on Saturday May 7 and Saturday May 21, 2022 from 6:30 am to 3 pm for scheduled vaccination efforts;

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 dates and times 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 2nd day of May 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: FIRE STATION 55 – ENVIRONMENTAL SERVICES

SUBJECT: RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH BSK ASSOCIATES, INC. FOR SERVICES REQUIRED FOR ENVIRONMENTAL PERMITTING, SAMPLING, SOILS TESTING, AND REMOVAL AND SOILS REMEDIATION WORK RELATED TO THE UNFORESEEN UNDERGROUND STORAGE TANK DISCOVERED AT FIRE STATION 55, IN THE AMOUNT OF \$63,805, INCREASING THE TOTAL CONTRACT AMOUNT TO \$209,549, AND AUTHORIZING THE CITY MANAGER TO EXPAND THE SCOPE OF WORK IF EXTENSIVE CONTAMINATION IS DISCOVERED.

RECOMMENDATION: Adopt a resolution approving and authorizing the City Manager to execute a first amendment to the professional services agreement with BSK Associates, Inc. for services required for environmental permitting, sampling, soils testing, and removal and soils remediation work related to the unforeseen underground storage tank discovered at Fire Station 55, in the amount of \$63,805, increasing the total contract amount to \$209,549, and authorizing the City Manager to expand the scope of work if extensive contamination is discovered.

BACKGROUND:

On November 5, 2013, Measure E passed, extending the existing one-half percent local sales tax and increasing the rate by one-quarter percent to provide funding for city services. The City has since used those resources to plan, design, construct and manage two new stand-alone fire stations, 52 and 57, and a new Public Safety Center (PSC) that incorporates Fire Station 51. These three projects are collectively referred to as “Phase 1” of the City’s Essential Facilities Program. They have all been successfully completed, occupied and operational. The Essential Facilities program also includes the design, construction, and management of Fire Stations 54 and 55 referred to as “Phase 2”.

On October 18, 2021, pursuant to Resolution No. 14988, the City of San Rafael authorized the City Manager to execute a construction agreement for the Essential Facilities Phase 2 Fire Station 54 and 55 Project to Wickman Development and Construction (“Wickman”).

On December 20, 2021, pursuant to Resolution No. 15014, the City of San Rafael authorized the City Manager to execute a professional services agreement with BSK Associates (“BSK”) for

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2

Materials Testing and Special Inspection and Geotechnical Testing and Inspection Services fees concerning Fire Station 54 and 55 Project, in an amount not to exceed \$145,744.

ANALYSIS:

On January 10, 2022, the City of San Rafael issued notice to proceed with construction of the Essential Facilities Phase 2 project, Fire Station 54 & 55 Project to Wickman Development and Construction ("Wickman"). Wickman mobilized to the two project sites and demolition activities started immediately.

In late March 2022, Wickman was directing ongoing excavation activities for an underground utilities trench at Fire Station 55, located at 955 Point San Pedro Road. Wickman discovered the existence of an abandoned underground storage tank (UST). The metal UST is forty-two inches in diameter and approximately six feet long. The contractor suspended the excavation to avoid potential soils contamination and notified the City of San Rafael construction team, in compliance with Environmental Protection Agency protocols.

Upon notification of the discovery of the UST, the City is required to follow specific notification, sampling, permitting, and removal procedures required for the discovery of potentially hazardous materials at a construction site. These procedures include but are not limited to notification to the Bay Area Air Quality Management District (BAAQMD), and Marin County Certified Unified Program Agencies (CUPA), collection and analysis of water and soils samples in and around the tank, preparation of a work and health & safety plan for the removal of the tank, removal supervision, coordination with regulating agencies, and preparation of site assessment report and final closure report. Staff recommends engaging an Environmental Protection Agency (EPA)-qualified underground storage tank removal company to perform the extraction of the UST and associated soils remediation work.

City staff has solicited proposals from two qualified firms: Advantage Environmental and BSK Associates. Advantage Environmental indicated that they do not have the capacity to undertake this project at this time due to staffing constraints. BSK has submitted a proposal to perform these services for the amount of \$63,805 (Attachment 3). Staff recommends authorizing the City Manager to execute a first amendment to the professional services agreement with BSK Associates to include the additional services required for environmental permitting, sampling, soils testing, and the work required to extract and remediate the soils related to the unforeseen UST discovered at Fire Station 55, in the form attached as Attachment 2 to this report, subject to final approval as to form by the City Attorney.

The proposed cost of \$63,805 assumes that there is minimal soil contamination around and below the tank. Preliminary investigation shows that the tank was drained and filled with inert material in the past. However, if it is discovered that there is significant contamination, staff further requests that the City Manager be authorized to expand the scope of work in order to remove and dispose of the material. Any additional disposal work will be performed on a time and material basis, and staff will monitor the removal and document, through off-haul manifests, the extent of material removed.

The work associated with the removal of the UST is critical to maintaining the Fire Station 55 Project on schedule and avoiding delays.

FISCAL IMPACT: These funds will be appropriated from the portion of Measure E revenues allocated to public safety facilities construction and improvements.

OPTIONS:

1. Adopt a resolution authorizing the City Manager to execute a first amendment to the professional services agreement with BSK Associates, Inc. for services required for environmental permitting, sampling, soils testing, and removal and soils remediation work related to the unforeseen underground storage tank discovered at Fire Station 55, in the amount of \$63,805, and authorizing the City Manager to expand the scope of work if extensive contamination is discovered.
2. Do not adopt the resolution and provide direction to staff. If this option is chosen, project construction schedule will be delayed.

RECOMMENDED ACTION: Adopt a resolution approving and authorizing the City Manager to execute a first amendment to the professional services agreement with BSK Associates, Inc. for services required for environmental sampling, soils testing, and removal and soils remediation work related to the unforeseen underground storage tank at Fire Station 55, in the amount of \$63,805, increasing the total contract amount to \$209,549, and authorizing the City Manager to expand the scope of work if extensive contamination is discovered.

ATTACHMENTS:

1. Resolution Authorizing the City Manager to Execute a first amendment to the Professional Services Agreement with BSK Associates for services required for environmental permitting, sampling, soils testing, and removal and soils remediation work related to the unforeseen underground storage tank at Fire Station 55, in an amount not to exceed \$63,805, and authorizing the City Manager to expand the scope of work if extensive contamination is discovered.
2. First Amendment to the Professional Services Agreement with BSK Associates, Inc. for Environmental Services for the Removal of an Underground Storage Tank (UST) at Fire Station 55.
3. Proposal – Exhibit “A” to First Amendment to Professional Services Agreement.

RESOLUTION NO.

RESOLUTION OF THE SAN RAFAEL CITY COUNCIL APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH BSK ASSOCIATES, INC. FOR SERVICES REQUIRED FOR ENVIRONMENTAL PERMITTING, SAMPLING, SOILS TESTING, AND REMOVAL AND SOILS REMEDIATION WORK RELATED TO THE UNFORESEEN UNDERGROUND STORAGE TANK DISCOVERED AT FIRE STATION 55, IN THE AMOUNT OF \$63,805, INCREASING THE TOTAL CONTRACT AMOUNT TO \$209,549, AND AUTHORIZING THE CITY MANAGER TO EXPAND THE SCOPE OF WORK IF EXTENSIVE CONTAMINATION IS DISCOVERED

WHEREAS, in November 2013, the local voters passed Measure E extending the existing one-half percent local sales tax and increasing the rate by one-quarter percent to provide funding to preserve essential city services. This tax supplanted the former, one-half cent transactions and use tax (Measure S), effective April 1, 2014; and

WHEREAS, the City has since used those resources to plan, design, construct and manage two new stand-alone fire stations, 52 and 57, and a new Public Safety Center (PSC) that incorporates Fire Station 51. These three projects, collectively referred to as “Phase 1” of the City’s Essential Facilities Program, have successfully been completed and occupied; and

WHEREAS, the Essential Facilities program also includes the design, construction, and management of Fire Stations 54 and 55 referred to as “Phase 2”; and

WHEREAS, under a professional services agreement dated January 19, 2022, BSK Associates, Inc. (“BSK”) has provided materials testing and special inspection and geotechnical testing and inspection services for the “Phase 2” projects for renovation of Fire Stations 54 and 55; and

WHEREAS, the City successfully bid the Fire Station 54 and 55 Project and has awarded the construction contract to Wickman Development and Construction, Inc. and issued notice to proceed with construction; and,

WHEREAS, during excavation activities at Fire Station 55, Wickman Development and Construction, Inc. discovered an unforeseen underground fueling storage tank and subsequently notified the City; and,

WHEREAS, the City is required to follow specific notification, sampling, permitting, removal procedures; as well as proper extraction and soils remediation by an Environmental Protection Agency-qualified underground storage tank (“UST”) removal company; and,

WHEREAS, BSK has provided a proposal to perform the additional environmental services related the work associated with proper extraction of the tank, disposal, and soils remediation; and

WHEREAS, BSK’s proposal is based on preliminary investigation results that show minimal contamination around and below the tank because the tank was drained and filled with inert material in the past; and

WHEREAS, if during extraction of the tank it is discovered that significant contamination exists, additional work will need to be performed on a time and material basis and staff will monitor the removal and document the extend of the material removed; and

WHEREAS, the work associated with the removal of the UST is critical to maintaining the Fire Station 55 Project on schedule and avoiding delays;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Rafael as follows:

1. The City Manager is hereby authorized to execute a First Amendment to the Professional Services Agreement with BSK Associates, Inc., in the form included with the staff report for this resolution, subject to final approval by the City Attorney, for necessary comprehensive environmental services, in the amount of \$63,805, increasing the total contract amount to \$209,549.
2. The City Manager is hereby authorized to further amend the Professional Services Agreement to expand the scope of work, to be performed on a time and materials basis, if extensive contamination is discovered during excavation, as needed for the removal and disposal of the excess material.
3. Funds totaling \$63,805 will be appropriated for City Project No. 11395 from the Essential Facilities Capital Projects Fund (#420).

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 2nd day of May 2022 by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

**FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH
BSK ASSOCIATES, INC. FOR ENVIRONMENTAL SERVICES FOR THE REMOVAL
OF AN UNDERGROUND STORAGE TANK (UST) AT FIRE STATION 55**

THIS FIRST AMENDMENT to the Professional Services Agreement by and between the **CITY OF SAN RAFAEL** (hereinafter “**CITY**”), and **BSK ASSOCIATES, INC.** (hereinafter “**CONSULTANT**”), is made and entered into as of the _____ day of _____, 2022.

RECITALS

WHEREAS, pursuant to City Council [Resolution No. 15014](#), the **CITY** and **CONSULTANT** entered into a Professional Services Agreement dated January 19, 2022 to perform materials testing and special inspection services in connection with the **CITY’S** project to reconstruct Fire Stations 54 & 55 for an amount not to exceed \$145,744 (the “Agreement”); and

WHEREAS, the **CITY** discovered the existence of an Underground Storage Tank (“UST”) located at Fire Station 55 and requires additional environmental services from the **CONSULTANT** to perform environmental soil sampling and testing as well as the UST removal and site closure, and the **CONSULTANT** is willing to provide such services.

AMENDMENT TO AGREEMENT

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

1. Article II of the Agreement, entitled “DUTIES OF CONTRACTOR” is hereby amended to include the additional services set forth in **CONSULTANT’S** proposal entitled “Contract Change Order No. 1 – Revision 1”, dated April 26, 2022, attached to this First Amendment as Exhibit A and incorporated herein by reference.
2. Article IV of the Agreement, entitled “COMPENSATION” is hereby amended to include additional compensation payable to **CONSULTANT** for the services described in Exhibit A to this First Amendment, in

accordance with the "Fee Arrangements" included in Exhibit A, in a not-to-exceed amount of \$63,805, and to change the total not-to-exceed amount under the Agreement to \$209,549.

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

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

CITY OF SAN RAFAEL

CONSULTANT

JIM SCHUTZ, City Manager

By:_____

Name:_____

Title:_____

ATTEST:

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

LINDSAY LARA, City Clerk

By:_____

Name:_____

APPROVED AS TO FORM:

Title:_____

ROBERT F. EPSTEIN, City Attorney



399 Lindbergh Avenue
Livermore CA 94551
P 925.315.3151
www.bskassociates.com

Sent via email: Fabiola.GuillenUrfer@cityofsanrafael.org

April 26, 2022

BSK Project No. C22-038-61L

A. Fabiola Guillen
Sr. Project Manager
City of San Rafael
Department of Public Works
111 Morphew Street
San Rafael, CA 94901

**SUBJECT: Contract Change Order No. 1 – Revision 1
Perform Limited Environmental Sampling and Testing and UST Removal
City of San Rafael Essential Facilities Project - Fire Station 55
955 Point San Pedro Road
San Rafael, California**

Dear Ms. Guillen:

BSK Associates (BSK) is pleased to provide this contract change order no. 1 to provide limited environmental sampling and testing services of in-situ soil and the underground storage tank (UST) removal at the Fire Station 55 in San Rafael, California.

BACKGROUND

In 2022, the City of San Rafael (City) discovered the existence of an UST in the area of Fire Station 55 in San Rafael. The size of the UST is not known but is estimated at 42 inches diameter and 6 feet long. The City has requested a cost estimate from BSK to perform environmental soil sampling and testing and the UST removal and site closure.

SCOPE OF SERVICES

In order to evaluate a suitable approach for the eventual UST removal and site closure, BSK proposes to collect a total of two (2) representative soil samples from approximate depths of one foot below the bottom of the UST.

BSK will prepare the required documentation and a work plan. The work plan will include the following activities to assess the fuel line release to the satisfaction of the Marin County Environmental Health (MCEH):

- Permitting and notification through the MCEH and Bay Area Air Quality District (BAAQD);

- Preparation of work plan and Health & Safety Plan for the MCEH;
- Mobilization, including utility clearance;
- Retain Patriot Environmental (Patriot) to remove and recycle the UST (Patriot Environmental scope of work and quote is attached this change order)
- Observe the removal of the existing UST and note the physical condition of the UST and piping.
- Collection and transmittal of soil and water samples for analytical laboratory testing;
- Analytical laboratory analyses of the collected soil samples;
- Review of collected field data and analytical laboratory results;
- Preparation of a Conceptual Site Model (CSM); and
- Preparation of a Site Assessment Report to the MCEH.

We will submit each of the two (2) collected soil and 1 water samples to a California ELAP-certified laboratory to be tested as follows:

- Volatile Organic Compounds (EPA Method 8260B)
- Gasoline Range Organics (EPA Method 8015B/LUFT)
- Total Petroleum Hydrocarbons, Diesel and Motor Oil (EPA Method 8015M/LUFT) with Silica Gel Cleanup
- Tetraethyl Lead (organic)

The standard turnaround time for the chemical analyses is approximately 10 to 14 business days from the date the samples are delivered to the laboratory. If necessary, an accelerated laboratory turnaround time may be available at an additional charge. **The test results will be presented in an analytical report and spreadsheet, which will include limited interpretation of the results by BSK.**

SCHEDULE

BSK is ready to proceed with our services proposed herein immediately following our receipt of formal authorization to proceed. We anticipate tank removal will be performed within one to four weeks of receipt of our notice to proceed, depending on Patriot's availability, from the MCEH and BAAQD, subsurface sampling can be completed in one day, and analytical testing will be completed within approximately two weeks following the completion of the sampling. We assume that our investigation will be performed during weekdays between the hours of 7:00 am and 7:00 pm. If weekend or holiday work is necessary, we will need to revise our estimate.



FEE ARRANGEMENTS

The table below provides a breakdown of our estimated fees to cover our proposed services. We will provide the services described above on a time and materials basis per our current rates presented in our attached 2022 Schedule of Fees. Our fee will be invoiced monthly. If the Marin County Environmental Health requires changes to the work plan, this estimate may change. This estimate is based on BSK's current understanding of the project scope and site conditions.

Task/Units	Description	Unit Rate	Estimated Fee
Task1	Project Setup, Work Plan, Permitting, and Mobilization		
1 hours	Principal	\$260/hr.	\$260.00
4 hours	Senior Professional	\$230/hr.	\$920.00
2 hours	Staff Professional I	\$145/hr.	\$290.00
2 hours	Project Administrator	\$100/hr.	\$200.00
1 each	Permit	\$800.00	\$800.00
Task 1 Subtotal			\$2,470.00
Task 2	Field Work		
16 hours	Staff Professional I	\$145/hr.	\$2,320.00
1 each	Materials and Equipment	\$658.00	\$658.00
2 trips	Trip Charges	\$100/trip	\$200.00
1 each	Underground Utility Locator (includes markup)	\$1,500.00	\$1,500.00
1 each	Patriot Environmental (includes markup)	\$40,200	\$40,200
Task 2 Subtotal			\$44,878.00
Task 3	Laboratory Testing		
1 hour	Senior Professional	\$230/hr.	\$230.00
3 tests	TPH as gasoline	\$65 ea.	\$195.00
3 tests	TPH as Diesel	\$75 ea.	\$225.00
3 tests	Volatile Organic Compounds/Naphthalene	\$139 ea.	\$417.00
3 tests	Tetraethyl Lead (organic)	\$232 ea.	\$696.00
Task 3 Subtotal			\$1,763.00
Task 4	Data Analysis, Reporting and Closeout		
2 hours	Principal	\$260/hr.	\$520.00
12 hours	Senior Professional	\$230/hr.	\$2,760.00
4 hours	Staff Professional I	\$145/hr.	\$580.00
2 hours	Project Administrator	\$100/hr.	\$200.00
Task 4 Subtotal			\$4,060.00
20% contingency			\$10,634.00
TOTAL ESTIMATED FEES			\$63,805.00

Our estimated fee applies to work commenced within 90 days of this proposal. After that time, we may review our proposal for applicability. The fees presented in this proposal are based on prompt payment for services presented in our standard invoicing format. Additional charges will be applied for



specialized invoicing if backup documentation is needed. These special services and other services not included in our scope of services will be charged on a time-and-expense basis in accordance with our current schedule of fees.

PROPOSAL ASSUMPTIONS

Our scope of services and fee estimate were prepared based on the following assumptions:

- 1) The City will provide to BSK any applicable background information on the Site area.
- 2) The City, as the landowner, will be considered the “Generator” of all wastes, not BSK. BSK, its owners, employees, shareholders, officers, directors, subcontractors, etc. will not be considered the “Generator” of any wastes, expressed or implied.
- 3) Our services can be performed during normal business hours (Monday through Friday, 7:00 a.m. to 7:00 p.m).
- 4) The collection, management and testing of soil and water samples other than those described herein is not included.
- 5) Traffic control services are not required.

AUTHORIZATION

If you are in agreement with the proposed scope of services and estimated fee presented herein, please send us an amendment to our existing agreement for the project for our review and signature.

BSK offers a range of environmental and engineering services to suit the varying needs of our clients. Although risk can never be eliminated, more detailed and extensive engineering yields more information, which may help the client understand and manage the degree of risk. Since such detailed services involve greater expense, our clients participate in determining the level of service, which provides adequate information for their purposes at an acceptable level of risk. Acceptance of this proposal will indicate that you have reviewed the scope of services and have determined that it does not need or want more services than are being proposed at this time. Any exceptions should be noted and may result in a change in fees.

LIMITATIONS

This proposal was developed after discussion with you and is a preliminary understanding of your desires. If a portion of this proposal does not meet your needs, or if those needs have changed, BSK will consider appropriate modifications, subject to the standards of care to which we adhere as professionals. Modifications such as changes in scope, methodology, scheduling, and contract terms and conditions may result in changes to the risks assumed by the City of San Rafael as well as adjustments to our fees.

BSK’s services will be performed in a manner consistent with the level of care and skill ordinarily exercised by other professionals practicing in the same locale and under similar circumstances at the



time the work is performed. No warranty, either express or implied, is included. The findings of the field studies may have a potential for negative impact on the value or suitability of the import fill transported to the Import Site for some purposes. BSK cannot assume liability for any such negative impact(s).

CLOSURE

We appreciate the opportunity to continue to assist the City of San Rafael on this project. Please, contact us at (925) 315-3151 if you have any questions or require additional information.

Respectfully submitted,

BSK Associates



John C. Bird, P.G.
Senior Environmental Geologist



Cristiano Melo, PE, GE
Livermore Branch Manager

Attachments: 2022 Schedule of Fees

BSK Associates - September 1, 2021 to June 30, 2022 Schedule of Fees (North Determination)

PERSONNEL RATES																																																																																																																																							
<p>PROFESSIONAL STAFF</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td>Principal</td><td style="text-align: right;">\$ 260.00</td></tr> <tr><td>Senior Professional</td><td style="text-align: right;">\$ 230.00</td></tr> <tr><td>Project Professional II</td><td style="text-align: right;">\$ 215.00</td></tr> <tr><td>Project Professional I</td><td style="text-align: right;">\$ 180.00</td></tr> <tr><td>Staff Professional II</td><td style="text-align: right;">\$ 160.00</td></tr> <tr><td>Staff Professional I</td><td style="text-align: right;">\$ 145.00</td></tr> <tr><td>Seismic GIS</td><td style="text-align: right;">\$ 200.00</td></tr> <tr><td>GIS Specialist</td><td style="text-align: right;">\$ 145.00</td></tr> <tr><td>Information Specialist II</td><td style="text-align: right;">\$ 160.00</td></tr> <tr><td>Information Specialist I</td><td style="text-align: right;">\$ 145.00</td></tr> <tr><td>CAD</td><td style="text-align: right;">\$ 105.00</td></tr> <tr><td>Project Administrator</td><td style="text-align: right;">\$ 100.00</td></tr> </table> <p>REIMBURSABLES</p> <table style="width: 100%; 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R-Value of Soils (CT 301)	\$ 454.00																																																																																																																																						
R-Value of Treated Materials (CT 301))	\$ 502.00																																																																																																																																						
Consolidation (ASTM D2435)	\$ 478.00																																																																																																																																						
Consolidation , Extra Points (ASTM D2435)	\$ 64.00																																																																																																																																						
Collapse Potential of Soils (ASTM D2435)	\$ 233.00																																																																																																																																						
Remolded Consolidation (ASTM D2435)	\$ 405.00																																																																																																																																						
One-Dimen Swell of Soil (ASTM D4546)	\$ 149.00																																																																																																																																						
CBR at 100% (ASTM D1883 or AASHTO T-180)	\$ 585.00																																																																																																																																						
CBR at 95% (ASTM D1883 or AASHTO T-180)	\$ 1,133.00																																																																																																																																						
Rigid Wall Permeability (ASTM D2434)	\$ 322.00																																																																																																																																						
Flexible Wall Permeability (ASTM D5084)	\$ 502.00																																																																																																																																						
Remolded Flexwall Perm (ASTM D5084)	\$ 638.00																																																																																																																																						
Minimum Resistivity of Soils (CT 643)	\$ 161.00																																																																																																																																						
pH	\$ 75.00																																																																																																																																						
Soluble Sulfate, Chloride and Sulfide	\$ 149.00																																																																																																																																						
Freeze Thaw Abrasion (ASTM D560)	\$ 715.00																																																																																																																																						
Wetting-Drying Abrasion (ASTM D559)	\$ 679.00																																																																																																																																						
Preparation of Freeze-Thaw or Wetting-Drying Tests	\$ 859.00																																																																																																																																						
Soil Cement Compression (ASTM D1633)	\$ 275.00																																																																																																																																						
Sand Density Calibration (ASTM D1566)	\$ 107.00																																																																																																																																						
Unconfined Compression (ASTM D2166)	\$ 144.00																																																																																																																																						
Direct Shear, Undisturbed (ASTM D3080)	\$ 250.00																																																																																																																																						
Direct Shear, Remolded (ASTM D3080)	\$ 299.00																																																																																																																																						
Triaxial Compression Testing	QUOTE																																																																																																																																						

BSK Associates - September 1, 2021 to June 30, 2022 Schedule of Fees (North Determination)

MATERIALS LABORATORY TESTS	
AGGREGATES	
Sieve Analysis Coarse or Fine (ASTM C136)	\$ 95.00
Sieve Analysis w/ Fineness Modulus	\$ 102.00
Minus 200 Wash, Aggregates (ASTM C117)	\$ 95.00
Specific Gravity/Absorption (ASTM C127)	\$ 183.00
Specific Gravity/Absorption (ASTM C128)	\$ 183.00
Organic Impurities (ASTM C40)	\$ 95.00
% Lumps/Friable Particles (ASTM C142)	\$ 92.00
% Flat and Elongated (ASTM D4791)	\$ 144.00
Fine Aggregate Angularity (AASHTO 304)	\$ 92.00
Moisture Content (ASTM D2216)	\$ 49.00
Aggregate Wt., pcf Compacted (ASTM C29)	\$ 101.00
Aggregate Wt., pcf Loose (ASTM C29)	\$ 75.00
Abrasion by LA Rattler, Small Size (ASTM C131)	\$ 269.00
Abrasion by LA Rattler, Large Size (ASTM C131)	\$ 327.00
Sodium Sulfate Soundness, Per Sieve (ASTM C88)	\$ 125.00
Sodium Sulfate Soundness, Min. Charge (ASTM C88)	\$ 399.00
Sand Equivalent (ASTM D2419 OR CT 217-I)	\$ 144.00
Durability Index (CT 229)	\$ 286.00
Potential Reactivity of Aggregates	QUOTE
Cleanness Value of Aggregate (CT 227)	\$ 206.00
Hydrometer (ASTM D422 OR CT 205-E)	\$ 256.00
% Crushed particles (CT 205)	\$ 189.00
Lightweight Pieces (ASTM 123)	\$ 250.00
HOT MIX ASPHALT	
JMF Mix Design, HVEEM	\$ 3,542.00
JMF Mix Design, Marshall	\$ 4,197.00
JMF Mix Design, Superpave / Caltrans	\$ 10,226.00
JMF Verification - HMA - Superpave / Caltrans	\$ 5,926.00
JMF Production Startup - Superpave / Caltrans	\$ 5,513.00
RAP Material Testing - Additional Fee	\$ 717.00
Rubberized RHMA Material - Additional Fee	\$ 1,654.00
Hamburg Wheel Track (AASHTO T324)	\$ 3,005.00
Gyratory Compaction (AASHTO T312)	\$ 382.00
AC Content by Centrifuge (ASTM D2172)	\$ 328.00
AC Content-Ignition (ASTM D6307 / CT382 / AASHTO T308)	\$ 256.00
Superpave Ignition Oven Correction (AASHTO T308)	\$ 595.00
Moisture Content of Asphalt (CT 370)	\$ 75.00
Gradation/Extraction Aggregate (ASTM D5444)	\$ 155.00
Film Stripping	\$ 102.00
Compaction/Preparation of HMA Briquette (CT 304)	\$ 250.00
Stabilometer Value (CT 366 / AASHTO T246)	\$ 201.00
AC Core Specific Gravity (ASTM D2726)	\$ 64.00
AC Core Specific Gravity - Paraffin Coated (AASHTO T275)	\$ 167.00
AC Max Density Rice Method (ASTM D2041)	\$ 286.00
CIR/FDR Compressive Strength Testing (pre-compacted specimen, includes conditioning) – CTM 371	\$ 275.00
Tensile Strength Ratio (AASHTO T283)	\$ 1,253.00
Moisture Vapor Susceptibility (CT 307)	\$ 233.00
AC Surface Abrasion (CT 360)	\$ 572.00
Index Retained Strength (ASTM D1074-D1075)	\$ 512.00
AC Hveem Maximum Density (CT 375)	\$ 512.00
Marshall Stability and Flow (ASTM D6927)	\$ 286.00
Calculated AC Maximum Density (CT 367)	\$ 113.00
Marshall Maximum Density, 50 Blows (ASTM D6926)	\$ 333.00
Examination of AC Cores	\$ 39.00
Thickness Determination of AC Cores	\$ 25.00
AC Tensile-Strength Premixed ASTM D4867	\$ 740.00
AC Tensile-Strength Lab Mixed ASTM D4867	\$ 1,253.00
REINFORCING STEEL	
Tensile & Bend of Rebar, #3 - #8	\$ 169.00
Tensile & Bend of Rebar, #9 - #11	\$ 169.00
Bend Test of Rebar	\$ 69.00
Slip and Tensile Rebar Couplers (CT 670)	\$ 246.00
Tension Test of Welded Wire Fabric	QUOTE
Bend Test of Welded Wire Fabric	QUOTE
Weld Shear Test, Welded Wire Fabric	QUOTE
PT Cable Tensile and Elongation (ASTM A416 or A421)	\$ 310.00
PT Cable Preparation	QUOTE
CONCRETE	
Cement Content Concrete (ASTM C1084)	\$ 431.00
Chemical Test (ASTM C150)	QUOTE
Set Times Cement-Vicat Needle (ASTM C191)	\$ 357.00
Specific Gravity of Hydraulic Cement (ASTM C191)	\$ 172.00
Lineal Shrinkage Set of 3 (ASTM C157)	\$ 454.00
Compression Test of Concrete - 1 (ASTM C39)	\$ 39.00
Compression Test of Concrete - 4 (ASTM C39)	\$ 155.00
Compression Test of Core (ASTM C42)	\$ 69.00
Preparation of Specimens, Sawing	\$ 78.00
Compressive Strength of Shotcrete Panel	\$ 364.00
Proportion of Cement in Concrete (ASTM C85)	\$ 399.00
Flexural Test Per Beam (ASTM C78)	\$ 102.00
Splitting Tensile Strength of Concrete (ASTM C496)	\$ 102.00
Unit Weight Lt Wt Concrete (ASTM C567)	\$ 64.00
"AZ" Test-Reinforced Concrete Pipe "Life Factor"	\$ 89.00
9 Pt Core Measurements, Each (ASTM C174)	\$ 39.00
Concrete Trial Batches	QUOTE
Unit Weight & Abs Concrete (ASTM D642)	\$ 144.00
Accelerated Curing of Concrete (ASTM C684)	\$ 286.00
Cylinder Molds (each)	\$ 8.00
Storage of Concrete Cylinders for more than 45 Days	\$ 66.00
RH Probe	\$ 66.00
Calcium Chloride Kit	\$ 44.00
Mixing Water (pH, elec. conductance, chloride, sulfate)	\$ 113.00
Contact Soil (pH, elec. conductance, chloride, sulfate)	\$ 136.00
MASONRY	
Concrete Masonry Units Testing (ASTM C90)	
Compression Test Pavers, Single	\$ 88.00
Compression Test Composit CMU Prism	\$ 189.00
Specific Gravity and Unit Weight	\$ 131.00
Moisture Content	\$ 61.00
Compression Test, Masonry Units (ASTM C140)	\$ 119.00
Absorption / Moisture Content (ASTM C140)	\$ 119.00
Linear Shrinkage (ASTM C426)	\$ 460.00
Masonry Core Shear Test (Title 24)	\$ 214.00
Masonry Core Compression/Shear Test (Title 24)	\$ 214.00
Compression Test Brick, Each (ASTM C67)	\$ 85.00
Absorption/ Unit Wt. of Brick (ASTM C67)	\$ 89.00
Compression Test Grout (Set of 3 or 4)	\$ 137.00
Compression Test Mortar (Set of 3 or 4)	\$ 125.00
WELDING AND STRUCTURAL STEEL	
Welder Qualification Testing	
Welder / Procedure Welder Qualification Testing	QUOTE
Face Bend of Steel	\$ 69.00
Root Bend of Weld Coupon	\$ 69.00
Side Bend of Weld Coupon	\$ 69.00
Tensile Test of Steel Coupon	\$ 95.00
Bend Test of Steel Coupon	\$ 82.00
Machining Charges (Per Coupon)	QUOTE
Brinell Hardness of Steel (ASTM E10)	\$ 113.00
Rockwell Hardness of Steel (ASTM E18)	\$ 113.00
Bolt Ultimate Load	\$ 151.00
Bolt Hardness (set of 3)	\$ 113.00
Nut Hardness (set of 3)	\$ 113.00
Washer Hardness (set of 3)	\$ 113.00
Proof Loading, bolt or nut	\$ 161.00
FIREPROOFING	
Cohesion/Adhesion Fireproofing Materials	\$ 144.00
Dry Density Fireproofing (ASTM E605)	\$ 108.00

Escalation: The prices noted above are subject to an increase of 3-5% annual, effective January 1 of each year following the initiation of a services agreement.



**Proclamation
in Recognition of
PUBLIC SERVICE RECOGNITION WEEK
May 1 — 7, 2022**

- WHEREAS, Public Service Recognition Week has been celebrated since 1985 and is a time set aside to honor the women and men who serve our nation as federal, state, county, and local government employees; and
- WHEREAS, public employees take not only jobs, but oaths and commitments to serve their communities in professional, compassionate and creative ways, and without these public servants at all levels, continuity would be impossible in a democracy that regularly changes its leaders and elected officials; and
- WHEREAS, employees of the City of San Rafael serve the residents of our community with the highest degree of innovation, professionalism, efficiency, integrity, accountability, and commitment by working in alignment with the Together San Rafael guiding principles; and
- WHEREAS, public employees have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants; and
- WHEREAS, employees of the City of San Rafael work to maintain and improve the City's infrastructure, ensure the physical safety of San Rafael residents, preserve and enhance the health of all residents, conserve and promote the natural beauty of San Rafael's environment, provide recreation, child care and library programs, and support the diversity of the City; and
- WHEREAS, our city, state and nation are deeply indebted to the women and men who devote themselves to public service and make incalculable contributions to our city's quality of life.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of San Rafael proclaim May 1 through May 7, 2022, as Public Service Recognition Week, and extend their gratitude on behalf of a thankful and supportive community to all public service workers.



Mayor



**Proclamation
in Recognition of
NATIONAL POLICE WEEK 2022**

WHEREAS, The Congress and President of the United States have designated May 15, 2022, as Peace Officers' Memorial Day, and May 15 to May 21, 2022, as National Police week; and

WHEREAS, the members of the San Rafael Police Department play an essential role in safeguarding the rights and freedoms of all those residing in or visiting San Rafael; and

WHEREAS, it is important that all residents know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of the Police Department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the women and men of the San Rafael Police Department unceasingly provide a vital public service.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of San Rafael call upon all patriotic, civic and educational organizations to observe the week of May 15 to May 21, 2022, as National Police Week with appropriate ceremonies and observances in which all people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of residents; and

FURTHERMORE, we call upon all residents of San Rafael to recognize Sunday, May 15, as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty and let us recognize and pay respect to the survivors of our fallen heroes.



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

Mayor

City of San Rafael
In Recognition of
Wildfire Preparedness Month 2022

WHEREAS, the risk of wildfire in Northern California, Marin County and the City of San Rafael is apparent and remains an ongoing concern to community members, City leaders and Fire Department personnel, and

WHEREAS, the established purpose for and implementation of the City of San Rafael's Wildfire Prevention and Protection Action Plan was developed at the direction of City Council, and

WHEREAS, the voters in Marin County have passed Measure C which established the joint powers authority known as the Marin Wildfire Prevention Authority, which directly supports the projects and programs that involve community outreach and education; creation of defensible space; improvement of evacuation routes and corridors; and provides for effective emergency warning and notification systems; and

WHEREAS, adapting homes and structures through the creation of defensible space with a "house out approach" can prevent ignition of structures and maintain critical housing for community members; and

WHEREAS, home hardening actions help adaptability by reducing the vulnerability of the homes and other structures located in the wildland urban interface and in doing so lead to favorable outcomes for those who may experience a fast moving or large scale wildfire; and

WHEREAS, the use of fire resistive ornamental plants and landscape techniques serve to help homes and structures survive a wildfire event; and

WHEREAS, an informed and active community is a proactive and prepared community; and given the climate, drought conditions, and other factors, hazard mitigation efforts are now a year-round requirement.

NOW, THEREFORE, I, Kate Colin, Mayor of San Rafael, do hereby proclaim the month of May 2022 as

Wildfire Preparedness Month

and in doing so, urge all residents and community members to take adaptive wildfire preparation steps to increase our community's safety and reduce hazards and risks related to wildfire.



A handwritten signature in blue ink, appearing to read "Kate", is written over a horizontal line.

Mayor



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Manager's Office

**Prepared by: Walter Gonzalez,
Equity and Outreach Specialist**

City Manager Approval: _____

TOPIC CANAL NEIGHBORHOOD LIGHTING

SUBJECT ACCEPT INFORMATIONAL REPORT REGARDING THE CANAL LIGHTING PROJECT

RECOMMENDATION

Accept informational report regarding the Canal Lighting Project.

BACKGROUND

In collaboration with the Dominican University of California and Canal Alliance, members of Voces de Canal (the project team) partnered on developing a project to advocate for public lighting improvements in the Canal neighborhood. See Attachment A for a photo and list of names of all the project team members.

Voces de Canal is a coalition of parents, essential workers, and community leaders dedicated to improving the health and economic well-being of Canal neighborhood residents. Their vision is for the Canal community to be a safe, clean, and healthy environment for families. Voces de Canal advocates for improved access to housing, education, and increased accountability of local government to the community. Voces de Canal aims to work with local government and other nongovernmental agencies to co-create solutions to the community's concerns.

The project team identified public safety as a significant concern that could be addressed by increased public lighting. The project team identified seven routes that need lighting improvements in the neighborhood and took photos of these specific areas to highlight their priorities. See map for more details in Attachment B.

On February 26, 2022, the project team presented their findings and recommendations to the Canal community by hosting a community-led photo exposition event in the Canal. The project team displayed their findings and recommendations, as well as photos that highlighted the need for improved lighting in the neighborhood. In addition, the project team collected testimonies from

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

participants regarding their experiences with illumination in the Canal. The project team collected participants' testimonies to serve as another data point used by the project team to advocate for more lighting in the routes identified. This event was attended by City and County officials and staff, including elected leadership and members of the Police Department.

On March 23, 2022, the project team invited the District 1 Councilmember Llorens Gulati and City staff¹ to collaborate by participating in a qualitative data analysis working session. In partnership with the City, the project team analyzed and categorized the testimonies collected at the photo exposition held the previous month to identify overarching themes, community priorities, and specific recommendations. The event successfully brought together community members and City officials to better understand the issues, build trust, and work toward co-creating short and long-term solutions together. The project team will be presenting their findings and recommendations at the May 2nd City Council meeting, along with City staff who will be co-presenting to provide responses on how we are working together to create and implement solutions.

The City has made several safety improvements over the last year in response to previous feedback provided by the community. Specifically, improvements have been made at six intersections in the Canal neighborhood. The improvements included new curb ramps, lighting, and rectangular rapid flashing beacons (RRFBs) at the crossings at Bellam Blvd and Vista del Mar, Medway Road and Front Street, Medway Road and Mill Street, Kerner Blvd and Sonoma Street, Canal-Spinnaker Streets and Bahia Way, and Belvedere Street and Vivian Place. Staff also installed new lighting at Bellam Blvd and Windward Way. The City has also improved parking in and around the Canal neighborhood including significant changes to parking durations, added parking where possible, installed pavement markings to better define the spaces available and installed angled parking on Bellam Blvd and Kerner Blvd. The City also formed an "East San Rafael Parking Task-Force," which is currently on-going, to identify other opportunities to create parking in the area.

ANALYSIS

The project team developed six recommendations related to lighting and public safety in the Canal neighborhood. These recommendations arose from the community input collected by the project team during the lighting event on February 26, 2022, as well as from the qualitative data analysis working session with City staff on March 23, 2022. The project team's recommendations are:

1. Increase lighting along the seven routes identified by Voces de Canal. Use survey data to prioritize lighting routes.
2. Improve pedestrian safety, including adding pedestrian lighting and beacons at crosswalks.
3. Increase parking availability.
4. Install security cameras.
5. Increase communication and collaboration with the police. Work together with the police department to create a Neighborhood Safety Committee that develops policies for effective policing.
6. Provide a safe space for children to play outdoors by increasing lighting around Pickleweed Park in the evenings and prohibiting gambling, drinking, smoking and drug use near children's play areas.

City staff have communicated to the project team the City's intention to proactively support their

¹ Bill Guerin (Public Works Director), Vedika Ahuja (Data Product Manager), Cristine Alilovich (Assistant City Manager), Walter Gonzalez (Equity & Community Engagement Specialist), Lieutenant Lisa Holton, Police Officer Sebastian Sanchez.

project by responding to their recommendations with both short- and long-term solutions to improve lighting and public safety.

Public Works – Lighting and Transportation

The Department of Public Works (DPW) has identified 45 locations on five of the seven pathways identified by the project team where lights will be installed, where none exist today, including the children’s playground area and close vicinity at Pickleweed Park. DPW staff also identified 65 locations where existing lighting can be made brighter by changing the lights that currently exist. DPW is also working with Pacific Gas and Electric Company (PG&E) to seek approval to implement these solutions. These five pathways can be improved quickly once approval is received from PG&E.

The two other identified pathways, Bahia Way and the Starkweather Path, and the larger area of Pickleweed Park, will require more community engagement and additional approvals before City staff can proceed to improve lighting. Bahia Way is a privately maintained street and the Starkweather waterfront path is regulated by the Bay Conservation and Development Commission (BCDC). Staff will work with these entities to seek approval for additional lighting. Some of the lighting improvements would require additional analysis, community outreach, and detailed cost estimates (i.e., lighting of shoreline path), which staff will conduct in the next few months. Staff will continue working with the project team to update them on the City’s progress toward the longer-term, more complex solutions.

DPW has also contracted with a contractor to “shave” high spots in the sidewalks to reduce the possibility of people tripping when out for a walk.

The City also received grant funding from the Transportation Authority of Marin to conduct a Community Based Transportation Plan (CBTP) in the Canal neighborhood. This plan, underway now, is conducting a series of public outreach meetings to identify transportation improvements that can be made. When completed, the report will identify needs with estimated costs, and will be used to seek grant funding opportunities.

Police Department - Public Safety

The project team also developed specific recommendations related to public safety overall. The City’s Police Department met with members of the project team on April 25th to listen to their concerns and to collaborate with them on a path forward to address their concerns and specifically the three recommendations related to policing. The Police Department is committed to continuing to formalize a structure with the project team to identify additional ways to increase public safety in the Canal neighborhood.

COMMUNITY OUTREACH

The project team coordinated a robust outreach strategy to obtain a project plan that addresses the community’s needs. The photo exposition event hosted by the project team on February 26, 2022, served as a venue for the community to provide their feedback on the project and share their lived experiences as it relates to lighting in the Canal. In addition, members of Voces del Canal conducted targeted outreach at the Canal Based Transportation Plan event held on April 23, to further identify the community’s priorities for increased lighting.

FISCAL IMPACT

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 4

City staff are recommending an initial investment of \$100,000 toward improving lighting in the Canal, based on the priority areas identified by the community. The specific funding for the initial lighting improvements will be identified in the upcoming, proposed Capital Improvement Program, along with the Fiscal Year 22-23 budget, and may include ARPA, gas tax, and/or General Fund dollars.

OPTIONS

1. Accept the informational report.
2. Do not accept the report at this time and direct staff to come back with more information.

RECOMMENDATION

Accept informational report regarding the Canal Lighting Project.

ATTACHMENTS

Attachment A: Voces de Canal, Canal Alliance, and Dominican University Project team

Attachment B: Lighting Project Map Priority Routes

Attachment A: Project team members:

Voces del Canal - Marina Palma, Isabel Recendiz, Rosaura Rios, Zoila Rios, Cristina Rosales, Darlin Ruiz, Blanca Salinas, Maria Salinas and Vicky Tenorio

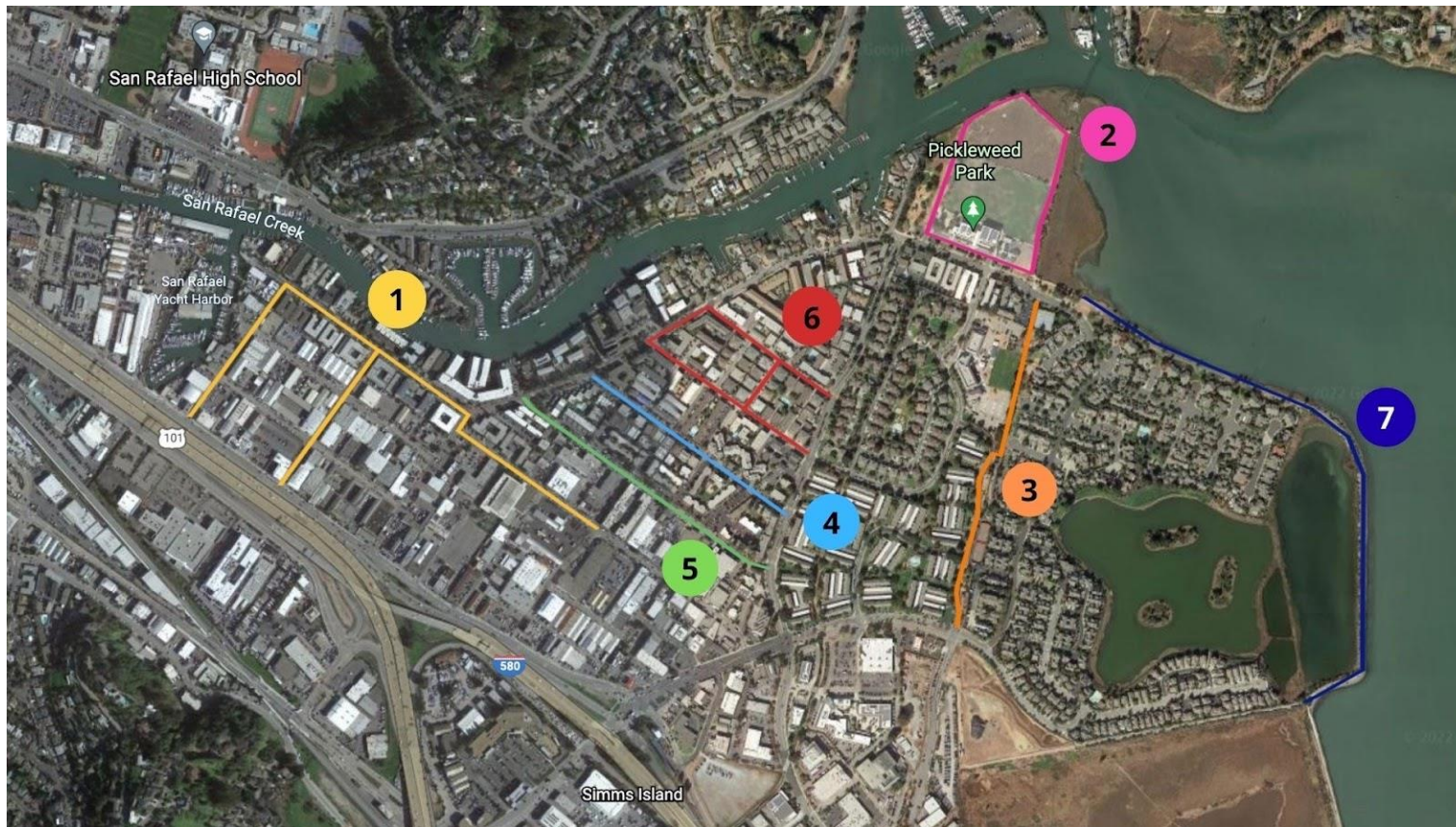
Canal Alliance - Rose Costello and Cristina Rosales

Dominican University.- Jennifer Lucko, Julia van der Ryn, Leslie Bejaron Solorio, Jennifer Cortez, Angelica Gonzalez Almanza, Silvia Gramajo Mazariegos, Britney Gutierrez Calderon, Sizi Rios and Lizbeth Valdez Duran



Attachment B: Lighting Project Map Priority Routes:

1. Harbor and Hoag St.
2. Pickleweed Park
3. Path behind Bahia Vista Elementary School
4. Novato St.
5. Larkspur St.
6. Fairfax St.
7. Shoreline Path





SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Fire

**Prepared by: Quinn Gardner, Deputy Director of
Emergency Management**

City Manager Approval: _____

TOPIC: WILDFIRE PREVENTION EFFORTS IN SAN RAFAEL

SUBJECT: INFORMATIONAL REPORT ON THE 38-POINT WILDFIRE ACTION PLAN AND MARIN WILDFIRE PREVENTION AUTHORITY ACTIVITY IN RECOGNITION OF WILDFIRE AWARENESS MONTH.

RECOMMENDATION:

Accept the informational report on the 38-point Wildfire Action Plan and Marin Wildfire Prevention Authority activity in recognition of Wildfire Awareness Month and provide feedback to staff.

BACKGROUND:

While wildfires are a natural part of California's landscape, the fire season in California and across the West is starting earlier and ending later each year and is filled with larger and more devastating fires. Warmer spring and summer temperatures, reduced snowpack, and earlier spring snowmelt create longer and more intense dry seasons that increase moisture stress on vegetation and make our environment more susceptible to severe wildfire. San Rafael's unique topography and geography make the entire city particularly susceptible to fires, particularly wind driven events.

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

The cost of wildfires is often quantified in lives lost, structures destroyed, and acres burned. In California alone, in 2020 wildfire killed 33 people, destroyed over 11,000 structures, and torched a record-breaking 4.3 million acres of land. In 2021, 3 people were killed, over 2.5 million acres burned, and over 3,600 structures were destroyed. While these are startling statistics, the total cost of wildfires extends well beyond these three metrics, starting with the funds it takes to contain or suppress wildfires. According to

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Council Meeting:

Disposition:

data from the National Interagency Fire Center, Federal wildfire suppression costs in the United States have spiked from an annual average of roughly \$425 million from 1985 to 1999 to \$1.6 billion from 2000 to 2019. State suppression costs have also risen; in California, over the past decade the average annual suppression cost has nearly doubled compared to the previous one, reaching close to \$400 million. The 2020 wildfire season caused over \$10 billion in damages, with over \$2 billion in suppression costs. In 2021 over \$500 million was spent on suppression costs. There are also less quantifiable metrics that may be even more costly, including disruptions to business, taxes, and tourism; residents left with soaring medical bills; and polluted air, soil, and waterways.

In response to devastating wildfire events in 2017 and 2018, the City Council directed staff to create the [San Rafael Wildfire Prevention and Protection Action Plan](#) (WPPAP), which was approved as the wildfire prevention and mitigation framework in August of 2020. Prior to the Plan’s approval, a Citizens Wildfire Advisory Committee, led by then Mayor Phillips and Councilmember Bushey, met, reviewed, discussed, and had their suggestions incorporated into the final WPPAP and implementation strategies.

In March of 2020, Marin County voters approved Measure C, a parcel tax to fund wildfire prevention efforts in Marin County. Measure C established and funds the Marin Wildfire Prevention Authority (MWPA). The MWPA consists of 17 Marin County agencies and is tasked with improving wildfire safety for all of Marin residents, businesses and visitors. In June of each year the MWPA Board approves a work plan for the upcoming fiscal year. The WPPAP has been the framework for the City’s MWPA projects.

In February of 2021, City Council adopted Ordinance No. 1988, updating San Rafael Municipal Code (SRMC) Chapter 4.12 to establish citywide vegetation standards to better protect lives and property across San Rafael. This important code update directly addressed items 1-3 in the WPPAP. The specific elements of the Ordinance were included in the WPPAP and developed from the National Fire Protection Association (NFPA), the California Fire Code, and extensive review of policies and practices from other regional jurisdictions. In addition, these recommendations are aligned with national wildfire research conducted by the Insurance Institute for Business and Home Safety and the FIREWISE national wildfire fire safety campaign.

ANALYSIS:

The MWPA 2021-2022 workplan outlines a whole community fire adapted approach that includes improvement to evacuation routes, open space fuel reduction, public education, defensible space and home hardening, ignition reduction, early detection, alert and warning, and numerous other projects. The WPPAP has served as a guiding document to develop projects for MWPA funding.

These projects have included various shaded fuel breaks, open space fuel reduction near homes and along fire roads, the removal of hazardous and dense vegetation along evacuation routes, safe parking updates, numerous public education and outreach events, and a citywide defensible space inspection program.

In addition, free curb side chipping and debris removal services, direct resident assistance, and home hardening and vegetation management grants are available to property owners. A summary of the actions relating to each item in the WPPAP is provided below.

WPPAP Item Summary	Updates/Status
1. Eliminate highly flammable vegetation throughout San Rafael	MWPA Grants, Defensible Space Evaluations, vegetation projects, Direct Assistance

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 3

2. Apply fire mitigation standards citywide	Updated SRMC Ch. 4.12 increases Defensible Space Evaluations and enforcement,
3. Reduce ember ignitions in immediate zone	Updated SRMC Ch. 4.12 increases Defensible Space Evaluations and enforcement,
4. Expand goat grazing	Additional acreage and earlier start in 2022
5. Establish additional fuel interruption zones	Numerous shaded fuel breaks and improved clearances along fire roads
6. Improve public education	Virtual and in person outreach and events, FireSafe Marin content, increased 1-1 education via inspections
7. Increase Firewise Communities	Established coordinator, grants available
8. Reduce risks on private unimproved lots	Inspection and enforcement program
9. Effective debris disposal	Chippers, debris boxes, air curtain burner, lop and scatter
10. Engage community groups	Dedicated staff re-engaging with community groups.
11. Reengage broom pull days	Numerous reoccurring and single events
12. Review and update WUI map	On Hold
13. Consider PRC 4290 and 4291	On Hold while State considers new legislation
14. Develop new solutions and resources	Received Hazard Mitigation Grant for fuel reduction project, continued partnership with Service Corps, Fire Foundry, Delta Fire Crew
15. Seize open space ignition sources and remove encampments	Local MWPA project to fund 1.5 Rangers
16. Reduce likelihood of ignitions	Sign improvements and Local MWPA project to fund 1.5 Rangers, Code changes in development
17. Explore enhanced safety opportunities with Building codes and 7A materials	On Hold while State considers new legislation
18. Eliminate shake and wooden roofs	Code changes pending
19. Vegetation Study	CWPP and future MWPA project
20. Analysis of fire roads and fuel breaks	Staff surveys completed, updates ongoing
21. Harden more homes	Increase inspections, resident grants
22. VMPs and RLTs	VMP reviews ongoing, RLTs merged into public education
23. Increase inspections	Over 1500 inspections completed in the past year
24. Improve Risk reduction via education and signs	In Progress. Education planting, signs, online education
25. Improve short term rental wildfire safety	Requirements established
26. Hire additional staff	Completed
27. Police Rangers	Local MWPA project to fund 1.5 Rangers
28. Reduce fuels along roadways	Evacuation Route clearance ~13 miles cleared
29. Parking Box Program	Local Project implemented on San Rafael Lincoln Hill, Downtown/West End and Dominican/Black Canyon in process
30. Improve Public emergency alerting	Emergency portal, Zonehaven, Alert Marin, Nixle,
31. increase early warning and detection	PG&E camera upgrades
32. Improve evacuation plans and drills	Zonehaven system
33. Safe and Critical Infrastructure	Fuel reduction work ongoing

34. Improve staff ability to send alerts	Training and policies established
35. Assure staff can communicate in emergencies	Tested in exercises and drills
36. Garage door battery back-ups	MWPA home hardening grant program
37. Multiple gates in select areas	MWPA home hardening grant program
38. Maintain and expand partner coordination	Ongoing

The above list represents only a summary of the completed work, which is also visually represented in the attached maps. In the coming year staff will work to improve and maintain previously completed projects, as well as work on more complicated planning projects for larger scale area treatments, implement additional shaded fuel breaks, and continue to work with the public to reduce risks to their homes and businesses.

COMMUNITY OUTREACH:

Staff remain committed to engaging and informing the public through our prevention and adaptation efforts. This has included community meetings, virtual and in person trainings, direct mail campaigns, the use of signs on A-frames, coordination with community and neighborhood leaders. In addition staff continuously provide updates on the City and MWPA websites and maintain a social media presence, and wildfire prevention direct emails and phone numbers. The MWPA Board, Operations Committee, and Technical Committee are all Brown Act compliant and meetings are open to the public for their information and feedback.

FISCAL IMPACT:

There is no direct fiscal impact associated with this information report. Staff time associated with public education, implementation and enforcement is covered by Measure C, MWPA defensible space funds.

OPTIONS:

Staff suggest the following options be considered on this matter:

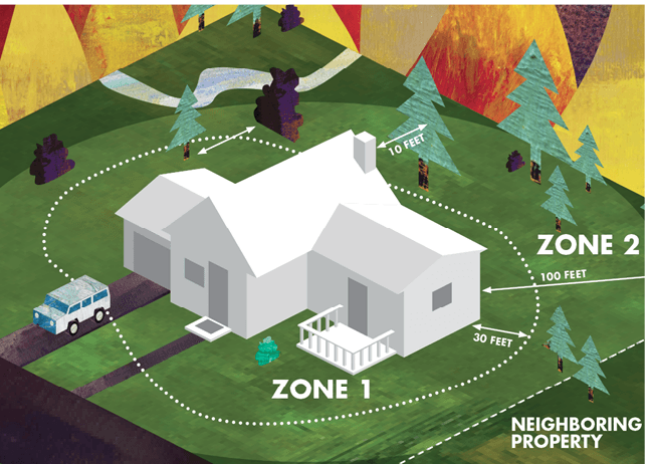
1. Accept the report
2. Provide feedback

RECOMMENDED ACTION:

Accept the informational report on the 38-point Wildfire Action Plan and Marin Wildfire Prevention Authority activity in recognition of Wildfire Awareness Month and provide feedback to staff.

ATTACHMENTS:

1. Wildfire Prevention and Protection Action Plan
2. San Rafael Wildfire Prevention Project Site Map



Wildfire Prevention and Protection Action Plan

August 2020



SAN RAFAEL
THE CITY WITH A MISSION



San Rafael Wildfire Prevention and Protection Action Plan: A Framework for Wildfire Risk Reduction in San Rafael– August 2020



Executive Summary:

At the direction of the San Rafael City Council, staff have produced the San Rafael Wildfire Prevention and Protection Action Plan. This document is intended as a master planning document to guide continual efforts to reduce the wildfire risk in San Rafael. It does not provide specific program details for every objective, but serves as a framework for concurrent, complimentary and building block approaches to community safety. All items that require ordinance changes or resolutions will require additional action by City Council per San Rafael Municipal Code. This master plan incorporates lessons learned from recent wildfires, ongoing local and County efforts, existing plans, environmental best practices, and community input. This document is intended as a guide to overall approach and lays out the City of San Rafael’s plans for Wildfire Prevention and Preparedness. The framework will be executed in partnership with other city, county and community efforts including, but not limited to: the Marin Wildfire Prevention Authority (MWPA) and its committees and workplans.



Background:

In 2007, the City of San Rafael adopted a model ordinance for vegetation management. As we experience continued fire risk and activity associated with climate change, the City of San Rafael has been actively evaluating methods to further reduce our community's susceptibility to devastating wildfires. Wildfire risks will persist under extreme conditions; however, we can significantly mitigate those risk factors through enhanced regulations, education and enforcement. Public policy and programs provide a framework for a more resilient San Rafael but will require public support, compliance, effective implementation, and individual effort.

Currently, the City's wildfire prevention efforts focus on our Wildland Urban Interface (WUI) areas, which were established to identify areas thought to be most at risk for being impacted by a wildfire. Specific vegetation standards, including those adopted by San Rafael in 2007, apply only to property in the WUI. However, as climate change and increased fuel build-up contribute to more devastating fires, these boundaries no longer are sufficient or effective. Ember storms, explained in more detail below, can spread fire miles ahead of the flame front, regardless of WUI or jurisdictional boundaries. To adequately protect communities, more universal standards and approaches are necessary. Each structure burned in a fire is a risk to life, a personal and communal loss, and contributes to additional fire spread.

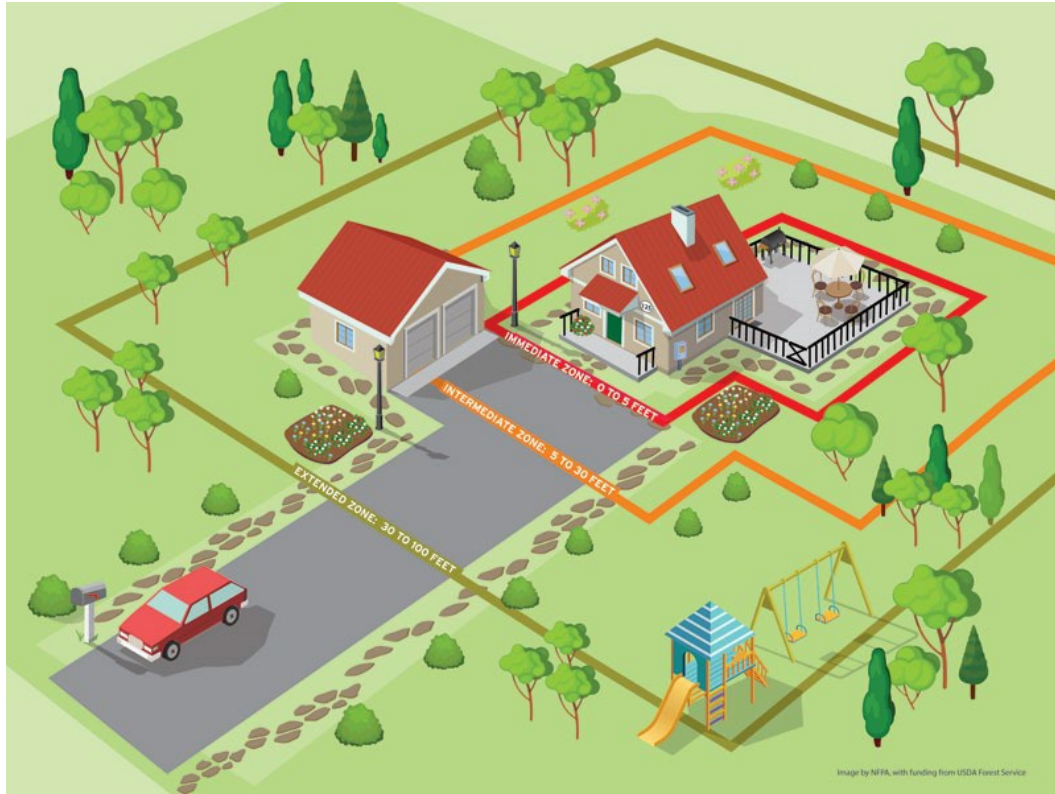
In early 2019 Fire Department had two part-time Vegetation Management Inspectors. Together, the Department conducted more than 1,200 WUI home inspections in the first half of Fiscal Year 2018/19 and assisted the Department of Public Works with removal of flammable vegetation on approximately 125 acres of City-owned public

space. Monthly chipper days – providing residents with free juniper and bamboo chipping services – are also overseen by the Fire Department. Altogether, more than 1,500 tons of vegetation was removed this past fiscal year as a result of the Fire Department’s vegetation management efforts. The City also works closely with Marin County Fire, FIREsafe MARIN, and other local and regional agencies on wildfire prevention and fuel reduction strategies.

Additionally, in prior years, the Police Department employed two part-time open-space rangers who patrol City open space for fire hazards and violations of City ordinances during the fire season (generally considered to be May through November). These rangers are empowered to remove dangerous items from encampments if they pose an immediate fire risk, and assist in removing abandoned campsites, garbage and other fire risks from the area. Note, enforcement of anti-camping ordinances is limited by the law and a recent U.S. 9th Circuit court ruling and the City is currently working to update its ordinances to be in compliance with the law.

In March of 2020, Marin County voters approved Measure C, a scaling parcel tax to fund wildfire prevention in Marin County. Measure C established and funds the Marin Wildfire Prevention Authority with an estimated annual tax revenue of 19.3 million dollars.

Despite the City’s ongoing efforts, wildfire risk and community concern require more action. Continual and expanded efforts to address wildfire prevention and safety will protect lives, property, businesses, as well as our natural resources, including forests, watersheds, and endangered species habitats.



Fire Science:

A basic understanding of fire science and behavior is needed to best understand how the items proposed in this plan will reduce the wildfire risk in San Rafael. Fire requires heat, oxygen, and fuel to burn. Wildfire behavior is impacted by weather, topography, and fuel. Fuel is the consistent feature in fire ignition and behavior that we can do the most to control. Recent fires and subsequent studies have aided in Fire Professionals understanding of fire behavior, risks to lives and property, and how best to mitigate those risks.

Wildfire prevention focuses on reducing ignition sources, such as heat and easily ignitable fuel. Wildfire mitigation focuses on reducing fuel to reduce the ability of a wildfire to spread and impact lives and property. Types of fuel are generally defined by the amount of time it takes a fuel to respond to changing weather conditions or dry out. 1 hour, or flash fuels, like tall grass, ignite and burn very quickly. 10, 100, and 1,000-hour fuels take increasingly more heat and time to ignite but burn for longer. Similar to the way one would build a camp fire, fire mitigation work should start with the easily ignitable fuels and progressively remove the others from areas of protection.

When referring to fuel structures, or the way the fuels exist in the environment, the three common in San Rafael are surface, ladder, and aerial fuel. Surface fuel includes dead and dying vegetation material on the ground's surface. Fire that only impacts ground fuels is much easier to contain and extinguish. Ladder fuels connect separate fuel sources and contribute to fire spread. Reducing ladder fuels helps keep fire on the

ground and reduces the rate of spread. Ladder fuels allow ground fire to spread into canopies and aerial fuels. Aerial fuels exist above the ground, and include the tree canopy, branches and high brush. Fires consuming large amounts of aerial fuels are difficult to contain.

The three primary methods of wildfire spread are described below:

Embers: According to recent research, embers are the most prolific cause of home ignition at a rate of two out of every three homes destroyed. Embers are glowing or burning pieces of vegetation or construction debris that are lofted during the wildfire. Embers can move up to a mile ahead of a firestorm. These small embers or sparks may fall on the vegetation near your home – on dry leaves, needles or twigs on the roof– and then subsequently ignite and burn down the home. The concentration of embers that land on the roof and roll off makes the removal of all flammable materials close to the house critical. Ember storms place all structures without fire resistant landscaping and construction within miles of the fire at potential risk.

Direct flame contact: Direct flame impingement refers to the transfer of heat by direct flame exposure. Direct contact will heat the building materials of the home; if the time and intensity of exposure is severe enough, windows will break, and materials will ignite.

Radiant heat: A house can catch on fire from the heat that is transferred to it from nearby burning objects, even in the absence of direct flames or embers. By creating defensible space around homes, we can significantly reduce the risk from radiant heat. A home with 100 feet of clearance from forest or shrubs will usually have minimal impact from radiant heat or direct flame.

Establishing strong guidelines for defensible space and fire-resistant building materials helps prevent ignition from radiant heat and embers. Limiting fuel and available vegetation reduces the possibility of direct flame contact igniting structures or other vegetation. Conditions are increasingly making ember storms, created by winds and highly combustible vegetation, the primary method of wildfire spread.

NFPA and [Firewise USA](#) recognize three zones surrounding a structure:

Immediate Zone (within 5 feet of a structure): This zone is most vulnerable to embers and should be clear of all dead and flammable vegetation. Improvements in this zone are essential to preventing structure ignitions.

Intermediate Zone (5 to 30 feet from a structure): This area should be carefully landscaped to act as a fire break.

Extended Zone (30 to 100 feet – or, in some cases, up to 200 feet – from a structure): This zone should act to interrupt the path of fire and keep embers from becoming airborne.



Methodology:

This document lists a series of prescriptions, programs, and recommended ordinance changes needed to make San Rafael more fire and disaster-resistant. These action items reflect the need for a comprehensive approach to reducing wildfire risk. Removing dangerous vegetation, using fire-resistant building materials, and avoiding risky activities all are vital for protecting the community.

This plan is written with regards to the City and County of Marin Local Hazard Mitigation Plans (LHMP); Marin County Community Wildfire Protection Plan (CWPP); Marin County Lessons Learned 2017 North Bay Fire Siege, September 2018 (*2017 Lessons Learned report*); San Rafael Climate Change Action Plan, and the San Rafael General Plan.

The initial draft plan was presented to City Council on January 22, 2019. Following the initial presentation, additional public input was gathered through public meetings, Homeowners Association and Neighborhood Association meetings, online feedback forms, social media, Nextdoor polls and direct contacts.

The framework adopted by San Rafael City Council in March of 2019 was re-organized and renumbered following feedback received from the initial draft. Throughout 2019 a 15-member Citizen's Advisory Committee, met in a public setting to discuss and improve the plan. The Committee's feedback was incorporated into the October 2019 version of the plan. The October 2019 draft plan was presented at 3 community meetings, one of which included translated materials and Spanish translation. This final version considers and incorporates feedback from the extensive digital and in-person outreach listed above to provide a comprehensive, equitable, and community minded path forward.



Intent:

The San Rafael Wildfire Prevention and Protection Action Plan is designed to serve as a master plan and framework for the ongoing work to reduce wildfire risk in San Rafael. This plan considers and incorporates local, county, regional, and national findings and best practices, including those incorporated into the Marin County Wildfire Prevention and Protection Plan and the 2017 Lesson's Learned report.

The plan is designed to address all the phases of disaster response (mitigation, preparedness, response, and recovery) while engaging the whole community. Creative and innovative solutions are considered to help achieve these goals. As a community member summarized via the feedback form "if ever there was a situation where you should not let 'the perfect be the enemy of the good', this is it." This plan is presented as a framework to move efforts forward, establish benchmarks, and provide opportunities for evaluation and improvement.

The following were the guiding principles and intent of this plan:

- Public safety and risk reduction
- Coordination and collaboration
- Environmental protection and sustainability
- Equity
- Cost effectiveness
- Incentivize voluntary compliance before fines and penalties

Structure:

The action items are organized into three categories in alignment with the Marin County *2017 Lessons Learned* report: 1) Vegetation Management 2) Wildfire Prevention and Protection and 3) Emergency Notifications and Evacuation. Each action item includes the objective, rationale, required actions, concerns, costs, potential stakeholders, a proposed timeline, and anticipated outcomes in the following format:

OBJECTIVE

Action	This section includes a description of the proposed action.
<i>What this means</i>	This section should explain in more detail what this action would mean to those impacted by it.
<i>Rationale</i>	This section includes a discussion of why we recommend this, including the scale of impact we believe it will have.
<i>Concerns</i>	This section includes a discussion of political, legal, or cost feasibility concerns that we've identified. It lists any identified trade-offs, such as the dedication of existing staffing resources away from other projects to do this work.
<i>Stakeholders</i>	This section includes a list of stakeholders.
<i>Timeline</i>	This section says if the action is underway and if not, why. For example, it is noted here if the action requires further or extensive legal review, future City Council action, community outreach, program design work, etc.
<i>Outcomes</i>	This section outlines the anticipated result of the item implementation.



Impacts on Budget and Staff Time:

A full, year-by-year budget estimating the cost to implement has been developed by staff. This includes open space fuel reduction projects, staff time to implement and maintain the plan, support for residents through cost share programs and chipper days, outreach and education, as well as supplies and funding for specific projects.

Some cost recovery may be attained through enforcement fines through the City's master fee schedule. The City strives for voluntary compliance before implementing fines or fees for dangerous non-compliance.

Measure C, via the MWPA, will provide the majority of the funding required for the implementation and staffing of most items in this plan. Measure C provides an avenue to continue and expand wildfire prevention efforts despite the financial constraint and public funding challenges presented by COVID-19.

Definitions:

For the purposes of this document, the following words are defined:

"Fuel" means any combustible vegetation, including grass, leaves, ground litter, plants, shrubs and trees, that can feed a fire.

"Prescription" means a set of standards, regulations, or recommendations that consider the unique aspects of a particular issue including vegetation, slope, aspect, nearby construction materials, and surrounding area.

"Vegetation Management Plan" means a site-specific written plan for a property to mitigate the risk of wildfire through strategic reduction of combustible vegetation.

"Wildfire" means a fire that originates in an area of combustible vegetation, as opposed to a structure fire, which originates in or adjacent to a building.

"Wildland-Urban Interface" is an area where human development (e.g., houses) abut or intermingle with undeveloped vegetation and where the risk of wildfire is high.

Table 1 – Acronyms

ACRONYM	DESCRIPTION
AFN	Access and Functional Needs
CERT	Community Emergency Response Team
CSA	Community Service Agreement
CSD	Community Service District
CWPP	Community Wildfire Protection Plan
DPW	Department of Public Works
EOC	Emergency Operations Center
GETS	Government Emergency Telecommunications Service
HEAT	Homeless Emergency Action Team
LHMP	Local Hazard Mitigation Plan
MCSO	Marin County Sheriff’s Office
MMWD	Marin Municipal Water District
MWPA	Marin Wildfire Prevention Authority
NCCC	National Civilian Conservation Corps, An AmeriCorps Program
NFPA	National Fire Protection Association
NRG	Neighborhood Response Group
OES	Office of Emergency Services
PG&E	Pacific Gas and Electric
PRC	Public Resource Code
RLT	Resilient Landscape Template
SRA	State Responsibility Area
SRFD	San Rafael Fire Department
SRMC	San Rafael Municipal Code
SRPD	San Rafael Police Department
VMP	Vegetation Management Plan
WEA	Wireless Emergency Alerts
WPS	Wireless Priority Services
WUI	Wildland-Urban Interface

VEGETATION MANAGEMENT

1. Eliminate highly flammable vegetation throughout San Rafael

ACTION	Propose revising the existing provisions that prohibit Juniper and Bamboo to include Acacia and Italian Cypress, and universally apply these regulations on all properties in San Rafael.
WHAT THIS MEANS	<p>All property owners in San Rafael, both public and private, will be required to remove all Juniper (<i>Juniperus spp.</i>), Bamboo (<i>Bambusa spp.</i>), Acacia (<i>Acacia spp.</i>), and Italian Cypress (<i>Cupressis sempervirens</i>); the timeline for compliance will be decided at the time the City Council approves a proposed change in the ordinance. Enforcement will include a required vegetation inspection fee as part of the Residential Building Resale (RBR) process. Non-compliance will require a disclosure and be resolved through private sale negotiations.</p> <p>Outreach to nurseries and landscaping companies will be included to help prevent the sale and planting of highly flammable vegetation. Fire hazardous, non-native and invasive species will also be removed from public spaces as possible. Consider ordinance banning the sale of prohibited plants or requiring “fire hazardous” warning labels within San Rafael.</p>
RATIONALE	<p>These species are known to propagate fire at a high rate of spread and create unnecessary risks to the property owners, first responders, and community at large. The ordinance update will help reduce fire ignition, the spread of wildfire, and improve responder safety throughout the entire community by eliminating highly combustible vegetation. Establishing and maintaining citywide vegetation standards simplify education and enforcement efforts. To address aesthetics and erosion, outreach and education efforts will include information about less fire prone plants recommended as replacements.</p>
CONCERNS	<p>Staff time is required to proactively encourage voluntarily compliance and enforce as necessary.</p> <p>Costs to residents, businesses and City to remove and dispose of hazardous fuel loads. Cost to City to meet vegetation standards on City property. Ability to assure equitable wildfire protection with assistance programs. Need and want to replace the removed species for erosion protection, carbon sequestration, habitat, and beautification.</p>
STAKEHOLDERS	<p>All property owners in San Rafael, both public and private. Fire Department. Public Works. Nurseries and Landscapers.</p>
TIMELINE	<p>Ordinance changes will be internally drafted, reviewed and presented at public meetings in the future. Education, outreach, and assistance with vegetation removal for property owners will begin within 30 days of the ordinance adoption. Updates to City ordinances will become effective in 2021.</p>
OUTCOMES	<p>Voluntary compliance and enforcement results in less highly flammable fuels in San Rafael resulting in reduced likelihood of ignition and less fire spread within the immediate and</p>

intermediate zones. The data reviewed to consider the success of implementation would include tons of vegetative debris removed, results of inspections.

2. Apply vegetation management and defensible space and fire mitigation standards citywide

ACTION

Establish Citywide vegetation standards, rather than just for the Wildland Urban Interface (WUI). Additional vegetation regulations may apply to structures and roads within the WUI.

WHAT THIS MEANS

Vegetation standards, including the removal of four fire hazardous species, will apply to all structures and roadways in the City of San Rafael. Proposed ordinances will outline new citywide vegetation, building, and ground covering standards. A set of revised ordinances will establish citywide vegetation standards. The timeline for compliance will be decided at the time the City Council approves a proposed change in the ordinances. A section unique to WUI ordinances will be maintained for any unique standards. Outreach and education provides property owners with suggestions for species to plant with consideration to fire resistance, drought tolerance, and carbon sequestration. Application of vegetation standards may include considerations for building material, topography, surrounding fuel and infrastructure, or other impacts to fire behavior. An internal policy would guide the interpretation and enforcement of the ordinances. A permit process allowing homeowners to remove specific vegetation on public land to achieve defensible space for their home will be considered in coordination with City efforts to reduce hazardous fuels in open space. Guidelines will also include standards for planting, maintaining and removing invasive and fire hazardous trees.

RATIONALE

Wildfires do not respect WUI boundaries, and can easily spread to urban areas, outside the WUI as painfully demonstrated in the 2017 Wine County fires. This improvement is included in the *2017 Lessons Learned* report. Uniform application of all vegetation management and fire prevention related codes and ordinances will improve wildfire resilience throughout the community. Uniform standards provide clarity and simplify enforcement. The removal of highly flammable and dense vegetation stands also promote healthy vegetation growth.

CONCERNS

Public will have varying costs to meet new vegetation management standards. This requires staff training on updated Municipal Code. High cost burden for properties not currently up to the new code. High cost to obtain compliance with new code; could trigger substantial rehab/ or tax reassessment, and possible new insurance costs. Could disincentivize development. The City hillside ordinance will need to be reviewed and updated to allow new construction to alter landscaping to achieve defensible space. Replacement of removed species for erosion protection and carbon sequestration. Challenges educating property owners not residing in San Rafael of new ordinances.

STAKEHOLDERS	Fire Department, Building Department, residents, businesses, landowners, Marin Builders Association.
TIMELINE	Ordinance changes will be internally drafted, reviewed and presented at public meetings in the future. Staff aims to have updated ordinances effective in 2021. Additional changes, such as those for building materials will follow and require close collaboration with the Chief Building Official.
OUTCOMES	Reduces hazardous fuels and wildfire risk throughout the Immediate, Intermediate, and Extended zones. Reducing likelihood of ember storms to create new ignitions in or outside of the WUI boundaries. Community wide resilience.

3. Reduce ember ignitions within immediate zones to prevent structure ignitions through enhanced standards and support

ACTION Propose revising the municipal code Title 4 (“Fire”) to include a series of standards to be selectively applied within the immediate zone of a structure with consideration to unique construction materials, slope, aspect, surrounding vegetation, and fire risk of each property. A policy will be drafted to define the approach to the enforcement.

WHAT THIS MEANS

The perimeter around a structure will need to meet a set of standards designed to reduce the likelihood of embers creating spot fires and igniting structures in the immediate home ignition zone. The immediate home ignition zone is up to 5 feet from the structure as identified by the National Fire Protection Association. The timeline for compliance will be decided at the time the City Council approves a proposed change to the ordinance. There will be a phased in approach to compliance with a focused effort to incentivize willing compliance wherever possible. This phased in approach includes homeowners receiving guidance from the fire professionals during their defensible space inspection and collaboratively developing a plan together for achieving compliance. Code enforcement mechanisms will be used as a last resort. If a Fire Chief approved plan is in place to achieve compliance, enforcement mechanisms will not be used.

Individual prescriptions may be established considering unique attributes of the property, via an annual fee-based inspection and approval from the Fire Chief or their designee. Vegetation standards within five feet of a structure will consider the fire resistance of exterior construction materials (walls, windows, roof, eaves, etc.) Standards within the immediate zone will include a selection of the proposed components:

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

- b) Hardwood trees are permitted within the zone provided they are well-irrigated, limbed five feet or one-third of the tree height and have five feet between other tree canopies.
- c) Vines and ivy shall be well-irrigated and maintained to eliminate any dead or dying material build-up.
- d) Mulch and other combustible ground covering are only permitted when no contact is made with combustible exterior walls or plants. Rocks, pavers, and similar ground cover plants are encouraged.
- e) Vegetation within five feet of a structure shall not be continuous or able to serve as a fire bridge between other vegetation and the structure.
- f) Vegetation directly under windows or encroaching within two feet of windows, may not include fire hazardous species as identified by FIRESafe Marin, National Fire Protection Association, or local Fire officials.
- g) No vegetation in the immediate home ignition zone shall make direct contact with combustible elements of a structure. Vegetation may make contact with Class A and non-combustible materials such as, but not limited to, concrete, brick, and stucco.
- h) Erosion control shall be considered.

All properties requesting an exemption from vegetation standards will be subject to an annual fee-based vegetation inspection which will consider local fire risk, slope, structure construction, and other factors.

RATIONALE	Through willing compliance and proactive enforcement, a series of vegetation and other fuel standards should reduce structure ignitions during an active wildfire by reducing the combustible fuel needed to develop embers into flames. Recent case studies show that urban fire conflagrations are not spreading as a wall of fire, but rather as embers starting hundreds of new fires. Reducing structural ignitability reduces property loss and creates less fuel to continue spreading the fire. This requirement accounts for embers falling from roofs and eaves onto the ground. Focusing on the “house out” concept empowers all property owners, regardless of lot size to reduce wildfire risk for themselves and their neighbors. The public’s responsibility to decrease structure ignitability and maintain defensible space is included as an area of improvement in the <i>2017 Lessons Learned</i> report.
CONCERNS	Initial cost to private and public property owners. Ability to enforce. Ability to notify all property owners of updated regulations.
STAKEHOLDERS	All property owners in San Rafael, both public and private. Fire Department. Code Enforcement. Nurseries, Landscapers.
TIMELINE	The requirement can be incorporated into the new citywide vegetation standards. Staff aim to have ordinances in effect in 2021, beginning education and outreach within 30 days of adoption.

OUTCOMES Reduced likelihood of structure ignitions. Removal of hazardous fuel near structures.

4. Expand goat grazing for vegetation maintenance

ACTION	Increase the use of goat grazing through cooperative relationships with contractors, FIRESafe MARIN, Marin County and other land-owning agencies.
WHAT THIS MEANS	San Rafael currently leases goats from private industry for specific times throughout the year. The City is working to gain access to the County’s new goat resources for open-space vegetation clearance. In addition, new contractors are being considered to help meet the demand and reduce per acre cost. Coordination will also occur between various public and private landowners. Staff will work with property owners to link project sites to create continuous fuel breaks and reduce transportation costs.
RATIONALE	Coordinated grazing reduces the costs associated with transporting the goats to new sites and creates more continuous fuel breaks. Goats are an effective way to manage reoccurring fuels, such as grasses and French Broom (<i>genista monspessulanus</i>). Reducing mechanical removal of fuels, such as mowers and weed eaters, also reducing carbon emissions.
CONCERNS	Goats and vegetation management contractors are in high demand. Goats are most cost effective on larger treatment areas. In 2018, over \$80,000 was spent on goat grazing. Moving and securing goats can be challenging. Coordinating the timing of grazing with rain, vegetation growth, and high fire danger is challenging.
STAKEHOLDERS	Fire Department, Public Works, FIRESafe MARIN, Marin County Fire.
TIMELINE	In progress. Contracts are in place for the 2019 and 2020 fire season. Grazing is needed annually. The timing of grazing is impacted by rainfall, plant growth and seeding, and extreme fire conditions, but typically occurs between June and September each year.
OUTCOMES	Goat grazing serves as a low carbon emitting fuel reduction and maintenance tool throughout San Rafael.

5. Establish additional fuel interruption zones

ACTION	Remove hazardous fuels on public land within 100 feet of structures. Strategically remove hazardous fuels within 30-50 feet of private, improved property to create fuel interruption zones. Efforts will focus on shaded fuel breaks and removal of ground and ladder fuels.
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WHAT THIS MEANS	San Rafael, supported by the MWPA, will take on the cost and burden of clearing vegetation on San Rafael owned and maintained land that abuts structures on privately owned and developed land. Fuel interruption zones consist of low-cut grasses, removal of dead vegetation and ladder fuels, and shaded fuel breaks.
RATIONALE	San Rafael must do its part to reduce fuels, particularly in areas bordering other property to assure efforts of one parcel are not negated by another's. This will reduce fuels to limit fire ignition and spread in San Rafael Open Spaces and help reduce the potential for a fire to spread from undeveloped to developed land. Aligns with <i>Marin CWPP</i> transition zone strategy.
CONCERNS	Cooperation and coordination with other public agencies and landowners may be difficult. Costs.
STAKEHOLDERS	Fire, Public Works, landowners, Marin County, State Parks, MMWD
TIMELINE	In progress. Fuel reduction work is ongoing and can now be expanded with the passage of Measure C. New and expanded projects will be outlined and put out for bids in 2020. The timeline for each project will be impacted by environmental review, crew availability, tax revenue distribution, and desired treatments and outcomes. -
OUTCOMES	Reduction in hazardous fuels near structures and more pre-established fuel breaks to slow fire spread.

6. Improve public education regarding fire-safe landscaping and living with wildfire

ACTION	Outreach and education efforts, including information about areas of refuge, emergency alerts, defensible space, and reducing structure ignitability will be conducted citywide.
WHAT THIS MEANS	Additional outreach and online resources will be created to support fire smart landscaping and strategies to effectively harden homes. Outreach will target residents, nurseries, and community groups with an emphasis on gardening and landscaping. Current outreach is focused on WUI areas, but this expanded program will target all areas in San Rafael. This item includes an expansion of outreach and improved online resources, in collaboration and support of FIREsafe Marin efforts. In addition, education and outreach materials will be updated to reflect lessons learned from recent wildfires, including helping residents understand wildfire evacuations and areas of refuge. Outreach and education will provide property owners with suggested ground coverings and species of plants with consideration to fire resistance, drought tolerance, and carbon sequestration. Efforts will also include point of sale locations such as nurseries and landscapers. Property owners will also be better informed on the best ways to dispose of different vegetative debris.

RATIONALE	Education and outreach efforts need to be expanded to adequately reach the entire community. Residents want to maintain a beautiful community while increasing fire safety. Additional education and outreach are needed to assure residents are landscaping with wildfire risks in mind. Residents are concerned about wildfire evacuations and need to be better informed to make quick decisions. San Rafael needs to incorporate lessons learned from other devastating fires in our wildfire prevention and preparedness efforts.
CONCERNS	Multiple outreach strategies are needed to reach various demographics. Volunteer coordination can be time consuming and unreliable. Mailers and outreach materials may not reach property owners, but rather occupants. Need additional strategies to make property owners aware of wildfire safety, new requirements, and actions they can take or empower their renters to take.
STAKEHOLDERS	Fire Department, Community organizations, property owners, Open Government and Digital Services, nurseries and landscapers, FIRESafe Marin, Marin County
TIMELINE	Year-round education, with an emphasis in the Summer/Fall of each year will help residents be more prepared for wildfire. Outreach and education regarding updated ordinances will begin within 30 days of their adoption. Updates and lessons learned from recent wildfires will be incorporated into future community presentations.
OUTCOMES	Property owners, residents, and businesses will have a better understanding of how to achieve and maintain defensible landscaping, resulting in more voluntary compliance. Better community preparedness and resiliency.

7. Establish more Firewise communities in San Rafael

ACTION	Conduct outreach to identify communities interested in becoming “Firewise” and support them throughout the process. Coordinate efforts with FIRESafe MARIN and NFPA.
WHAT THIS MEANS	SRFD will dedicate time and effort to help additional communities meet “Firewise” standards, earn and maintain Firewise recognition. This will include increased education, disaster preparedness, and fuel reduction. There are currently eleven Firewise communities within the SRFD response area, with more in progress. City staff will also communicate the benefits of Firewise communities with insurance companies and support FIRESafe MARIN’s efforts. Currently, only one insurance company offers discounts for policy holders in Firewise communities.
RATIONALE	Firewise is a National Fire Protection Association (NFPA) program that “teaches people how to adapt to living with wildfire and encourages neighbors to work together and take action now to prevent losses.” The program provides valuable educational information and a roadmap to help make San Rafael neighborhoods more resilient. Reducing fire risk takes neighborhood coordination as hazardous fuels on nearby property can negatively impact a

	well mitigated property. Firewise provided a mechanism for a few motivated neighbors to help their neighborhood become more fire resistant. Increasing the number of Firewise communities is a priority of the <i>2017 Lessons Learned</i> report.
CONCERNS	Staff time. In 2019, only one insurance company offered discounts for policy holders in Firewise communities. Increasing insurance company support of the program will help encourage more neighborhoods to work together to achieve Firewise recognition.
STAKEHOLDERS	Fire Department, Homeowners Associations and Neighborhood groups, property owners, FIRESafe Marin
TIMELINE	In progress. In coordination with FIRESafe Marin, SRFD will continue to support existing and forming Firewise communities.
OUTCOMES	San Rafael will have more Firewise communities, and therefore more resilient neighborhoods.

8. Reduce hazardous fuels through an abatement process on privately owned unimproved lots and within 200 feet of a structure or 20 feet of roadway

ACTION	Develop program and policy to reduce hazardous fuels through increased vegetation removal mandates and abatement on property with noncompliant and unresponsive owners. City and County ordinance and policy changes may be required.
WHAT THIS MEANS	After establishing a vacant parcel list, parcels will be inspected and noticed if they do not comply with the updated vegetation management standards. The abatement process will also be used to enforce vegetation standards on improved lots with unresponsive owners. A public hearing will be conducted giving any property owner the opportunity to commit to compliance within a set period. If property owners do not mitigate the issue themselves, they will be fined and/or have the cost of the City clearing the hazardous fuels charged to them. A policy will be developed to guide the abatement process.
RATIONALE	Many privately-owned parcels do not comply with vegetation management standards and create safety risks for the entire community. Establishing a consistent notification process, timeline for compliance, and cost recovery process will help address these risks.
CONCERNS	Potential challenges with recouping costs of abatement. Fines will need to be substantial to encourage compliance.
STAKEHOLDERS	Fire Department, Public Works, Code Enforcement, Marin County, landowners

TIMELINE	Program can be developed and brought to the City Council for approval within 90 days. Coordination with the County may delay this process.
OUTCOMES	Reduce hazardous fuels and recover associated costs from absentee and noncompliant property owners.

9. Effectively coordinate the removal of vegetative debris from public and private property

ACTION	Work with Marin Sanitary Service to develop a plan to support removal of increased vegetative debris. Consider identifying a City drop off site for removed hazardous fuels. Consider utilizing a scheduled bulk pick up day for vegetation.
WHAT THIS MEANS	Research and stakeholder input are needed to determine if a vegetation debris removal site is necessary or beneficial to helping reduce hazardous fuels. Additional discussions will help determine if a drop-off site should be always public, public on select days, or for City staff and contractors only. Other considerations include increasing green waste carts, chipper days, bulk removal days, large containers (BioBox) or a combination thereof. Responsible disposal will also take into consideration proper disposal and composting to reduce additional greenhouse gas releases. Encourage homeowners to fully utilize their green carts on a weekly basis, reducing the need for bulk removal.
RATIONALE	Stronger vegetation regulations will result in an increased amount of woody biomass and vegetative debris. A coordinated, multi-faceted approach will be needed to remove biomass effectively and responsibly from San Rafael. Goals will include reducing the costs associated with City sponsored chipper days, diverting woody biomass from landfills to biomass markets, and supporting property owners' fuel reduction efforts.
CONCERNS	Cost. Security. Assuring appropriate use of space. Large piles of vegetative debris could pose additional fire risk if not properly protected. Fuel reduction in areas around drop-off sites will be required.
STAKEHOLDERS	Fire Dept, Public Works, Sustainability Program, Residents, Marin Sanitary Service.
TIMELINE	Short and long-term recommendations will be drafted within 120 days. The timeline considers the vegetation removal requirement deadlines placed on residents. Implementation will be impacted by funding.
OUTCOMES	Hazardous fuel debris is removed from public and private property and diverted from landfills.

10. Engage Community Emergency Response Team (CERT) members, Neighborhood Response Groups (NRGs) and other volunteers in fire prevention

ACTION	Develop program and training to enable San Rafael CERT, NRGs and other disaster volunteer groups to support fuel reduction efforts through education, outreach, data gathering, and direct service.
WHAT THIS MEANS	Utilize existing volunteers and recruit additional volunteers to supplement the outreach, education, and hazard identification work of SRFD.
RATIONALE	San Rafael has almost 500 trained CERT members, many anxious for ways to be more involved in disaster preparedness. Training and engaging CERT and NRG volunteers will help increase public outreach and education and help inform SRFD’s vegetation inspection priorities. CERT and NRG members will utilize local knowledge and willpower while building more resiliency through education and relationship building. Volunteer hours dedicated to fuel reduction may be used as match dollars for fire grants.
CONCERNS	Volunteer safety and assuring the accurate distribution of information and data collection.
STAKEHOLDERS	Fire Department, CERT members, NRGs, Marin County CERT
TIMELINE	In progress. San Rafael CERT steering committee is re-engaged and looking for ways to stay involved in disaster preparedness and response during ‘blue skies. Training needs to be developed and presented by fire prevention staff. A pilot program in a limited geographic area can be rolled out within three months.
OUTCOMES	Increase capacity of volunteers to support mitigation efforts. Expanded reach and impact with minimal cost implications.

11.Reengage volunteer “Broom Pull Days”

ACTION	Work with the volunteer program to reestablish an ongoing volunteer program to pull invasive Scotch and French broom (<i>cytistus scoparius and genista monspessulanus</i>) from public open space and high fire risk areas.
WHAT THIS MEANS	A previous program saw a great deal of success removing and eliminating French Broom in parts of San Rafael. Education and best practice materials exist and can be re-used to support a reinvigoration of this effort. City staff will be needed to support the effort and City staff may be required at the start of projects to assure work areas are clear of -debris and threats. With approval, work may include areas in the hundred-foot easement onto state owned lands to establish an effective fuel break.

RATIONALE	The focus of this project will be to engage community members and volunteer labor to work on eliminating French and Scotch broom from high fire risk areas of San Rafael. Volunteer programs provide a path for residents to directly reduce wildfire risks. Volunteers will help reduce the need for contractors and support maintenance in previously cleared areas.
CONCERNS	Safety of volunteers. Time and effort needed to coordinate project sites, registration, and volunteer safety and technique training. Potential community conflicts over project areas.
STAKEHOLDERS	Fire Department, Public Works, Police Department, Sustainability and Volunteer Program Coordinator, MMWD, State Parks, Marin County
TIMELINE	A volunteer project can be scheduled within 60 days of having the necessary approvals, tools, safety equipment, and strategy in place.
OUTCOMES	Increase of 20% in citywide volunteer hours dedicated to fuel reduction and wildfire mitigation. Decrease in hazardous fuels in public/private land borders.

12. Review and update WUI map

ACTION	Review and update the San Rafael WUI map for more practical application and consistency with County and other land management agencies' maps.
WHAT THIS MEANS	SRFD will review and update the WUI map for consistency between maps and application of WUI code. The map will be simplified and updated to apply current fire behavior expectations to WUI boundaries. The initial review of the map suggests updates may remove about 500 homes from the WUI and add 2,000.
RATIONALE	The current San Rafael WUI map has multiple variations used by different jurisdictions and does not accurately reflect the threat posed to many areas in or near the currently defined WUI. Updating the map will improve education, vegetation management, and fire prevention efforts. Maintaining a designated WUI can help with resource prioritization, grant funding, and State code application.
CONCERNS	Potential insurance and code compliance changes for property owners being added or removed from the WUI.
STAKEHOLDERS	Fire Department, property owners, land management agencies with current San Rafael WUI maps.
TIMELINE	160 days will be needed for internal review and coordination with partners. The updated map will be presented to the City Council within 60 days of completion to be adopted through a resolution.

OUTCOMES

San Rafael will have a consistent and logical Wildland Urban Interface map.

13. Consider adoption of Public Resource Code 4290 and 4291

ACTION

Following the adoption of the new California State Fire Code, reconsider adoption of Public Resources Code (PRC) sections 4290 and 4291, which serve as guidelines for defensible space and fuel management regulations.

What this means

At a minimum, San Rafael vegetation standards will meet the state minimum outlined in PRC sections 4290 and 4291. Proposed amendments to the language will apply the standards citywide.

Rationale

Adopting PRC sections 4290 and 4291 assures San Rafael complies with State vegetation management standards and simplifies the existing San Rafael vegetation management standards. PRC sections 4290 and 4291 do not relax our existing codes. Adopting PRC sections 4290 and 4291 will also allow for immediate enforcement of PRC changes. Adopting PRCs 4290 and 4291 will support uniform application of wildfire mitigation standards.

Concerns

If PRC sections 4290 or 4291 are revised in the future in ways that are deemed detrimental to the City, additional municipal code amendments could be necessary to clarify their application in San Rafael.

Stakeholders

Fire Department, property owners

Timeline

Ordinance changes proposing to adopt PRC 4290 and 4291 would be internally drafted, reviewed and presented at public meetings in the future. Staff aims to have an initial round of draft ordinance updates ready for public and City Council input within 90 days. Enforcement would begin in 2021.

Outcomes

Reduction in dead and dying vegetation within 100 feet of all San Rafael structures. Clear fuel standards within the immediate, intermediate, and extended ignition zones.

14. Develop new efforts, solutions, and resources dedicated to wildfire prevention and protection

ACTION	<p>To support hazardous fuel removal, abatement, education and outreach, inspections, and other wildfire risk reduction efforts additional efforts, resources, and solutions are needed. This item seeks to establish new partnerships, funding avenues, and revenue opportunities, including but not limited to adjustments in existing City budget, grants, taxes, fees, donations, and use of conservation corps, inmate crews, volunteers, and on-duty engine crews. Efforts will work to reduce the financial impact on individual property owners, businesses, and the City’s general fund. Available funding would support work on public property and be considered for homeowner assistance programs.</p>
WHAT THIS MEANS	<p>San Rafael is applying to numerous grant programs for funding to help reduce the fire risk. Grant funding may provide one-time funding sources to help reduce heavy fuel loading. However, grants do not provide a reoccurring funding source to address the ongoing needs associated with vegetation management. To accomplish this objective San Rafael will also seek and review project bids from non-traditional labor pools such as the Conservation Corps of the North Bay, AmeriCorps NCCC, AmeriCorps St. Louis, Cal Fire Delta crews, and County fire crews. The City is also exploring an expanded partnership with Downtown Streets Team to help with fuel reduction work that will provide community members with income and job training. Collaboration with County efforts will be considered for cost efficiency and timeliness of outcomes. Staff will continue to seek mutual beneficial partnerships to support implementation of the plan.</p>
RATIONALE	<p>Heavy fuel loads create dangerous situations throughout the area. Aggressive strategies are needed to mitigate the current risk while implementing a long-term fuel maintenance program. Current funding and resources are not adequate to quickly reduce decades of fuel buildup. Finding additional funding sources and utilizing new crews will be necessary to address the wildfire risk in a timely manner. AmeriCorps NCCC members will be able to assist low-income, disabled, and elderly residents achieve defensible space. A program partnership with Downtown Streets Team may offer an opportunity for cost- effective fuel reduction, job training, and a reduction in individuals experiencing homelessness. Use of on-duty engine crews for inspection will be considered permitting effective emergency response times and staff health.</p>
CONCERNS	<p>Grant applications and management of projects require substantial staff time and effort. Some grant funds may not be available within the desired timeline. Effective use of various crews will require strategic management. Grants are one-time applications and do not provide an ongoing, predictable funding source for long term strategic fuel management. Some grants require match funds, which may limit other projects. Fuel maintenance will require additional funding to prevent new fuel buildups.</p>

STAKEHOLDERS	Fire Department, Public Works, Finance, property owners, businesses, Marin County, Downtown Streets Team, AmeriCorps NCCC
TIMELINE	In progress. Various projects, grants, and labor options are currently being explored. CAL FIRE prevention grants award notices may be issued in April with funding available in September. Hazard Mitigation Grant applications are due in April . An application and onsite visit have been completed for the City to host a National Civilian Conservation Corps (NCCC) team this Spring and Summer. Each year a final decision is expected in mid-March. If approved, crews may be available between April and July for six to twelve weeks.
OUTCOMES	The City will dedicate staff time to finding, applying, and managing resources to support wildfire mitigation and education in San Rafael, ideally increasing the available resources with a minimal burden to residents.

15. Immediately seize ignition sources at encampments and remove encampments in open space as quickly as possible.

ACTION	Evaluate City ordinances for revision and compliance with Martin v. Boise regarding camping limitations and continue collaborative Homeless Emergency Action Team (HEAT) efforts to limit fire risk associated with encampment fire risk.
WHAT THIS MEANS	Continue immediate removal of flammable items and ignition sources posing a fire threat. Continue collaborative effort and improve coordination between Police Rangers, Public Works, Fire, and vegetation contractors to remove abandoned encampments in open spaces. Evaluate City ordinances for appropriate time, place, and manner restrictions on camping in certain areas due to health and safety risks. Consider redirecting individuals experiencing homelessness to identified fire safe areas. Consider efforts to remove abandoned encampments in shorter time intervals.
RATIONALE	Reduce health and safety threat by eliminating flammable items and potential ignition sources in open space.
CONCERNS	Legal constraints related to limitations on camping enforcement and notice prior to removal of encampments. Resources required to remove and dispose of fire risks, including refuse and other abandoned items in open space areas. Encampments removed from open space may relocate to other areas.
STAKEHOLDERS	Fire, Police, Public Works, Homeless Planning and Outreach
TIMELINE	Ongoing. Continually update strategies based on new case law and best practices.

OUTCOMES Reduced fire ignitions originating in open space encampments.

16. Reduce likelihood of ignition in undeveloped land

ACTION

Propose revision to the municipal code to remove any specific time period of fire season. Resulting in smoking being prohibited in City open space all year. Assure parking areas are clear of flash fuels (highly combustible, fine fuels such as grasses, leaves, pine needles, etc.). Work with other land-owning partners to limit smoking and ignition sources in open space. Update municipal code to close open space during red flag warnings.

WHAT THIS MEANS

Updates will deconflict existing code and remove any dates associated with fire season, expanding the ability of the Fire Chief to enforce fire safety regulations to prevent a wildfire in open spaces. Smoking will be explicitly prohibited year-round within City open spaces. Currently, SRMC has some conflicting information and dates associated with smoking prohibition and fire season. In addition to updating SRMC ordinances, staff will work with other public land-owning agencies to limit smoking in public open space with wildfire risk.

RATIONALE

Updates will provide increased safety, clarity, and consistency within municipal code. Reducing ignition sources helps protect the community and natural resources from a wildfire ignited in the open space.

CONCERNS

Enforcement is challenging; signage is not very effective. Additional staff is needed to enforce.

STAKEHOLDERS

Fire Department, Police Rangers, Public, Park and Open Space Commission, State Parks

TIMELINE

An update to SRMC 19.10.060(13) will be prepared and presented for community and Councilmember input within 90 days. Enforcement will begin immediately after adoption.

OUTCOMES

No smoking allowed in open space. Reduced ignition potential.

17. Explore opportunities in Fire and Building Code updates to increase use of fire-resistant materials and application of CA Building Code Chapter 7A

ACTION

Review updated State building and fire code and consider ordinance changes. Review and propose updates to SRMC to apply CA Fire Code Chapter 7A (fire resistant building material requirements) outside the WUI and to additional structures.

WHAT THIS MEANS	Chapter 7A outlines the materials and construction methods to reduce potential structure ignition during a wildfire for new construction and substantial remodels (50%) within the WUI. Proposed updates to the SRMC suggest applying Chapter 7A to a broader list of improvement and all new construction, regardless of WUI proximity. Ordinance changes will require any new material construction materials used in San Rafael be fire rated. This will include new construction, remodels, and updates. By way of example, if a resident replaced a broken window, that new window will need to be a Class A fire rating. However, they will not need to replace all their windows.
RATIONALE	Increase compliance with known fire prevention methods, including fire resistant building materials. Include all structures to reduce likelihood of an urban fire conflagration. To reduce the impact of a wildfire, consideration for the toxicity of building materials when burned should be considered. The <i>2017 Lessons Learned</i> report calls on property owners to harden homes, including fire resistant materials.
CONCERNS	Potential to discourage otherwise positive improvements because of additional costs associated with Chapter 7A compliance. Potential to discourage compliance with permits and inspections for fear of additional costs to meet Chapter 7A requirements.
STAKEHOLDERS	Fire Department, Community Development, Marin Builders Association, property owners, Marin Association of Realtors
TIMELINE	Fire and Building Code adoptions occurred in concert with other agencies in late 2019.. Implementing additional codes will explore a phased approach to minimize financial impacts while progressing towards a safer San Rafael.
OUTCOMES	San Rafael would have more hardened homes, with a reduced risk for wildfire ignition, property damage, and loss of life.

18. Eliminate fire hazard associated with shake and wooden roofs

ACTION	Ordinance change. Update building code to require all shake roofs be replaced in five years. Require structures with shake roofs disclose the replacement requirement at time of resale.
WHAT THIS MEANS	Property owners and owners of commercial property with shake roofs will have 5 years to replace their roofs with a safer material and shake roofs will no longer be allowed in new construction. Based on area surveys, staff believe less than 200 shake roofs, most at least 20 years old, are in San Rafael. This will effectively result in the near-complete elimination of

	shake roofs from San Rafael by 2025. The City will explore options for financial incentives available to those replacing roofs in the near future.
RATIONALE	This ordinance will eliminate a known threat to structures and the public, decreasing potential ignition and the rate and intensity of the spread of fire. Roof material is a critical component to a wildfire-hardened home. Removing wood roofing materials will increase safety for firefighters and first responders, as well as the neighboring community. Per the 2016 Marin County Community Wildfire Protection Plan (CWPP), “homes with a non-combustible roof and defensible space at least 30 to 60 feet around the structure have an 85-95% chance of survival”. Reducing the likelihood of ember ignition on a shake roof also protects neighboring homes from ignition.
CONCERNS	Roof replacement could be prohibitively expensive for some homeowners and businesses. An exemption for historical structures should be considered. Applicable fines for having a shake roof after the deadline will need to be substantial to encourage compliance. Implementing at time of sale may slow down process and create -increased burden on sellers and buyers.
STAKEHOLDERS	Fire Department, Community Development, Property owners, Businesses, Marin Association of Realtors
TIMELINE	The updated building code can be prepared and presented for community and City Council input within 90 days. There will be a five-year period of compliance to minimize financial hardships. Assistance programs, including hazard mitigation grants, will be considered to encourage compliance at the beginning of the implementation period.
OUTCOMES	Shake and wooden roofs and the associated fire hazard are eliminated in San Rafael by 2025.

19. Develop comprehensive San Rafael hazardous vegetation study and mitigation measures

ACTION	Consider contracting with a vendor for parcel-level vegetation mapping. Identify areas of with high risk vegetation, including unmaintained Eucalyptus groves. Incorporate findings into mitigation and vegetation maintenance plans.
WHAT THIS MEANS	Studies will need to be conducted to gain a better understanding of high fuel density and risk areas. Specific attention will be paid to Eucalyptus grove locations, density and nearness to structures. This data and imagery will help inform strategic vegetation management and forest health moving forward. For example, an identified high-risk Eucalyptus grove may be scheduled for pruning or thinning over the course of a few years, with ground fuel maintenance (removing leaves, dead limbs, etc.) every three to five years thereafter.

RATIONALE	Baseline information and imagery will help establish a comprehensive fuel management strategy. Identifying high risk areas will prioritize projects and available funding. Reoccurring studies and aerial imagery will also help show trends in regrowth, successful management strategies and before and after comparisons. Break out mapping by fire agency is included in the <i>2017 Lessons Learned</i> report.
CONCERNS	Balancing fire mitigation, erosion control, habitats, and forest health.
STAKEHOLDERS	Fire Department, Public Works, Marin County Fire
TIMELINE	Staff will work to develop fuel management plan for 2021.
OUTCOMES	Shift in fuel mitigation strategy from citizen-reported to data-driven and aerial imagery.

20. Complete an analysis of fire roads and strategic fuel breaks

ACTION	Develop a plan for a survey of all San Rafael fire roads to identify areas in need of strategic surface improvements, to be used as shaded fuel breaks, and that need vegetation clearance for safe access.
WHAT THIS MEANS	Identify high risk areas and assure the fire road surface and clearance will remain accessible. Increase fuel clearance along strategic fire roads (such as ridge lines) to create significant fuel breaks to stop or slow fire spread. These fuel breaks will include forest thinning and understory clearing to create shaded fuel breaks. Shaded fuel breaks reduce fire risk while supporting erosion control, carbon sequestration, and natural beauty. Coordination between other landowners, including private, MMWD, County, and State Parks would help assure continuity and effectiveness of efforts.
RATIONALE	Fire roads provide critical access for fire personnel to access and contain existing fires. Fire roads also serve as fuel breaks, means of access for fuel reduction work and enforcement in open space. Increasing fuel clearance along fire roads helps protect responders using the roads and creates existing fuel breaks to limit a fire's spread. Fire roads also serve as trails and provide recreational opportunities in open spaces.
CONCERNS	High costs and potential environmental impact to implement.
STAKEHOLDERS	Fire Department, Public Works, public using fire roads, agencies with connecting fire roads
TIMELINE	In progress. Road and fuel break analysis is underway. Fire road surface maintenance is an ongoing effort. Additional focus and funds are needed to develop and implement a more strategic and effective approach. The timeline for repairing fire roads and implementing strategic fuel breaks will be dependent on funding.

OUTCOMES

San Rafael fire roads will be well maintained for emergency access and serve as fuel breaks and recreational trails.

21. Increase the number of hardened homes in San Rafael

ACTION

Outreach and education to help property owners understand the various steps they can take to harden their homes. Consider support for property owners unable to implement on their own. Suggestions range from simple vent covers to building material recommendations and be aligned with FIRESafe MARIN and Marin County Fire suggestions.

WHAT THIS MEANS

In coordination with NFPA recommendations and FIRESafe Marin, the City will work to better inform and support property owners attempting to harden their homes and reduce the likelihood of ignition. Methods to harden homes will range from simple vent covers to building material recommendations. Outreach and education would be aligned with FIRESafe MARIN and Marin County Fire recommendations.

RATIONALE

Hardening homes is as necessary a step to protect homes from wildfires as vegetation management. Hardened homes with defensible space are most likely to survive a wildfire. Hardening homes includes fire resistant building materials, and design considerations, and limiting the possibility of an ember entering the home. Per FIRESafe Marin, two out of every three homes destroyed are ignited by wind-blown embers (Maranghides and Mell 2009). Encouraging residents to take steps to harden their homes is aligned with the *2017 Lessons Learned* report.

CONCERNS

Efforts will target residents, but almost 50% of San Rafael residents are renters. Additional efforts to encourage landlords to protect their investments will be needed.

STAKEHOLDERS

Fire Department, Property Owners, Fire Safe Marin, Marin County Fire, Code Enforcement

TIMELINE

Existing outreach and education materials will continue to be used. Increased public outreach, expos, and support for homeowners will depend on staff and funding levels.

OUTCOMES

Fewer structures in San Rafael will be susceptible to wildfire ignition

22. Improve development and implementation of Vegetation Management Plans (VMPs) and create new Resilient Landscape Templates (RLTs).

ACTION	Create Resilient Landscape Templates that offer suggestions for homeowners to achieve beautiful, fire resistant, drought tolerant, and carbon sequestering landscaping. Align VMP process with plan objectives and County VMP updates. Information will include information on fire resistant, drought resistant and carbon sequestering native plants.
WHAT THIS MEANS	<p>SRFD will consider updating the VMP and inspection process. This will include more streamlined and automated forms and review process. The VMPs will be reviewed for areas of improvement and consistency with County and other jurisdictions plans.</p> <p>The City will consider establishing new Resilient Landscape Templates (RLT) designed for property owners rather than landscape architects. The RLTs will help property owners understand what species to remove and avoid and which to maintain and plant. VMPs and RLTs will serve as a resource for reoccurring seasonal work and enforcement with minimal maintenance effort.</p>
RATIONALE	RLTs will serve as a resource to help residents achieve beautiful and less fire prone landscaping. An improved and more accessible VMP process will focus on new construction, remodels, and commercial space. Less fire prone landscaping will help keep the whole community safe by reducing the chances of ignition and fire spread. An improved system will be necessary to support the additional VMPs submitted because of ordinance changes.
CONCERNS	Developing a comprehensive, but simple system will be a challenge and require input from multiple stakeholders and staff.
STAKEHOLDERS	Fire Department, Code Enforcement, Property Owners, Digital Services and Open Government, Marin County, FIRESafe Marin
TIMELINE	Updates to streamline and coordinate the VMP template with the County can begin with additional staffing. The creation of San Rafael RLTs will build off templates from other jurisdictions but require additional staff time and resources to complete.
OUTCOMES	Property owners have resources to more easily comply with updated wildfire mitigation efforts while maintaining beauty and environmental consciousness.

23. Increase the number of completed vegetation and fire mitigation inspections in San Rafael and provide property owners with RLTs.

<i>ACTION</i>	Complete vegetation and fire mitigation inspections for those requesting variations or exemptions to vegetation and building code standards. Annual inspections will be used to assure properties not in full compliance with vegetation and home hardening standards maintain a safe environment.
<i>WHAT THIS MEANS</i>	Additional opportunities to have residents, landscapers and property owners complete a vegetation and fire mitigation inspection will be explored. The City will develop a new RLT process to help property owners achieve beautiful, sustainable, and fire defensible space. An annual fee-based inspection will be required for any property requesting an exemption from vegetation standards. VMPs will still be required under existing ordinances. Property owners completing the work outlined in the inspection, VMP or RLTs may receive City support for vegetation removal, such as participation in ‘free chipper’ days.
<i>RATIONALE</i>	Increasing inspections and establishing RLTs will help reduce and remove fuels. RLTs help property owners understand how landscaping choices impact the threat of wildfire. Expanded submission requirements will help the City educate and support more property owners. Increasing the number of inspections and RLTs required will increase public education and provide property owners with a path towards more beautiful, less fire prone, drought resistant, and carbon sequestering landscaping. Residents will have an increased opportunity to meet with a fire mitigation expert and better understand steps they can take to reduce wildfire risk.
<i>CONCERNS</i>	The current inspection process will be streamlined to accommodate an increase in number of required inspections while minimizing impact to property owners. Staff effort will be required to create new RLTs to help property owners adjust their landscape. Staff time to complete, document, track, and follow up on inspections and any potential violations or enforcement actions.
<i>STAKEHOLDERS</i>	SRFD, Community Development, Homeowners and Property Management companies
<i>TIMELINE</i>	Inspection related ordinance changes will be incorporated into fire and building code updates late in 2019. Development of RLT’s can begin with availability of staff and resources. Update to vegetation standards will be reflected on the updated templates.
<i>OUTCOMES</i>	Additional inspections and new RLTs will be submitted from contractors, residents, and property owners. Additional opportunities for outreach, education, and vegetation inspections.

24. Improve the public’s fire risk awareness with sign improvements and installation

<i>ACTION</i>	Install new and improve existing signage at all open space access areas and along roads in high fire-risk areas.
<i>WHAT THIS MEANS</i>	Signs will be installed across City open space explaining fire danger and risks associated with being in the open space. New signage will be installed in areas of high fire risk to help keep public alert and avoid risky fire behavior. Staff will need to survey all open space access points, and high fire risk areas to determine sign needs. Signs will be consistent and use images to better convey messages regardless of English literacy level. Consider clam shell signs that can be opened during fire season to avoid sign blight.
<i>RATIONALE</i>	Educate public and visitors. Support increased enforcement. Provide consistent messaging. Improve aesthetics and readability of signs.
<i>CONCERNS</i>	Aesthetic concerns of signs in natural areas. Potential to create culture of fear.
<i>STAKEHOLDERS</i>	Fire Department, Public Works, Police Rangers, residents
<i>TIMELINE</i>	Survey work can be completed within 90 days. With funding, message and signs can be developed within 90 days, with installation to occur shortly thereafter. If funding is available, the project could be completed before the peak 2021 fire season. If utilizing grant funding, the project may be delayed, but could be completed before May of 2021.
<i>OUTCOMES</i>	Reduction in fire risky behavior by public due to increased awareness of wildfire risk.

25. Reduce fire risk and keep visitors using short-term rentals safe

<i>ACTION</i>	Ordinance change. Develop guidance for short-term rental units to reduce the risk posed by and to visitors. Require all short-term rental units to post emergency procedures, information on signing up for emergency alerts, and fire safety information. All short-term rentals would be required to have an annual fee-based inspection and correct any code violations.
<i>WHAT THIS MEANS</i>	Efforts to better inform visitors of wildfire risk will be incorporated into interactions with short-term rental units. Visitors, potentially unfamiliar with the area or wildfire risk, will be informed about the emergency procedures and can register for emergency alerts during their stay. Outreach should be conducted with all short-term rentals, to improve property owner and renter wildfire awareness and general safety. Direct outreach to VRBO, AirBnB and similar companies will be considered.

RATIONALE	Short-term rentals represent a unique fire risk for a variety of reasons. Those using short-term rentals may be from out of the area and unfamiliar with wildfire risk and safety procedures. The information helps assure the safety of visitors and provide important fire prevention information to visitors unfamiliar with wildfire risks and necessary ignition precautions. Requiring an annual fee-based inspection will help assure the property is safe, unlikely to ignite from a careless visitor, and support enforcement of vegetation standards for property owners.
CONCERNS	Increased cost of compliance could reduce the number of short-term rentals. Potential for increased cost of permit processing and code enforcement.
STAKEHOLDERS	Fire Department, Code Enforcement, property owners renting space, visitors
TIMELINE	In Progress in coordination with Community Development.
OUTCOMES	Incorporate fire safety, disaster preparedness, and emergency notification information into any regulations or guidance provided to short-term rentals

26. Hire additional staff dedicated to vegetation management and disaster mitigation

ACTION	Convert the existing part-time employee to full-time, fixed-term. Hire three additional seasonal employees to support inspections, project management, and public education in the summer of 2020 and spring of 2021.
WHAT THIS MEANS	Increased staff levels will allow for a more strategic approach to vegetation management and fire mitigation while staff continues to offer inspections. There are currently 1.5 Vegetation management specialists.
RATIONALE	Additional staff is needed to meet the demand for strategic fuel removal, fire road improvements, increased outreach/education, increased number of VMPs and RLTs, and vegetation inspections. Ongoing maintenance will potentially require less seasonal staffing to assure parcels and public space remain free of hazardous fuel loads. Additional full-time, fixed term staff can also help support volunteer efforts in open space, following Novato model..
CONCERNS	Funding the position may require voters to approve additional revenue stream(s), which likely will mean FY 2020 at earliest. Fixed-term and seasonal positions result in higher rates of turnover.
STAKEHOLDERS	Fire Department, residents, businesses, public, DPW

TIMELINE	With the support of the MWPA, temporary staff have been hired. Additional planning and recruitment will begin in late 2020 to hire year-round staff.
OUTCOMES	Increased inspections, enforcement, fuel reduction project coordination, and customized vegetation plans. Additional staff support for communities working on Firewise designation and chipper days.

27. Increase Police Ranger staffing

ACTION	Provide for one full-time fixed-term police Ranger in addition to the two part-time police rangers currently employed to patrol open spaces.
WHAT THIS MEANS	Increased ranger capability will allow for year-round open-space patrolling for fire hazards and code violations in open spaces. Law Enforcement will continue coordination with City- and County-wide efforts. Additional funding should be allocated to SRPD to support additional evacuation drills, which was identified as an important area of improvement in the 2017 Lessons Learned report.
RATIONALE	A full-time ranger will allow for increased patrols, more active enforcement of code violations, a more dynamic reduction in potential ignition sources in open spaces, and the ability to support evacuation planning.
CONCERNS	Legal constraints may impact code enforcement and policy development. Recruitment and retention.
STAKEHOLDERS	Police Department, Public Works
TIMELINE	With the support of MWPA funding, 1.5 Rangers are in place. Additional efforts will be considered for additional staff.
OUTCOMES	Increased law enforcement presence and enforcement of open space regulations. Additional staff time available to support evacuation drills.

Notifications and Evacuation

28.Reduce hazardous fuels along roadways

<i>ACTION</i>	Develop a policy to clearly direct the enforcement of current State regulations and SRMC relating to vegetation clearance along public roadways. Updates to SRMC may also be needed to update, clarify and uniformly apply standards.
<i>WHAT THIS MEANS</i>	Stronger and more consistent enforcement and abatement of vegetation along roadways with a focus on pre-identified primary and secondary evacuation routes. Consideration will be given to shade and maintaining San Rafael as a “Tree City USA”. Fuel removal will target continuous fuels between the ground and canopy and dead and dying vegetation. Healthy hardwood and native trees will generally be excluded from these efforts. Highly flammable shrubs near roadways may require removal. Removal efforts will include education for residents about the various areas of responsibilities and public right of ways.
<i>RATIONALE</i>	Reduces the risk of fire ignition along roadways. Improves potential evacuation routes by limiting the fire fuel along roadways. Creates additional fuel breaks to stop and slow the spread of wildfire. Increased responder safety through improved visibility and decreased roadside fuel. Removing continuous fuels from along roadways will reduce potential fire tunnels and fire spreading from the ground into the canopy.
<i>CONCERNS</i>	Residents may be resistant to removing vegetation along roadways serving as a privacy fence for their property. Disposal of large amounts of woody biomass.
<i>STAKEHOLDERS</i>	Fire Department, Public Works, property owners
<i>TIMELINE</i>	A policy clarifying implementation of existing standards can be drafted within 60 days. Enforcement can begin immediately. Fall and Winter are slower times for vegetation inspections, allowing for a concentrated effort relating to clearance along roadways. Community support, including chipper days, cannot begin until additional funding is secured. Additional evaluation is needed to determine what, if any, SRMC changes may be needed.
<i>OUTCOMES</i>	San Rafael will have safe evacuation routes and less changes of roadside ignitions.

29. Establish a residential hillside “parking box” program

<i>ACTION</i>	<p>Establish a residential hillside “parking box” program on narrow roadways in hillside areas. Parking will only be permitted in “boxed” areas which are established in areas that allow emergency vehicles safe access and public safe egress. Install sign clearly explaining the parking restrictions for residents and visitors.</p>
<i>WHAT THIS MEANS</i>	<p>An ordinance change will establish the parking box program and require that in designated areas, street parking will only be permitted in designated parking boxes. A fire engine will drive through high problem areas to determine where street parking can safely be designated. DPW will then mark the parking boxes, and enforcement will occur via parking tickets and/or towing. Parking will only be permitted on roadways with a clear space of 10’ for access and a parking area that is a minimum of 8’ wide by 15’ in length. In designated areas, the parking box ordinance will replace the six feet from center parking ordinance. Ways to support property owners attempting to build off-street parking pads in the impacted areas will be considered, such as waived permit fees or exemptions. Parking for open space will also be reviewed to assure parking areas are adequately defined to assure emergency access and egress.</p>
<i>RATIONALE</i>	<p>SRMC section 5.40.080 currently prohibits parking on narrow streets unless six (6) feet from center is maintained unobstructed. This standard is confusing, hard to enforce, and does not guarantee fire engines and other large vehicles can safely access all areas of San Rafael. The “parking box” concept is easy to observe and understand for both residents and visitors. The program will assure emergency traffic can respond to daily calls for assistance and in a large-scale emergency. The easy to understand system will also make enforcement, particularly on red flag days, easier.</p>
<i>CONCERNS</i>	<p>Loss of parking spaces in impacted areas. Traffic congestion during implementation.</p>
<i>STAKEHOLDERS</i>	<p>Fire Department, Public Works, Parking Enforcement, Residents</p>
<i>TIMELINE</i>	<p>Within 180 days, a draft ordinance and proposed pilot project will be developed. Implementation would be dependent on funds, staff, and project prioritization. Implementation will include extensive resident outreach, and the community presentations.</p>
<i>OUTCOMES</i>	<p>Narrow roads in San Rafael will have clearly defined safe parking areas, allowing for emergency vehicle access and public evacuation.</p>

30. Improve public emergency alerting capabilities and policies

ACTION	In coordination with Marin County, develop a proactive policy for the use of Wireless Emergency Alerts (WEA) during emerging situations. Establish templates that clearly communicate risk, requested action, and sources for follow-up information. Enhance internal capabilities.
WHAT THIS MEANS	<p>Currently, the City of San Rafael relies on Marin County for non-opt-in messaging. The City’s internal ability to message is limited to SRPD’s Nixle subscription, which only reaches those who opt-in for messaging. This item has two interacting parts; 1) a clear policy for when and how San Rafael can request the County to issue emergency alerts on its behalf and; 2) Staff’s recommendation to upgrade the internal ability to send messages that do not require users to opt-in. In both situations, policies, templates, and coordination will be needed.</p> <p>Considerations will also be given to other alerting methods including NOAA weather radios, sirens, or coordinated community efforts. Sirens may be considered to alert residents in open space of an active threat. Sirens are not designed to be heard indoors and therefore will not be considered for citywide implementation as a primary alerting tool. Plans and policies will be developed to better inform the public of red flag and high fire risk days and any associated access changes, such as closures of open space. Plans will also improve coordination between alerting authorities and all news providers, including TV, Radio, and print. Expansion of Neighborhood Response Groups will strengthen connections and peer-to-peer communication.</p>
RATIONALE	<p>Assure policy and templates in place empower WEA message to be sent if threat exists. Reduce the likelihood that a message will be delayed or won’t be sent. Reduce risk of loss of life. WEA messaging was NOT issued during the North Bay fires of 2017 or the Butte County Camp Fire in 2018. Internally the City needs to improve its messaging capabilities, including access, training, and policies, to assure communication with residents in times of crisis. While broad-based alerting tools, such as sirens or coordinated church bell rings can be considered, it is imperative that each individual register for alerts and have a local alerting redundancy, such as a weather radio. Improvements to emergency notifications and Red Flag warnings is a consistent theme in the <i>2017 Lessons Learned</i> report. Senate Bill 833 and Assembly Bill 1877 established new alert, warning, and planning requirements for State, county, and local officials.</p>
CONCERNS	<p>Over-messaging can reduce the impact of an essential message. Incomplete or inaccurate messaging may cause panic or undue traffic congestion during evacuation. Messaging may overreach to nonimpacted areas. Coordination between County and City alerting authorities is necessary. Develop plan and strategies to meet the needs of those with Access and Functional Needs (AFN) to include mobility limitations and communication or language barriers.</p>
STAKEHOLDERS	County OES, MCSO, SROES, SRPD, SRFD, Residents

TIMELINE	In progress. A streamlined policy will rely on agreement from Marin County Sheriff's Office. Updating the Nixle subscription can be done within days of an identified funding source. Ongoing public outreach to encourage residents to opt-in to alerting systems.
OUTCOMES	San Rafael has ability to message all residents in the event of an emergency.

31. Increase capability for early fire warnings and detection

ACTION	Increase San Rafael's access and control to partner technology, including cameras with heat detection and micro-weather stations. Install two additional cameras to cover the highest fire risk areas in San Rafael. Assure detected wildfires are promptly reported to the National Weather Service to promote weather radio announcements.
WHAT THIS MEANS	PG&E has and continues to install cameras and micro-weather stations to monitor fire and fire weather conditions. Only a limited number of County Fire employees can currently control the view on the cameras. The live stream of the existing cameras is publicly available at http://www.alertwildfire.org/northbay/ . To increase the camera coverage of San Rafael, new cameras may be installed on San Rafael Hill and San Pedro Ridge. San Rafael Fire staff could have direct control of the view and zoom of these additional cameras.
RATIONALE	Cameras will allow for increased ability to monitor open space, which in turn could mean early wildfire identification and response, increased knowledge of weather conditions impacting fire spread, and increased firefighter safety. The ability to directly control cameras monitoring San Rafael increases internal capabilities and reduces the delay and reliance on third parties.
CONCERNS	Access to monitoring technology is determined through partnerships. Ownership and space on existing towers impact possible installation locations.
STAKEHOLDERS	PG&E, Fire Department, Marin County Fire
TIMELINE	Discussions to install new cameras and/or gain further access to existing camera are ongoing. Installation of new cameras would require funding and an agreement with the site owners in the desired locations. Improved coordination with wildfire monitoring partners and new technology would be in place in the Summer of 2019.
OUTCOMES	San Rafael has direct access to early warning technology and improved response times.

32. Review and expand evacuation plans, incorporating areas of refuge, and support neighborhood evacuation drills.

ACTION	Review Countywide evacuation plans and expand existing plans to address San Rafael’s unique needs, neighborhoods and resources, including possible water evacuations.
WHAT THIS MEANS	Additional evacuation planning will establish additional redundancies and potentially reduce the burden on a single egress artery during an emergency. These efforts will consider evacuating to areas of refuge during a fast-moving wildfire. Maps of evacuation routes and potential safe areas will be shared with residents. Expanded plans will better address the unique needs of the AFN community, to include limited mobility, communication and language limitations, and transportation independence. Coordination with Waze, Google Maps, and other GPS providers will be considered. City resources, including the Fire Department, Police Department, and OES will help neighborhoods develop individualized evacuation plans and support community organized evacuation drills.
RATIONALE	San Rafael has multiple areas with limited egress options, due to water, open space and narrow roads. San Rafael should review alternate options for evacuation, including establishing agreements with Golden Gate Transit and Dutra to support a water evacuation. Providing residents with more detailed information about existing and expanded evacuation plans would allow residents to be better informed and prepared.
CONCERNS	Evacuations are dynamic and situation dependent, making comprehensive planning ineffective. Efforts may create false sense of security or avoidance of individual planning.
STAKEHOLDERS	Fire Department, Police Department, Golden Gate Transit, Dutra, Marin County, Residents
TIMELINE	Planning efforts are ongoing and community focused mapping is underway. Water evacuation planning can be established with collaboration from partners. Updated evacuation plans will be incorporated into the City Emergency Operations Plan (EOP).
OUTCOMES	Improved public awareness of evacuation routes and areas of refuge.

33. Assure safe and resilient critical infrastructure

ACTION	In partnership with utility providers, determine best method(s) to reduce fuels around critical infrastructure such as power poles, power lines, and other combustible infrastructure. Work to remove fuels from roadways and primary escape routes. Work with all utility providers to assure they are protecting their infrastructure from wildfires and have redundancies in place to reduce gaps in service delivery.
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WHAT THIS MEANS	The City will initiate an effort to identify the best approaches to vegetation management activities around critical infrastructure. This will include coordination with PG&E and Marin Municipal Water District (MMWD). Potential ordinance changes will be evaluated. Efforts will focus on reducing likelihood of damage to infrastructure, assuring access to infrastructure, and reducing likelihood of infrastructure contributing to a wildfire. Education and outreach efforts will help inform residents of the process to maintain vegetation near the power lines that connect their homes to the utility poles.
RATIONALE	Reduce the risk of fire ignition and protect critical infrastructure from fire. Share burden of protecting infrastructure with property owners and utility providers. Reduce the likelihood and impacts of utility outages and road closures during a disaster.
CONCERNS	Property owner confusion regarding the responsibility of maintaining clearance around the service lines from the pole to the structure. Esthetics of vegetation and tree trimming and removal. Difficult to determine which homeowner is responsible for the cost of tree trimming. Jurisdictional issues may create challenges.
STAKEHOLDERS	Fire Department, Public Works, Community Development, property owners, PG&E
TIMELINE	In Progress. Guidelines for fuel reduction around critical infrastructure are being established and coordinated with utilities. Outreach and education can begin within 30 days of policy being finalized, dependent on staff time. Programs to support residents will be dependent on securing additional funding.
OUTCOMES	San Rafael critical infrastructure will be better protected and less likely to contribute to a wildfire.

34. Assure that appropriate staff can send and receive emergency alerts

ACTION	Establish schedule to assure that all appropriate San Rafael staff members routinely issue Everbridge test messages. Maintain current database of all staff contact information to assure communication with staff during an emergency.
WHAT THIS MEANS	Staff with Everbridge/alerting capability will be required to send test messages at least quarterly to assure access and proficiency. Staff will have templates and training materials to help develop proficiency. Citywide effort is needed to assure correct cell phone numbers are on file and can be used to reach City staff in an emergency. Routine message tests will help maintain an accurate database. Tools include Everbridge (managed by Marin County OES) and upgraded Nixle.
RATIONALE	All staff with the authority to issue alerts must be able to log in and navigate the system to send time-sensitive information. A centralized system to communicate with staff in an

	emergency is necessary to confirm staff safety and communicate closures and requested actions.
CONCERNS	Potential to issue test messages broadly. Lack of participation. Ongoing database management is time consuming.
STAKEHOLDERS	San Rafael Staff with emergency alert capabilities (about 10 people), Department Directors, Human Resources, All City staff
TIMELINE	A 'how to' guide is already created. Once City management agrees to the value of the tests, a routine test schedule can be developed and implemented. Maintaining an accurate alerting database is an ongoing process that will require an established process. Tests in Nixle are dependent on system update.
OUTCOMES	Designated City staff will be confident in their ability to internally message during an emergency. All staff will be able to receive messages in an emergency.

35. Assure that City staff can communicate during an emergency

ACTION	Determine and implement the best method to assure City staff with assigned emergency response duties can use cell phones and landlines. This will require a combination of Wireless Priority Service (WPS), First Net, and Government Emergency Telecommunications Service (GETS).
WHAT THIS MEANS	Complete a cost-benefit analysis of using WPS, Verizon First Responder, and GETS options. Register all Fire, PD, DPW field staff, building inspectors, and EOC staff with WPS and/or Verizon priority accounts. A policy for personal cell phones registered on the system will need to be established.
RATIONALE	The ability to communicate via cell phone after a disaster is negatively impacted by infrastructure damage and peak usage. There are tools available to help cell phone providers prioritize responder traffic. Acting now will limit the impact on communications during an emergency.
CONCERNS	Staff time to implement. Data management and maintenance of multiple tools.
STAKEHOLDERS	Impacted agency staff, Digital Services and Open Government
TIMELINE	WPS access can be requested immediately with cell phone account information. More research is needed to understand the new Verizon responder accounts and potential costs. GETS access can be requested immediately after determining additional needs. Usage policy can be developed within 120 days.

OUTCOMES City staff will have redundant and prioritized methods for communication in an emergency

36. Assure that residents can evacuate through garage doors if power is out

ACTION Develop program to encourage the implementation of garage door battery backup systems. Consider cost share programs with low- income individuals.

WHAT THIS MEANS San Rafael Code Enforcement will need to start enforcing updated safety requirements for automatic garage doors. San Rafael Fire will begin incorporating garage door functionality into evacuation and wildfire preparedness material. San Rafael could consider applying this standard to rental properties and/or encouraging battery back-up installation on legacy garage doors. The City may consider a retroactive requirement or other method to increase back-up battery systems.

RATIONALE Power failures, impacting the functionality of automatic garage doors, can make evacuation by car impossible during an emergency. Effective, July 1, 2019, Senate Bill 969 requires all new and replacement automatic garage doors to have a backup battery or other means that assures the garage door can open in the event of a power failure. The new law does not have a retroactive requirement. Public education is necessary to alert people of the risk and relatively low-cost solutions available, as not everyone has the physical ability to open a garage door manually. Garage door failure was noted in the *2017 Lessons Learned* report.

CONCERNS The update to Health & Safety Code Section 19891 and addition to Section 19892 do not retroactively apply or protect people with existing garages. Outreach can help inform, but not require adherence to stronger safety requirements. Assure outreach addresses the needs of those with Access and Functional needs, including limited mobility.

STAKEHOLDERS Fire Department, Code Enforcement, Property owners.

TIMELINE The Senate Bill requires that garage door installations and replacements on or after July 1, 2019 meet the new requirements. Education and outreach about this new requirement should begin immediately.

OUTCOMES Increased community awareness and implementation of garage door backup batteries or other means assuring evacuation is possible in a power outage.

37. Prevent potential entrapments by requiring 2 gates in any fence in designated areas, including “flagpole” style lots

<i>ACTION</i>	Ordinance change. Update building code to require new and replacement fences have two gates. Existing fences within designated single-lane access parcels must install 2 gates.
What this means	Designated parcels will be required to have more than one means and direction of egress in the event of a wildfire or other emergency. Fences over a designated height would be required to have two gates installed, accessing different cardinal directions. This will include new fences and replaced fences. Staff will consider programs to help low-income residents install an additional gate in areas with limited egress.
Rationale	This will help assure that multiple escape routes exist in the most vulnerable areas and provide ease of access for firefighters.
Concerns	Cost burden for property owners not currently up to the new code. Enforcement.
Stakeholders	Fire Department, Code Enforcement, property owners
Timeline	An updated ordinance, incorporating stakeholder input, can be brought to City Council within 160 days. Updates may be incorporated into planned code updates.
Outcomes	Fenced properties will have additional means of egress, benefiting them, and potential neighbors during an evacuation.

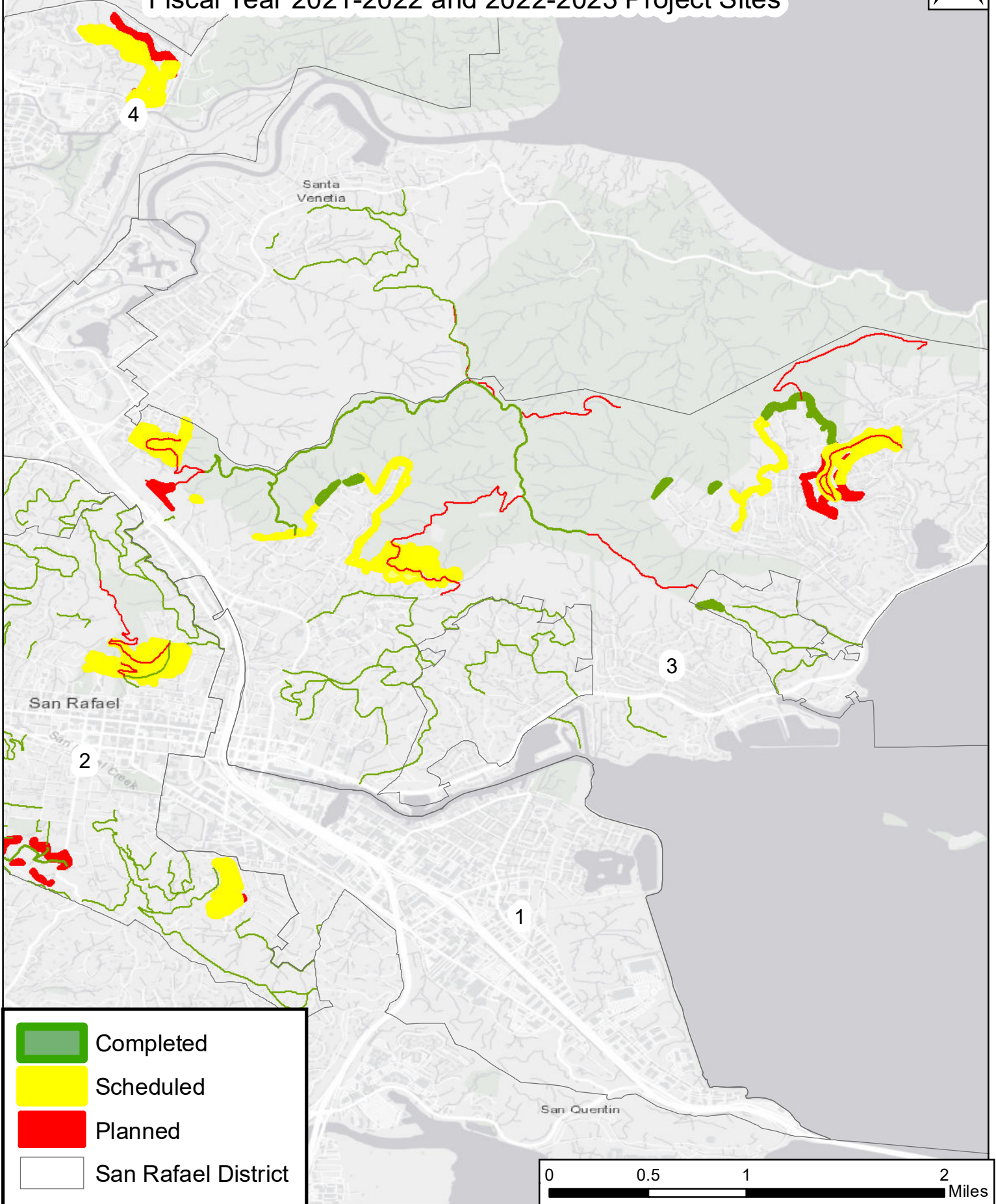
38. Maintain and expand coordination of wildfire prevention and response planning with Marin County, other Marin jurisdictions, Marin County Fire, Marin Wildfire Prevention Authority, FIRESafe MARIN, and neighboring landowning partners.





<i>ACTION</i>	Continue and expand the collaborative work throughout Marin County to address the risk of wildfire. Review and consider any wildfire mitigation plan proposed by Marin County, Marin Wildfire Prevention Authority and other land-managing neighbors. Assure prevention efforts address needs of unincorporated areas.
<i>WHAT THIS MEANS</i>	Coordinate mitigation work, and fire road repairs in bordering areas and both within and across the 5 established MWPA zones within the County. Explore opportunities for collaboration that provide benefits of scale and efficiency. Any future guidance or regulations

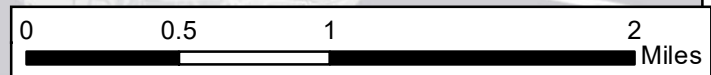
	brought forth by the County will be reviewed and considered for local adoption. Coordinate countywide fire and building code updates with County and other cities and towns.
RATIONALE	Wildfire and disaster do not respect jurisdictional boundaries. A fire starting in one jurisdiction can spread and impact many others. Continuing and expanding current collaboration will help assure efforts are as effective as possible. Similar fire and building ordinances will help simplify outreach and education while allowing for unique local adjustments. When practical, sharing resources may reduce costs through economies of scale.
CONCERNS	Challenges of consensus building. Speed of implementation. Impact on direct local control, responsibility and accountability.
STAKEHOLDERS	San Rafael Fire Department, Marin County, Marin County Fire, MWPA, FIRESafe MARIN, SRAs and CSAs
TIMELINE	Ongoing. Updates to fire and building codes would be in effect in 2021.
OUTCOMES	Provide effective wildfire mitigation to San Rafael. Benefit from economy of scale and collaboration and the use of Measure C funding allocations for agency specific, defensible space and/or core allocations.

MWPA Wildfire Mitigation Projects Western San Rafael

Fiscal Year 2021-2022 and 2022-2023 Project Sites

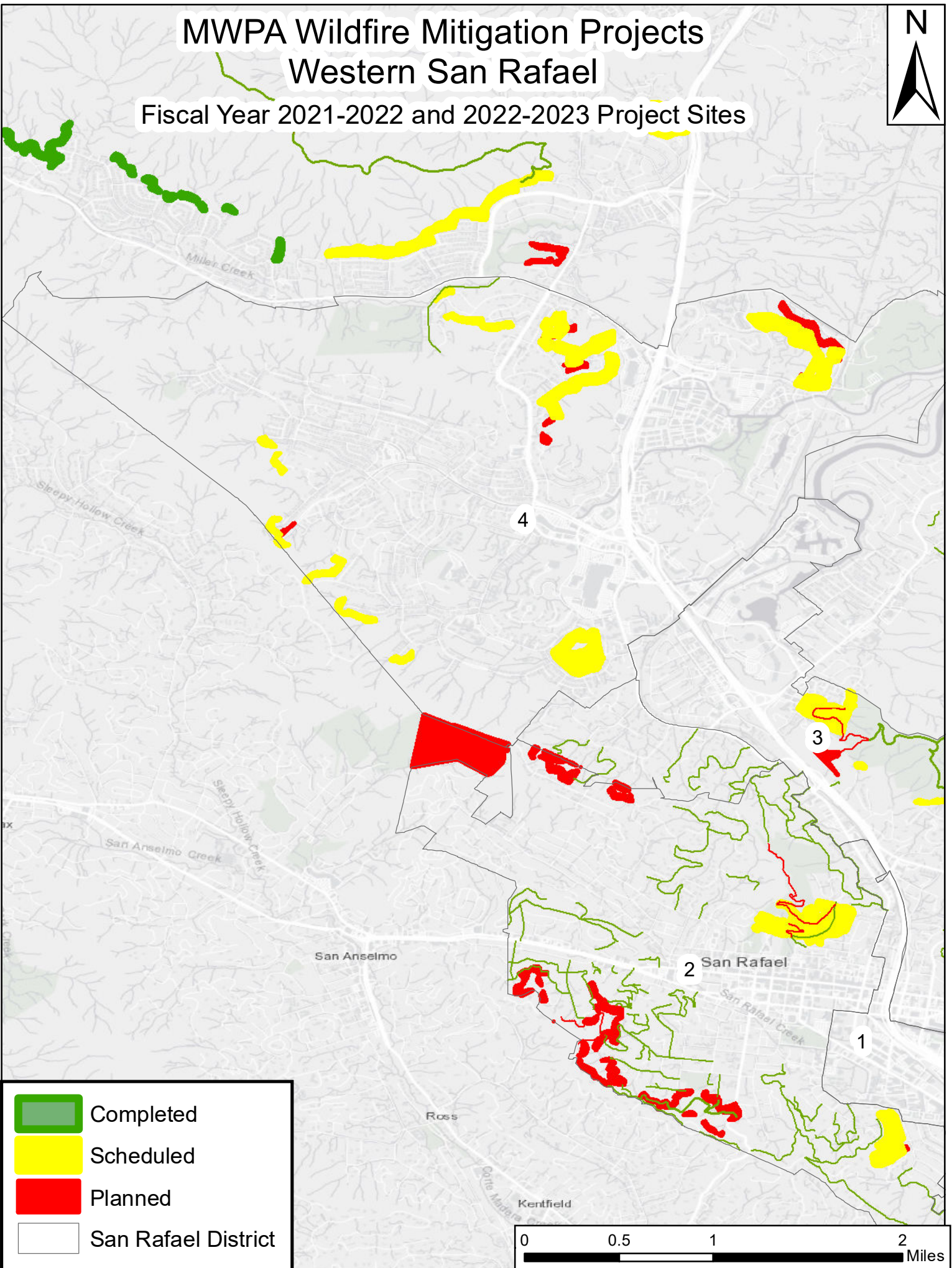


	Completed
	Scheduled
	Planned
	San Rafael District



MWPA Wildfire Mitigation Projects Western San Rafael

Fiscal Year 2021-2022 and 2022-2023 Project Sites



Completed



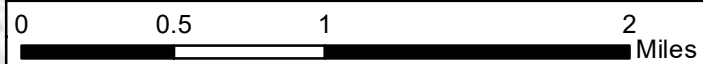
Scheduled



Planned



San Rafael District





SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Fire

**Prepared by: Quinn Gardner, Deputy Director of
Emergency Manager and Mary Skramstad,
Wildfire Mitigation Project Manager**

City Manager Approval: _____

A handwritten signature in black ink, appearing to be 'AS'.

TOPIC: AMENDMENT OF THE CURRENT SMOKING ORDINANCE

SUBJECT: INTRODUCTION OF AN ORDINANCE AMENDING SECTIONS 9.04.030, 9.04.090 AND 19.10.060 OF THE SAN RAFAEL MUNICIPAL CODE TO PROHIBIT SMOKING IN OPEN SPACE YEAR-ROUND AND REQUIRE DESIGNATED SMOKING AREAS IN MULTI-FAMILY HOUSING COMPLEXES WITH OVER 10 UNITS LOCATED WITHIN 1,000 FEET FROM OPEN SPACE AND UNDEVELOPED LOTS IN ORDER TO PREVENT CIGARETTE-CAUSED FIRES

RECOMMENDATION: Pass to print an ordinance amending Sections 9.04.030, 9.04.090 and 19.10.060 of the San Rafael Municipal Code to prohibit smoking in open space year-round and require designated smoking areas in multi-family housing complexes with over 10 units located within 1,000 feet from open space and undeveloped lots in order to prevent cigarette-caused fires.

BACKGROUND:

Millions of acres of land are burned by wildfires every year across the United States, and humans are to blame for many of the blazes. On average, there are more than 60,000 human-ignited fires every year across the United States, according to the National Interagency Fire Center. Smoldering cigarettes are one of the most common causes of human-caused wildfires. Solano County experienced a cigarette-caused fire that burned 300 acres on October 26, 2020. Another fire ignited by cigarette butts burned about 90 acres northeast of Vacaville in October 2021. Additionally, a cigarette-caused fire in San Rafael nearly destroyed a multi-family complex at 410 Mission Ave on May 29, 2020. Ultimately, any ignition has the potential to become an out-of-control wildfire.

In 2012, the City Council adopted Ordinance No. 1908, which made significant changes to the City's regulation of smoking in San Rafael Municipal Code ("SRMC") Chapter 9.04, demonstrating commitment to protecting people against the dangers of secondhand smoke, reducing fire hazards, and reducing property damage caused by tobacco smoke. Included in the ordinance change was the option for residential properties to create a designated smoking area provided they conform to a set of criteria. Although the option to install a designated smoking area has been available since 2012, it has not been widely utilized. The lack of designated smoking areas has driven residents to seek alternative locations

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

to smoke such as open-space and undeveloped lots, creating increased wildfire risk and environmental impacts.

Currently, smoking is prohibited in Downtown San Rafael, parks, open-space, eighty percent of all hotel rooms and within any housing that shares a wall with another unit such as apartments, condos and duplexes. Other prohibited smoking areas include sidewalks, enclosed and unenclosed areas within twenty feet from any doorway, window, opening, crack, or vent; indoor and outdoor common areas of residential units, with the allowance of designated smoking areas. Smoking is permitted in single family residential, private vehicles unless a child is in the vehicle, twenty percent of hotel rooms, theatrical production sites, and inside certain retail tobacco stores.

The City of San Rafael takes wildfire prevention seriously. The City is taking multiple steps to help keep our community safe. Vegetation standards were first adopted in 2007 and updated in 2021. In August 2018, City Council directed the Fire Chief to “Be Bold” in a plan to reduce wildfire risk. In 2019, the Wildfire Prevention and Protection Action plan was drafted, reviewed, and supported by the Citizens Wildfire Advisory Committee. Through 2020 Measure C funds and the Marin Wildfire Prevention Authority, San Rafael Fire has been able to take action towards wildfire mitigation through vegetation management projects, a city-wide inspection program, hiring Open Space Rangers to patrol for signs of camping activity and more.

The [San Rafael Wildfire Prevention and Protection Action Plan](#), passed in August 2020, outlines various goals to proactively and aggressively address the growing risks associated with wildfire. Item 16 in the plan directly calls for City Council Action to reduce the likelihood of ignition in undeveloped land. The Open-Space Element of the City’s [General Plan](#) details the need to protect and preserve the natural value of open space and wildlife habitat areas while permitting educational and recreational uses compatible with these resources. Also, the first goal of the [San Rafael Local Hazard Mitigation plan](#) is to minimize risk and vulnerability of the City to the impact of natural hazards and protect lives and reduce damages and losses to property, public health, economy, and the environment.

ANALYSIS:

Despite current smoking restrictions, fire history as well as reports from residents make it clear that smoking is common in and around open space areas. During inspections of undeveloped properties and open-space near densely populated areas, staff have discovered countless scattered cigarette butts and, in some cases, make-shift ash trays.

Regulations do not currently include preventative measures to reduce cigarette-caused ignitions in open-space. Existing regulations are either optional or inappropriately time-bound and require updates for consistency, clarity, and changes in dangerous behaviors.

The proposed amendments will establish designated smoking areas that will deter residents from smoking in open space and undeveloped lots and prohibit smoking in open space year-round to alleviate risk of fires, both structural and wild, reduce the amount of toxic cigarette butt litter in our environment, and create a healthy environment for both people and our wildlife.

Staff consulted with the Marin County Tobacco Related Disease Control Program Manager, Bob Curry when drafting these proposed changes. Mr. Curry is supportive of the proposed changes.

Significant Elements of Proposed Amendments: The proposed ordinance changes include prohibiting smoking in open space year-round and requiring designated smoking areas in multi-family properties located within 1,000 feet of unimproved natural landscaped areas.

- *Multi-Unit Residences:* Currently, the municipal code prohibits smoking in indoor and outdoor common areas of multi-unit residential properties. The current code has an allowance for a “designated smoking area” if it meets existing criteria as listed under SRMC section 9.04.090. The proposed ordinance requires multi-family properties of ten units or more, located within 1,000 feet from an undeveloped property or open space to install a designated smoking area within one-year of adoption to deter residents from smoking in undesignated areas. If a designated smoking area cannot be established while meeting the pre-established criteria, staff will evaluate if an exemption is necessary. If no designated area is established, the property must implement adequate signage indicating fines associated with smoking in undesignated areas.
- *Designated Smoking Areas:* Currently, the proposed ordinance allows residential properties, places of employment, community centers, and public events to create designated smoking areas provided that they conform to a set of criteria. Staff heard concerns that certain properties may not be able to meet the criteria, hence leaving no place for residents or patrons to smoke.
- *Open Space:* Currently, smoking is prohibited in open space under SRMC section 9.04.050(B) however under Section 19.10.060(13), smoking is only prohibited between May fifteenth and December first of each calendar year, except in designated areas. Staff proposes changing the language in Section 19.10.060 to prohibit smoking year-round. This is more reflective of the fire, environmental, and health risk smoking poses year-round.

Summary of Changes

The following table summarizes the specific sections of the recommended changes to reduce wildfire risk associated with smoking.

Municipal Code section	Staff recommendation
9.04.030	Add definition of undeveloped property. Undeveloped property, is any privately owned parcel or area of land or water which is essentially an unimproved natural landscape area.
9.04.090	Require all Multi-family properties with 10 units or more, located within 1,000 feet from an undeveloped property or open space to implement a designated smoking area that meets existing standards. If no such area can be found to meet the criteria for designated smoking area, staff will collaborate with property owner to seek alternatives. If efforts do not render a designated smoking area, the property must install signage indicating the property as a smoke-free zone without a designated smoking area and giving notice that smoking in undeveloped areas is a violation of the Municipal Code. After April 1, 2023, all multi-family properties with more than 10 units and within 1,000 feet of undeveloped land must have a designated smoking area or proper signage posted.
19.10.060.	(13): Smoking. Due to extreme fire hazard, public health, and environmental preservation, smoking shall not be permitted in open space areas including parking lots, at anytime.

COMMUNITY OUTREACH:

Two community meetings regarding the proposed ordinance changes were held on March 16, 2022, and April 7, 2022.

Prior to and during implementation of this Municipal Code amendment, staff will conduct direct outreach with multi-family properties affected. Outreach and implementation will include:

1. Assessing the feasibility of a designated smoking area;
2. Supporting the installation of signs as required if a designated area is not feasible by April 1, 2023;
3. Distributing educational materials;
4. Use of other digital and print tools to continue to engage and inform the public in regard to smoking in open space and undeveloped property.

FISCAL IMPACT:

There are no anticipated impacts to the General Fund. Existing staff will support implementation and enforcement. Any supply costs will be covered by Measure C, Marin Wildfire Prevention Authority.

OPTIONS:

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

1. Pass to print the Ordinance amendment as proposed or with modifications
2. Continue action for additional information and response to Council comments and concerns
3. Deny the proposed Ordinance amendment

RECOMMENDED ACTION:

Pass to print an ordinance amending Sections 9.04.030, 9.04.090 and 19.10.060 of the San Rafael Municipal Code to prohibit smoking in open space year-round and require designated smoking areas in multi-family housing complexes with over 10 units located within 1,000 feet from open space and undeveloped lots in order to prevent cigarette-caused fires.

ATTACHMENTS:

1. Ordinance
2. Maps

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AMENDING SECTIONS 9.04.030, 9.04.090 AND 19.10.060 OF THE SAN RAFAEL MUNICIPAL CODE PROHIBITING SMOKING IN OPEN SPACE YEAR-ROUND AND REQUIRING DESIGNATED SMOKING AREAS IN MULTI-FAMILY HOUSING COMPLEXES WITH OVER 10 UNITS LOCATED WITHIN 1,000 FEET FROM OPEN SPACE AND UNDEVELOPED LOTS IN ORDER TO PREVENT CIGARETTE-CAUSED FIRES

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

DIVISION 1. FINDINGS.

WHEREAS, Section 118910 of the California Health and Safety Code and Section 26200 of the Business and Professions Code expressly authorize local governments to regulate smoking in any manner not inconsistent with state law; and

WHEREAS, there is no Constitutional right to smoke; and

WHEREAS, the purpose of the City's smoking restrictions is to serve the public health, safety, and welfare due to the known dangers to health and wildfire risk posed by smoking and secondhand smoke; and

WHEREAS, the amendments to the San Rafael Municipal Code made by adoption of this Ordinance are necessary to further regulate smoking so as to more fully protect City residents, businesses and visitors against wildfire risk and unwanted secondhand smoke in public places, parks, and multiunit dwellings; and to clarify and confirm that smoking in open space is prohibited year-round and subject to the same enforcement and penalties as other smoking restrictions; and

WHEREAS, the San Rafael Wildfire Prevention and Protection Action Plan, passed in August 2020, outlines the need to reduce ignition sources to protect the community and natural resources from a wildfire ignited in the open space; and

WHEREAS, it is the goal of San Rafael to preserve and protect open space and the natural environment for all to enjoy; and

WHEREAS, the City's amendment to Section 308.1.2 of the California Fire Code, as set forth in San Rafael Municipal Code Section 4.08.120, states 'Smoking is prohibited within all Parks as defined in San Rafael Municipal Code Section 8.10.015 and Open Space areas as defined in San Rafael Municipal Code Section 19.10.020, located within jurisdiction limits; and

WHEREAS, on May 2, 2022, the City Council of San Rafael conducted a duly noticed public hearing on this Ordinance and considered all oral and written comments submitted to the City;

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

DIVISION 2. AMENDMENTS TO MUNICIPAL CODE.

1. Section 9.04.030 of the San Rafael Municipal Code, entitled "Definitions" is hereby amended to add a definition for "Undeveloped property" to read as follows:

"Undeveloped property" is any privately owned parcel or area of land or water which is essentially an unimproved natural landscape area.

2. Section 9.04.090 of the San Rafael Municipal Code, entitled "Nonsmoking buffer zones" is hereby amended to read in its entirety as follows:

(1) Multi-family residences, duplexes, places of employment, city owned or controlled public place, and public events may designate an outdoor area where smoking is permitted if the area meets all of the following criteria:

- A. The area is located at least twenty-five feet (20') from any unit or enclosed area where smoking is prohibited by this chapter or other law; by binding agreement relating to the ownership, occupancy, or use of real property; or by designation of a person with legal control over the premises. A designated smoking area may require modification or elimination as laws change, as binding agreements are created, and as nonsmoking areas on neighboring premises are established.
- B. The area does not include, and is at least one hundred feet (100') from, unenclosed areas primarily used by children and unenclosed areas with improvements that facilitate physical activity including, for example, playgrounds, swimming pools, and school campuses;
- C. The area includes no more than ten percent (10%) of the total unenclosed area of the multi-family residence for which it is designated;
- D. The area has a clearly marked perimeter;
- E. The area is identified by conspicuous signs;
- F. The area is completely within an unenclosed area; and
- G. The area does not overlap with any enclosed or unenclosed area in which smoking is otherwise prohibited by this chapter or other provisions of this Code, state law, or federal law.
- H. Notwithstanding anything in this section to the contrary the city manager may in his or her discretion establish a designated smoking area in any publicly owned or operated public place in any appropriate location in or on a city owned or controlled public place.

(2) Multi-family properties with 10 units or more, located within 1,000 feet from an undeveloped property or open space must implement a designated area that meets existing standards. If no such area can be found to meet the criteria for designated smoking area, the property must be posted with signage indicating the property as a smoke-free zone without a designated smoking area and advising that violation is subject to enforcement under this Code. After April 1, 2023, all multi-family properties with more than 10 units within 1,000 feet of undeveloped land or open space must have a designated smoking area or proper signage posted.

3. Section 19.10.060 of the San Rafael Municipal Code, entitled "Open Space Regulations" is hereby amended by amending subsection (13) thereof to read in its entirety as follows:

(13) Smoking. Due to extreme fire hazard, public health, and environmental preservation, smoking shall not be permitted in open space areas including parking lots, at any time.

DIVISION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

This Ordinance is exempt from the California Environmental Quality Act (CEQA), pursuant to 14 CCR Section 15061(b)(3), since it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment. (14 Cal. Code Regs. Section 15061(b)(3), 'general rule' provision).

DIVISION 4 SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council of the City of San Rafael hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases shall be declared invalid.

DIVISION 5. PUBLICATION; EFFECTIVE DATE.

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

KATE COLIN, Mayor

Attest:

LINDSAY LARA, City Clerk

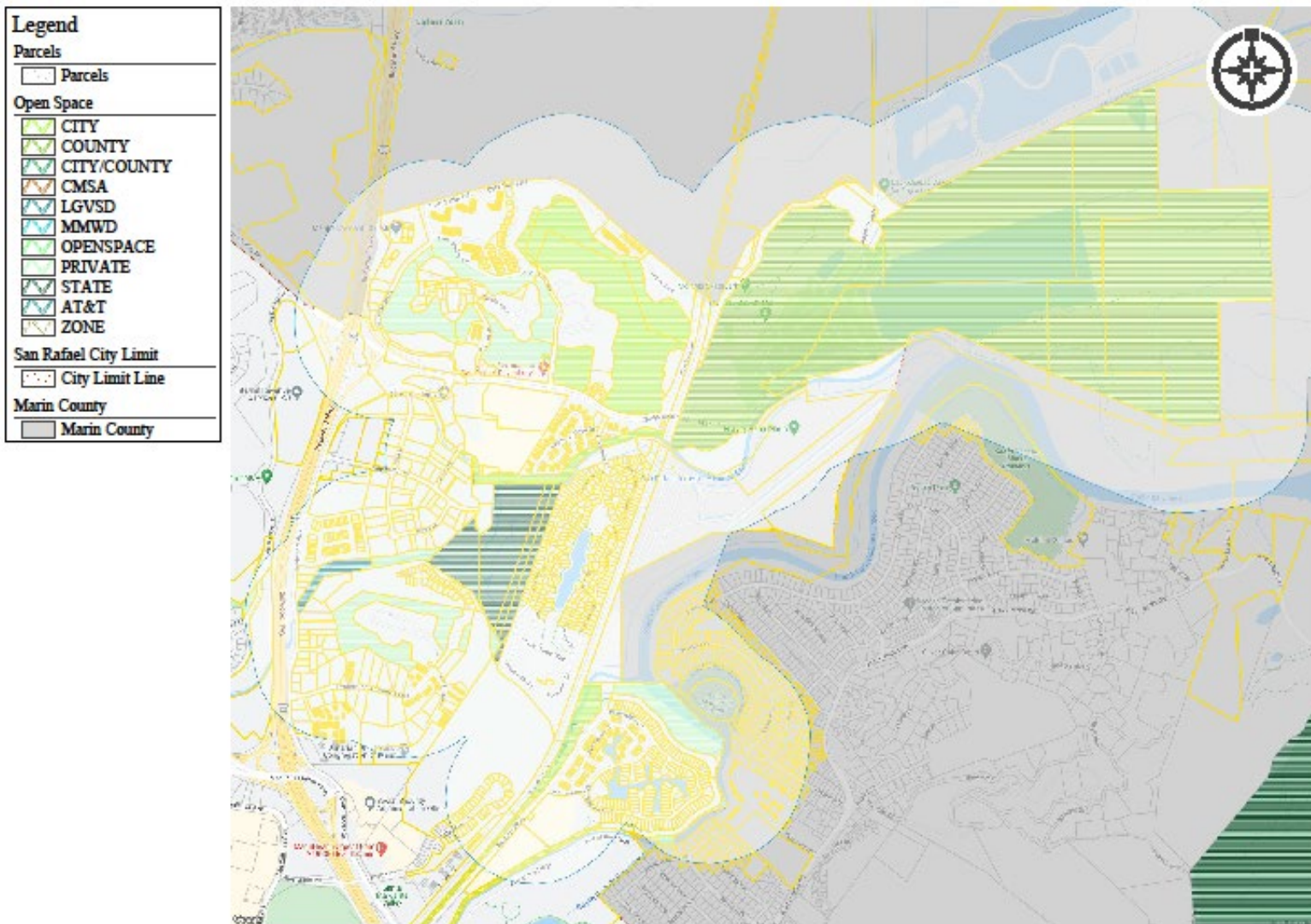
The foregoing Ordinance No. _____ was introduced at a Regular Meeting of the City Council of the City of San Rafael, held on the 2nd day of May 2022, and ordered passed to print by the following vote, to wit:

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

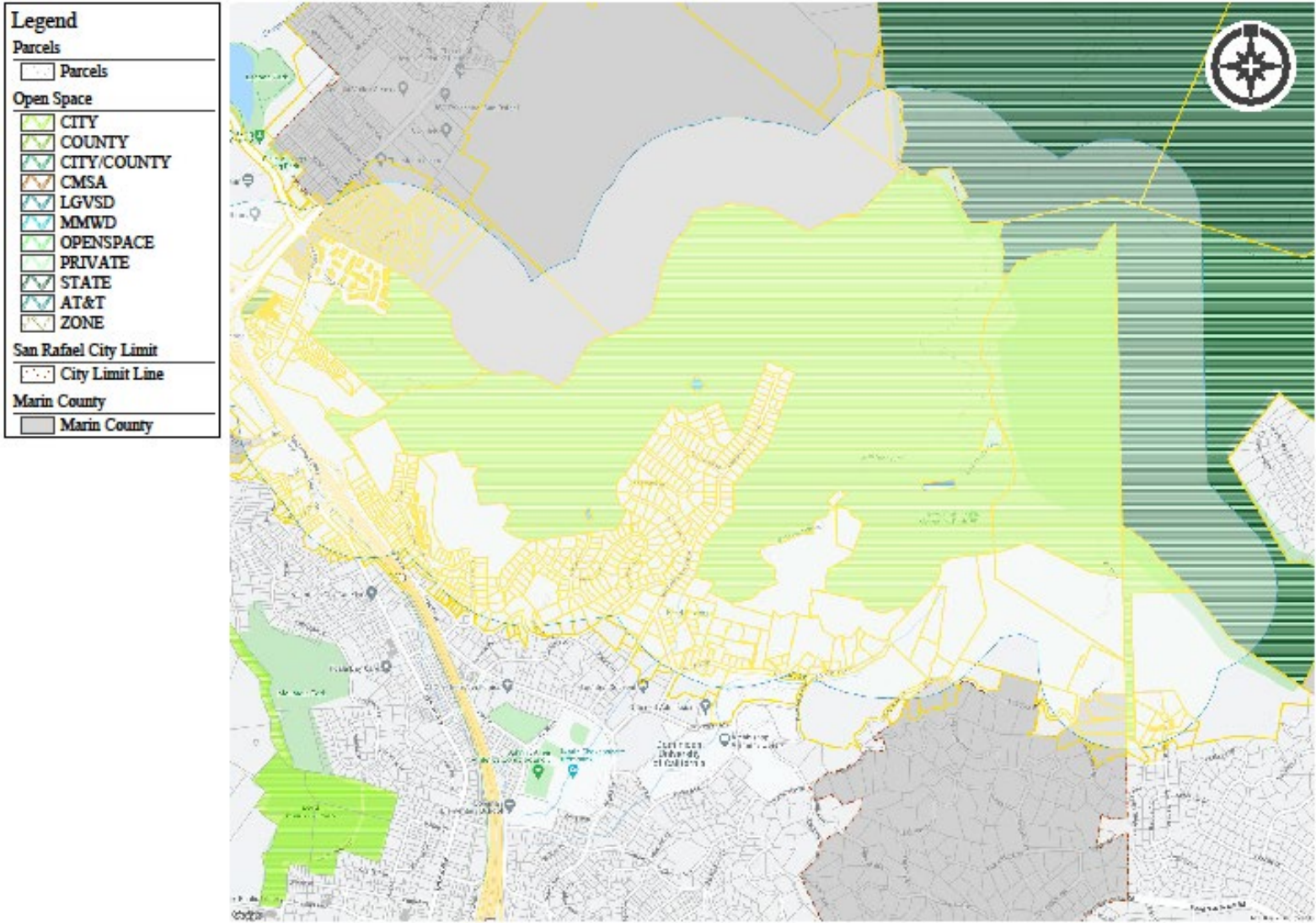
and will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the 16th day of May 2022.

LINDSAY LARA, City Clerk

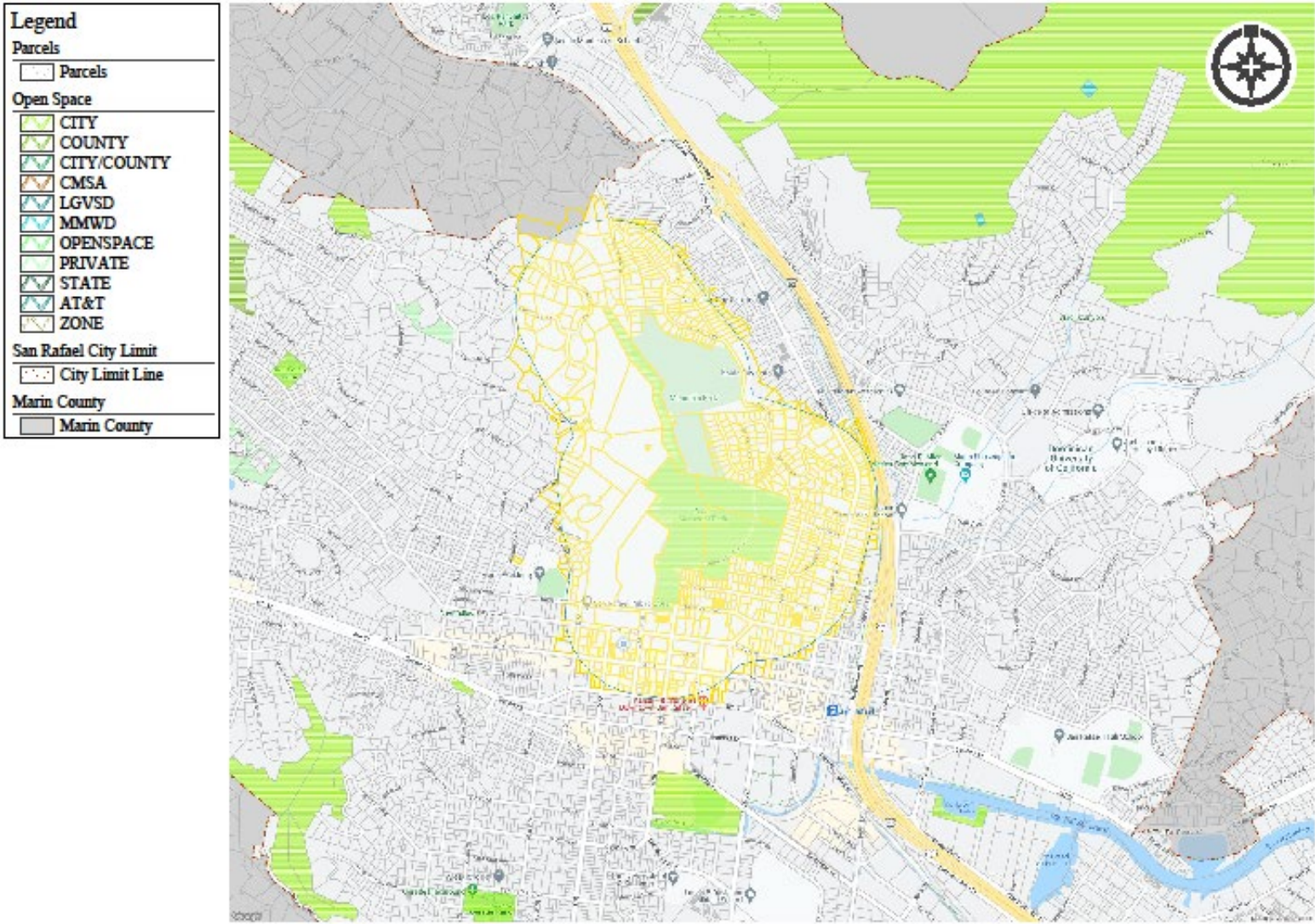
Northeast San Rafael 1,000ft buffer



Dominican 1,000ft buffer

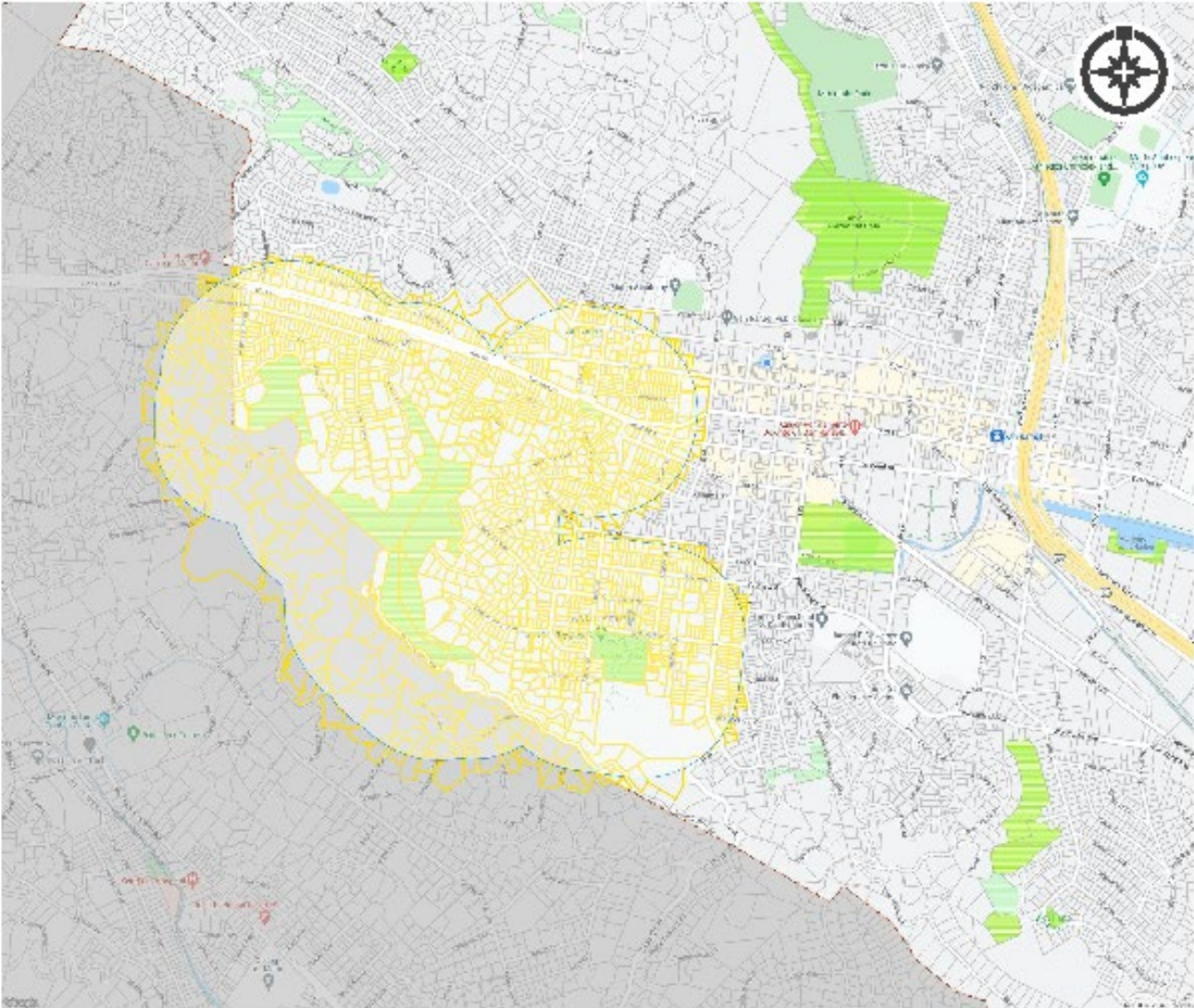


Lincoln Hill 1,000ft buffer



West End and Gerstle Park 1,000ft buffer

Legend	
Parcels	
	Parcels
Open Space	
	CITY
	COUNTY
	CITY/COUNTY
	CMSA
	LGVSD
	MMWD
	OPENSOURCE
	PRIVATE
	STATE
	AT&T
	ZONE
San Rafael City Limit	
	City Limit Line
Marin County	
	Marin County





Agenda Item No: 9.a
Meeting Date: May 2, 2022

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Fire

Prepared by: Quinn Gardner, Deputy Director of Emergency Management and Mary Skramstad, Wildfire Mitigation Project Manager

City Manager Approval: 

TOPIC: SET PUBLIC HEARING FOR AMENDMENT TO SAN RAFAEL’S BUILDING CODE TO REQUIRE REPLACEMENT OF WOOD ROOFING

SUBJECT: INTRODUCTION OF AN ORDINANCE AMENDING CHAPTERS 12.200 AND 12.255 OF THE SAN RAFAEL MUNICIPAL CODE TO MAKE LOCAL AMENDMENTS TO CALIFORNIA BUILDING CODES TO REQUIRE THAT WOOD ROOFING BE REPLACED BY MAY 31, 2027

RECOMMENDATION:
Pass to print an Ordinance Amending Chapters 12.200 and 12.255 of the San Rafael Municipal Code to Make Local Amendments to California Building Codes to Require that Wood Roofing be Replaced by May 31, 202 and set public hearing on the proposed ordinance for Monday, May 16, 2022.

BACKGROUND Following decades of research, post-fire analysis, and active suppression efforts, the California Department of Forestry and Fire Protection has identified a two-prong approach to reduce the likelihood of building loss or damage due to wildfire. This approach includes reducing risk through landscape changes, commonly called defensible space, and through changes to structures themselves, or what is commonly called home hardening. Many of these strategies are now required for new construction in the Wildland Urban Interface (WUI) or other similar high fire hazard areas. However, few regulations address the built-out environment, which encompasses the vast majority of San Rafael. The City has made great strides in addressing defensible space through the updates to San Rafael Municipal Code (“SRMC”) Chapter 4.12 as approved by the City Council on August 3, 2020. However, as called for in the San Rafael Wildfire Prevention and Protection Action Plan (Wildfire Action Plan), items 17 and 18, additional efforts are needed to address home hardening.

Item 18 in the Wildfire Action Plan calls for the elimination of the fire hazard associated with wooden roofs. According to the National Board of Fire Underwriters, the roof is the most common structural fuel bed for ignition by firebrands or embers on a structure. For this reason, materials used to construct a roof are of great importance to protecting the home and other structures from wildfire.

Wooden shingle roofs were identified as the main factor that made fire worse in the official reports of the 1923 Berkeley Fire (National Board of Fire Underwriters 1923; Wilson 1962; Office of the City Manager

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

1991) and the 1961 Bel-Aire fire; the National Fire Protection Association (NFPA) report of the 1961 Bel-Aire Fire was entitled 'Devil wind and wood shingles' (Wilson 1962).

Wood roofs pose a hazard to the structure itself, but also to nearby structures and firefighters. Burning wood roofing material can peel off, become firebrands, and be carried into additional receptive fuel beds, such as other combustible roofs and flammable vegetation in the surrounding landscape, further exacerbating the spread of wildfire. Firebrands consisting of burning wood roof covering have been a major contributing factor to numerous fires such as the 1923 Berkeley Fire. In the 1961 Bel-Air Fire, the aero-dynamic firebrands made of wooden roof shingles became long range fire starters when they were carried by the upper strata of the Santa Ana winds. New fires were ignited in the brush and among structures at great distances, at times spanning two or three canyons (Wilson 1962).

As a result of the increased risk, the State of California banned the use of wood roofs for new construction in 2001. However, to date, no state legislation has required the replacement of existing wood roofs. Some [cities pre-empted state](#) action by banning wood roofs for both new construction and reroofs; City of Los Angeles, Santa Barbara County, City of Santa Barbara, Carlsbad, Del Mar, El Cajon, and Vista. In 2008, the City Council in Big Bear Lake, a community of 5,200 in San Bernardino County, passed an ordinance declaring wood roofs "a severe fire hazard and danger" and ordered property owners to replace them by 2012.

Recent fires have demonstrated the importance of roofing material and other home hardening strategies. For example, in the 2019 Camp Fire, about 51 percent of the 350 single-family homes built after 2008 in the path of the fire were undamaged, according to an analysis of Cal Fire data and Butte County property records. By contrast, only 18 percent of the 12,100 homes built prior to 2008 escaped damage. However, since San Rafael is a largely built-out environment, replacement roofing material requirements will be needed to adapt to wildfire.

The San Rafael Municipal Code, largely aligned with State Fire and Building Code, acknowledges the importance of appropriately fire adapted or Class A rated roofing material. The existing requirements only apply to new construction or substantial remodel. While they acknowledge the importance of fire-rated roofing, they do not require action on existing structures. Pursuant to amended California Building Code Section 1505.1.3 set forth in SRMC Section 12.200.020 and California Residential Code Section R902.1.3 set forth in SRMC Section 12.255.020, the City Council declared that all roof coverings in the City shall be Class A roof covering in 2019.

ANALYSIS:

For property owners with wood roofs, the most long-term and reliable measure available to reduce roof vulnerability to wildfire is to reroof with fire resistant materials. Spray-on or brush-on treatments of fire-retardant chemical to wood roofs have limited longevity. Soon after application, these treatments begin to lose their fire-resistant characteristics due to leaching and exposure to sunlight. To be effective, these treatments must be reapplied on a regular basis. Generally, these treatments have not received certification from the Underwriters Laboratories or the State Fire Marshals of California. Overall, fires involving wood roofs, more so than other roofs, present certain challenges because the fire can easily run both across the top of the roof and underneath it. This is a significant consideration when performing fire attack in buildings with wood roofs.

When wood roofing materials were first available with fire retardant coatings, they were rated as a Class C covering. Before that, they were non-rated. Pressure treated wood roof materials receive a Class A

rating only when installed with a solid underlayment. Fire protection is provided by pressure impregnating fire retardant polymers into the innermost cells of the material. However, there are no required inspections or tests after installation of roofs to determine the status of the fire retardant. It would also be difficult to tell when, or if, a roof was pressure treated or has lost its original treatment by inspection. The California Building Code specifies the testing wood shakes and shingles must pass for use in California. These tests include: Intermittent Flame Test; Spread of Flame Test; Burning Brand Test; Flying Brand Test; Rain Test; and Weathering Test.

In the [Chemco FTX Five Year Natural Weathering Test](#), the wood shingles ignited three minutes into the test and burned for an additional 23 minutes and 30 seconds after the burner flame was turned off. The results of that test and the Los Angeles Fire Department's Standard No. 43 Test for Determining the Flammability of Solid Materials demonstrated that the fire-retardant pressure treated wood shingles support combustion. The five-year test proved that treated wood shingles ignite and continue to burn long after flame exposure. Los Angeles Fire Department adds "It is our experience that a material that exhibits that type of burning characteristics combined with our local climactic conditions (high wind velocities, low humidity, and high temperatures) has the potential for spreading fire downwind in the form of flying burning brands".

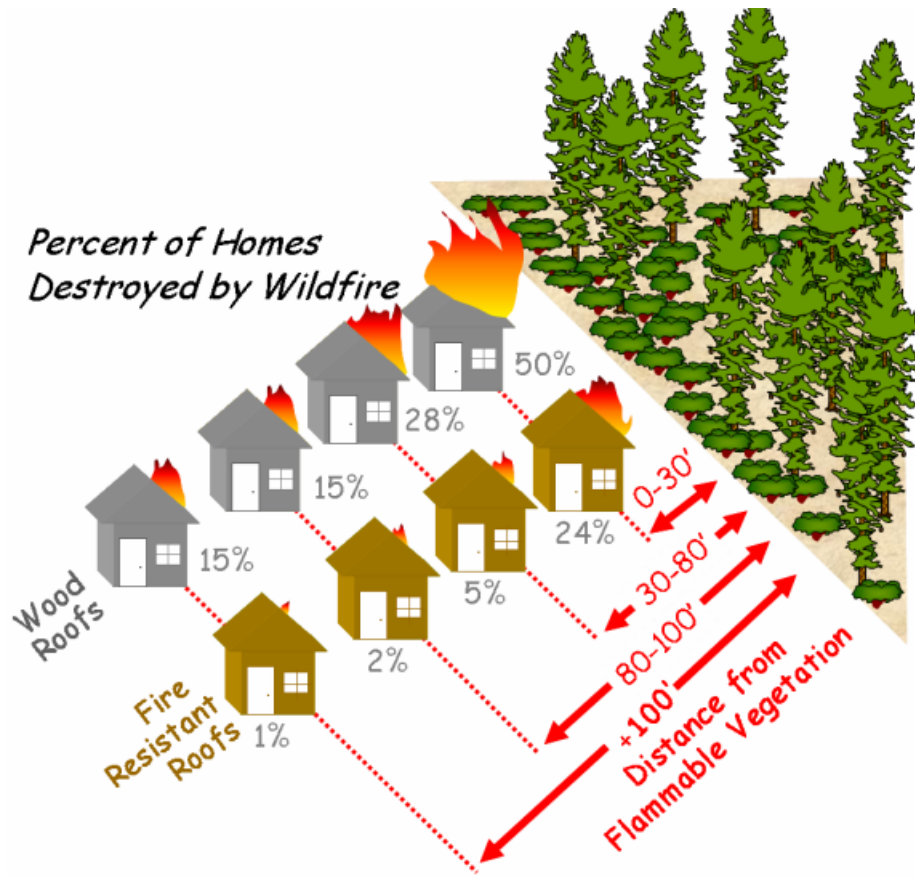


Figure 1. Percent of homes destroyed by wildfire.

The Wood Shake and Shingle Roof Hazard, University of Nevada Cooperative Extension

According to the [University of Nevada Cooperative Extension report on Wood Shake and Shingle Roof Hazard](#), the probability of a house surviving a wildfire is greatly influenced by the type of roofing material involved and the amount of clearance of flammable vegetation. An investigation of 1,850 Southern California homes found that depending upon the amount of brush clearance, houses with untreated wood roofs were 2 to 21 times more likely to be destroyed by wildfire than those with fire-resistant roofs. Other wildfire statistics collected from the Santa Monica Mountains of California, suggested that the most cost-effective method of increasing house survivability during a wildfire event is the presence of a fire-resistant roof and property clearance of vegetation around the structure.

Several plans approved by the City of San Rafael have touched on the measures necessary to protect property from wildfire. The San Rafael Local Hazard Mitigation Plan calls out measures for property protection including wildfires. The San Rafael Wildfire Prevention and Protection Action Plan, passed in August 2020, outlines various goals to proactively and aggressively address the growing risks associated with wildfire. The primary objective of the plan includes ordinance changes to mitigate wildfire risk

The table below summarizes the recommendations regarding wooden roofs in various plans:

Plan	Details
San Rafael C-18 Local Hazard Mitigation Plan	<p>PROPERTY PROTECTION: Property protection measures are used to modify buildings subject to damage rather than to keep the hazard away. A community may find these to be inexpensive measures because often they are implemented by or cost-shared with property owners. Many of the measures do not affect the appearance or use of a building, which makes them particularly appropriate for historical sites and landmarks. Wildfire, Grassfires;</p> <ul style="list-style-type: none"> • Replacing building components with fireproof materials • Roofing
San Rafael Wildfire Prevention and Protection Action Plan	<p>Section 18 titled Eliminate fire hazard associated with wooden roofs. Action: Ordinance change. Update building code to require all wood roofs be replaced in five years. Require structures with wood roofs disclose the replacement requirement at time of resale.</p>
Marin County Community Wildfire Protection Plan	<p>Under page 82 subsection 'Ignition-Resistant Roofing to Reduce Structural Ignitability', Marin County urges other fire agencies throughout Marin to consider providing incentives for property owners to replace wood roofs.</p>
Marin County Multi-Jurisdictional Local Hazard Mitigation Plan	<p>Novato proposes to develop an inventory of structures with wood roofing material to identify and target education efforts and the need for roof conversions. The purpose of the Building and Housing code is to establish rules and regulations governing building activity in the city and to safeguard life, health, property, and public welfare by providing minimum fire retardancy requirements for new roof coverings. This information is also needed to assist the city in compiling information on the use, location, and condition of properties within the jurisdiction of the City of Novato and provides for the abatement of unsafe buildings. By agreement, for health and safety reasons, the city may share this information or resultant vital statistics with other governmental agencies.</p>

San Rafael General Plan Safety and Resilience Element Policy S-4.2 Fire Resilience in Developed Areas	Reduction of Structure Hazards. Implement measures to reduce wildfire hazards to existing structures, including fire-resistant landscaping, and building materials, protected vents and gutters, phasing out wood roofs, vegetation management around structures, limits on highly flammable plant materials, restricted parking on narrow streets, and enforcement and abatement programs. Focus on measures that provide the greatest fire safety benefits relative to their costs to the City and private sector.
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Since the proposed ordinance would amend California construction codes the City has adopted by reference, state law requires that after introduction of the ordinance, the City Council must set a public hearing on the ordinance. Staff recommends setting the public hearing on the agenda for the next City Council meeting.

COMMUNITY OUTREACH: Two community meetings regarding the proposed ordinance changes were held on March 16, 2022, and April 7, 2022. Prior to and during implementation of this ordinance amendment, staff will conduct direct outreach with properties affected.

FISCAL IMPACT: There are no anticipated impacts to the General Fund.

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

1. Pass the proposed ordinance to print and set a public hearing on the ordinance on Monday, May 16, 2022.
2. Direct staff to return with more information.
3. Take no action.

RECOMMENDED ACTION:

Pass to print an Ordinance Amending Chapters 12.200 and 12.255 of the San Rafael Municipal Code to Make Local Amendments to California Building Codes to Require that Wood Roofing be Replaced by May 31, 202 and set public hearing on the proposed ordinance for Monday, May 16, 2022.

ATTACHMENTS:

1. Ordinance

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
AMENDING CHAPTERS 12.200 AND 12.255 OF THE SAN RAFAEL
MUNICIPAL CODE TO MAKE LOCAL AMENDMENTS TO CALIFORNIA
BUILDING CODES TO REQUIRE THAT WOOD ROOFING BE REPLACED
BY MAY 31, 2027**

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

DIVISION 1. FINDINGS.

WHEREAS, on November 18, 2019, the City Council adopted Ordinance No. 1974 which amended Title 12 of the San Rafael Municipal Code to adopt by reference the 2019 California Building Code, 2019 California Residential Code, the 2019 California Mechanical Code, the 2019 California Plumbing Code, the 2019 California Electrical Code, the 2018 International Property Maintenance Code, the 2018 International Pool and Spa Code, the 2019 California Existing Building Code, the 2019 California Green Building Standards Code, and the California Referenced Standard Code with appendices (together, the “2019 California Construction Codes”); and

WHEREAS, Sections 17958.5, 17958.7, and 18941.5 of the California Health and Safety Code allow a local governing body to modify state building standards and to establish more restrictive standards if it determines such building standards are reasonably necessary because of local climatic, geological, or topographical conditions, and pursuant to that statute Ordinance No. 1974 included certain local amendments to the 2019 California Construction Codes adopted by that Ordinance; and

WHEREAS, the local amendments to the 2019 California Building Code adopted by Ordinance No. 1974 were codified in Section 12.200.020 of Chapter 12.200 of the San Rafael Municipal Code and included an amendment to Section 1505.1.3 of the California Building Code entitled “Roof coverings within all other areas”; and

WHEREAS, the local amendments to the 2019 California Residential Code adopted by Ordinance No. 1974 were codified in Section 12.255.020 of Chapter 12.255 of the San Rafael Municipal Code and included an amendment to Section R902.1.3 of the California Residential Code, entitled “Roof coverings within all other areas”; and

WHEREAS, the City of San Rafael has a Community Wildfire Protection Plan (CWPP) issued in 2016, developed in collaboration with the County of Marin, which recommends as a pre-disaster mitigation “the removal of existing wood roofs” due to data that supports non-flammable roofing as being 3.68 times more effective at preventing structural ignition in wildland fire situations; and

WHEREAS, on August 3, 2020 the City Council adopted Resolution No. 14847 accepting a final “San Rafael Wildfire Prevention and Protection Action Plan”, Section 18 of which calls for a change to the City’s building code to require all wood roofs to be replaced within five years to mitigate wildfire risk, and sets forth the rationale for the change; and

WHEREAS, wood roofs are comprised of materials that create a unique and significant fire hazard and danger to an extent that they constitute a public nuisance, as set forth by Section 3480 of the California Civil Code, because they are injurious to the health

and safety of and substantially endanger entire communities; and

WHEREAS, wood roofs are a severe fire hazard and danger to the lives, health, property and safety of the residents of the City of San Rafael and the surrounding communities; and

WHEREAS, the City Council wishes to amend the San Rafael Municipal Code to address these dangers to the citizens of San Rafael and the surrounding community; and

WHEREAS, the City Council hereby finds and declares that five (5) years is a reasonable amount of time for all existing buildings or structures within the City of San Rafael with wood roofs to install roofs comprised of class A fire-resistant as required by the regulations adopted by this Ordinance; and

WHEREAS, the City Council finds that the local amendments to the 2019 California Construction Codes, as set forth in this Ordinance, are reasonably necessary because of climatic, geological and topographical conditions existing in the City, including strong wind conditions, dry weather and dry vegetation, that contribute to the loss or damage of open space and structures in the surrounding area resulting from wildfires;

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

DIVISION 2. AMENDMENT OF MUNICIPAL CODE.

Chapter 12.200 of the San Rafael Municipal Code entitled “California Building Code Amendments” is hereby amended as follows: The amendment to California Building Code Section 1505.1.3 contained in San Rafael Municipal Code Section 12.200.020 is hereby amended to read in its entirety as follows (*strikeouts show deletions from California Building Code and underlines show additions*):

1505.1.3 Roof coverings within all other areas. The entire roof covering of every existing structure, where more than 50% of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class ~~C-A~~.

All roofs coverings that are not at least Class A, shall be a fire-retardant roof covering that is at least Class A by May 31, 2027.

DIVISION 3. AMENDMENT OF MUNICIPAL CODE.

Chapter 12.255 of the San Rafael Municipal Code entitled “California Residential Code Amendments” is hereby amended as follows: The amendment to California Residential Code Section R902.1.3 contained in San Rafael Municipal Code Section 12.255.020 is hereby amended to read in its entirety as follows (*strikeouts show deletions from California Residential Code and underlines show additions*):

R902.1.3 Roof coverings within all other areas. The entire roof covering of every existing structure, where more than 50% of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof

covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class C-A and shall also comply with Section R337.5.

All roofs coverings that are not at least Class A, shall be a fire-retardant roof covering that is at least Class A by May 31, 2027.

DIVISION 4 FINDINGS.

California Health and Safety Code Sections 17958.5, 17958.7, and 18941.5 require that findings be made in order to change or modify building standards found in the California Building Standards Code based on local climatic, geologic, or topographic conditions. Therefore, the San Rafael City Council hereby finds that these changes or modifications to the California Building Code (“CBC”) as adopted in Chapter 12.200 of the San Rafael Municipal Code; and the California Residential Code (“CRC”) as adopted in Chapter 12.255; are reasonably necessary because of the following local climatic, geological and topographical conditions:

- I. Climatic conditions:
 - a) Most of the annual rainfall in San Rafael occurs during the winter, it receives no measurable precipitation between May and October. During this time, temperatures average between 70 and 90 degrees. These conditions eliminate most of the moisture in the natural vegetation and heavily wooded hillsides. The area also suffers periodic droughts that can extend the dry periods to other months of the year. These conditions can be further exacerbated by occasional off-shore hot, dry, Santa-Ana winds; all of which contribute to an elevated fire hazard.

- II. Topographic conditions:
 - a) Much of San Rafael is located in hilly areas, and many of the residential areas are heavily landscaped, and many exist adjacent to hilly open space areas which are characterized by dry vegetation and have limited access. In addition, the steepness of grades located in the hills and canyons results in narrow and winding roads, and limited water supply, making timely access, rescue and firefighting activities by emergency providers difficult.

More specifically, the above modified building standards are listed below with the corresponding climatic, geological or topographical condition which necessitates the modification.

CBC Section Number <i>1505.1</i>	Climatic, geological and topographical condition I(a), II(a)
CRC Section Numbers <i>R902.1</i>	I(a), II(a)

DIVISION 5. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

This Ordinance is exempt from the California Environmental Quality Act (CEQA), pursuant to 14 CCR Section 15061(b)(3), since it can be seen with certainty that there is no possibility

that the adoption of this Ordinance may have a significant effect on the environment. (14 Cal. Code Regs. Section 15061(b)(3), 'general rule' provision) and pursuant to 14 CCR Section 15301 (minor alterations to existing structures).

DIVISION 6 SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council of the City of San Rafael hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases shall be declared invalid.

DIVISION 7. PUBLICATION; EFFECTIVE DATE.

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

KATE COLIN, Mayor

Attest:

LINDSAY LARA, City Clerk

The foregoing Ordinance No. _____ was introduced at a Regular Meeting of the City Council of the City of San Rafael, held on the 2nd day of May 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 16th day of May 2022.

LINDSAY LARA, City Clerk