



MINUTES

SAN RAFAEL CITY COUNCIL - MONDAY, JULY 18, 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 Zoom Webinar: <https://tinyurl.com/cc-2022-07-18>

Watch on YouTube: www.youtube.com/cityofsanrafael

Listen by phone: (669) 900-9128

ID: 899-2635-9885#

One Tap Mobile: US: +16699009128,,89926359885#

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.

Present: Mayor Kate
Vice Mayor Kertz
Councilmember Hill

Absent: Councilmember Bushey
Councilmember Llorens Gulati

Also Present: City Manager Jim Schutz
City Attorney Robert Epstein

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 Councilmembers Bushey and Llorens Gulati.

Mayor Kate provided opening remarks, which included the hybrid City Council meeting, gratitude to City Staff, and a shout out to the Business Improvement District for organizing events such as Dine Under the Lights, Friday Night block party, Sunset Criterium, the 2nd Friday Art Walk and other events.

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 SESSION

1. None.

CLOSED SESSION

2. None.

OPEN TIME FOR PUBLIC EXPRESSION

- Jonathan Frieman addressed the City Council regarding hearing loss accommodations.
- Eva Chrysanthe addressed the City Council regarding the last City Council meeting and services at the Service Support Area.
- Bill Carney, Sustainable San Rafael, addressed the City Council regarding a Marin Grand Jury report calling for electrification of Marin's buildings.
- Cece Osborn Marin Sunrise Hub addressed the City Council regarding the global climate crisis and creating better standards for buildings, such as that all new buildings be all electric.

CITY MANAGER AND COUNCILMEMBER REPORTS:

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

3. City Manager and Councilmember Reports:

City Manager Jim Schutz announced:

- Public Safety Alternative Response Team Update, including the new, national 988 mental health hotline
- National Night Out to be held on Tuesday, August 2 (6-8:30 pm)

Councilmember Reports:

- Mayor Kate reported on San Rafael's Housing Element Community meeting. She announced the next meeting would be on August 16. She also presented to the Marin Healthcare District Board about the Marin Gun Buy Back Program.

Mayor Kate invited public comment.

Speaker: Eva Chrysanthe

CONSENT CALENDAR:

Mayor Kate invited public comment.

Speaker: Eva Chrysanthe

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

4. Consent Calendar Items:

a. **Approval of Minutes**

Approve Minutes of City Council Regular Meeting of June 21, 2022 and July 5, 2022 (CC)
Approved minutes as submitted

b. **Use of Teleconferencing for Public Meetings During State of Emergency**

Resolution Pursuant to Assembly Bill 361 Making Findings and Confirming the Need for the Use or Continued Use of Teleconferencing to Hold Public Meetings of the City's Legislative Bodies During the Continuing State of Emergency Relating to the Covid-19 Pandemic (CA)

Resolution 15105 - Resolution Pursuant to Assembly Bill 361 Making Findings and Confirming the Need for the Use or Continued Use of Teleconferencing to Hold Public Meetings of the City's Legislative Bodies During the Continuing State of Emergency Relating to the Covid-19 Pandemic

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

Designation of Councilmember Maika Llorens Gulati as Voting Delegate for the 2022 League of California Cities Annual Conference & Expo in Long Beach - September 7-9, 2022 (CC)

Approved the designation of Councilmember Maika Llorens Gulati as voting delegate

d. **City Quarterly Investment Report**

Acceptance of City of San Rafael Quarterly Investment Report for the Quarter Ending June 30, 2022 (Fin)

Accepted report

AYES: Councilmembers: Hill, Kertz & Mayor Kate

NOES: Councilmembers: None

ABSENT: Councilmembers: Bushey & Llorens Gulati

PUBLIC HEARING

5. Public Hearing:

a. **[SB 9 Housing Development and Urban Lot Split Regulations](#)**

Consideration of An Ordinance of the City of San Rafael Amending Title 14 (Zoning Ordinance) and Title 15 (Subdivisions) of the San Rafael Municipal Code Related to Regulations to Implement Provisions of SB 9 (CD)

Jeff Ballantine, Senior Planner presented the Staff Report.

Staff recommended the following revisions to the Ordinance to clean up the language to make it clear:

Revision – Section 14.16.282.C.1.f.iii (pg. 5)

A single-family home with an ADU and JADU that was issued a building permit prior to July 18, 2022, shall not otherwise preclude an applicant from developing ~~an additional primary~~ two dwelling units pursuant to the provisions of this Section on a vacant lot created through an Urban Lot Split (Chapter 15.155).

Revision – Section 2

BE IT ORDAINED by the City of San Rafael as follows:

Section 1. The above findings are adopted and incorporated herein.

Section 2. Section 14.16.282 (SB 9 Housing Developments) is added to Chapter 14.16 (Site and Use Regulations) of Division IV (Regulations Applying in All or Several Districts) of Title ~~16~~ 14 (Zoning) of the San Rafael Municipal Code as set forth below.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Name withheld, Richard Falk, Matt Butler, Aaron Burnett, Canal Alliance, Victoria DeWitt, Arlin Benavides, Sustainable San Rafael, Gregory Andrew, Bill Carney, Sustainable San Rafael, Amy Likover, Steve Thomson

Staff responded to public comment.

Councilmembers provided comments.

Councilmember Hill moved and Councilmember Kertz seconded to pass Ordinance No. 2013 to print, with modifications presented by Staff, as well as modifying the hierarchy of development standards such that we would opt to the more restrictive of lot coverage and natural state at the front.

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

Passed Ordinance No. 2013 to Print Amending Title 14 (Zoning Ordinance) and Title 15 (Subdivisions) of the San Rafael Municipal Code Related to Regulations to Implement Provisions of SB 9

b. [Leaf Blower Ordinance](#)

Consideration of an Ordinance of the City of San Rafael Adding Chapter 8.40 to the San Rafael Municipal Code Entitled “Regulation of Small Off-Road Engines”, Related to Regulating Operation of Leaf Blowers (CM)

Walter Gonzalez, Management Analyst (City Manager’s Office) presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Jonathan Frieman, Annika Osborn, Sustainable San Rafael, Esther Wanning

Staff responded to public comment.

Councilmembers provided comments.

Councilmember Kertz moved and Councilmember Hill seconded to pass Ordinance No. 2014 to print.

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

Passed Ordinance No. 2014 to Print Adding Chapter 8.40 to the San Rafael Municipal Code Entitled "Regulation of Small Off-Road Engines", Related to Regulating Operation of Leaf Blowers

c. Tree Ordinance

Consideration of An Ordinance of the City of San Rafael Amending Title 11 (Public Works) of the San Rafael Municipal Code "Trees", Regulating Trees Affecting the Public Right-of-Way (PW)

Item being finalized and will be continued to a date uncertain this summer

SAN RAFAEL SUCCESSOR AGENCY:

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

Member Hill moved and Member Kertz seconded to accept the report.

1. Consent Calendar:

a. Successor Agency Quarterly Investment Report

Acceptance of Successor Agency Quarterly Investment Report for the Quarter Ending June 30, 2022 (Fin)

Accepted report

AYES: Members: Hill, Kertz & Chair Kate
NOES: Members: None
ABSENT: Members: Bushey & Llorens Gulati

ADJOURNMENT:

Mayor Kate adjourned the meeting at 9:01 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2022

KATE COLIN, Mayor