



AGENDA

SAN RAFAEL CITY COUNCIL - MONDAY, OCTOBER 3, 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-2022-10-03>

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 press *9 to raise your hand, and *6 to unmute yourself, then 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. None.

OPEN TIME FOR PUBLIC EXPRESSION

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

CITY MANAGER AND COUNCILMEMBER REPORTS:

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

3. City Manager and 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.

4. Consent Calendar Items:

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

Resolution Pursuant to Assembly Bill 361 Making Findings and Confirming the Need for 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)
Recommended Action - Adopt Resolution

b. **Board of Library Trustees Ordinance Updates**

Adoption of Ordinance 2017 - An Ordinance of the City of San Rafael Amending Sections 2.16.030 Through 2.16.033 of the San Rafael Municipal Code Related to the Board of Library Trustees (CC)
Recommended Action - Final adoption of Ordinance 2017

c. **Design Review Board Ordinance Updates**

Adoption of Ordinance 2018 - An Ordinance of the City of San Rafael Amending Section 14.25.070 and Adding Sections 2.16.120 Through 2.16.122 of the San Rafael Municipal Code Related to the Design Review Board (CC)
Recommended Action - Final adoption of Ordinance 2018

d. **Fire Commission Ordinance Updates**

Adoption of Ordinance 2019 - An Ordinance of the City of San Rafael Amending Sections 2.16.010 Through 2.16.013 of the San Rafael Municipal Code Related to the Fire Commission Board (CC)
Recommended Action - Final adoption of Ordinance 2019

e. **General Plan**

General Plan Annual Progress Report (GPAPR) for 2021 (CD)
Recommended Action - Accept report

- f. **On-Call and Environmental Planning Consulting Services Agreement**
Resolution Approving and Authorizing the City Manager to Execute an Agreement for Professional Services with M-Group for On-Call Contract Planning and Environmental Consulting Services In An Amount Not to Exceed \$100,000 (CD)
Recommended Action - Adopt Resolution
- g. **National Disability Employment Awareness Month**
Proclamation Supporting National Disability Employment Awareness Month (CD)
Recommended Action - Receive and file
- h. **San Rafael Fire Department Fleet Replacement FY 2022-23**
Resolution Approving and Authorizing the City Manager to Purchase Three (3) Fire Department Vehicles for Replacement, In an Amount Not to Exceed \$998,000 (PW)
Recommended Action - Adopt Resolution
- i. **Proposed Fees for Pilot Fall/Winter Aquatics Program**
Resolution Approving Fees for Pilot Fall/Winter Aquatics Program at the Terra Linda Community Pool (LR)
Recommended Action - Adopt Resolution

SPECIAL PRESENTATION

5. Special Presentation:

- a. **Presentation from Marc Brown on the Marin Wildfire Prevention Authority (FD)**
- b. **Proclamation Supporting Fire Prevention Week (FD)**

OTHER AGENDA ITEMS

6. Other Agenda Items:

- a. **“Streetaries” Outdoor Eating Areas Standards and Fees**
“Streetaries” Outdoor Eating Areas Standards, Fees & Ordinance (PW)
 - i. Adoption of Ordinance 2016 - An Ordinance Adding Chapter 11.70 (“Streetaries” Outdoor Eating Areas) to Title 11 (Public Works) of the San Rafael Municipal Code; Amending Section 14.16.277 of Chapter 14.16 (Site Use and Regulations), Section 14.17.110 of Chapter 14.17 (Performance Standards), Section 14.05.020 of Chapter 14.05 (Commercial and Office Districts), Section 14.06.020 of Chapter 14.06 (Industrial Districts) and Section 14.08.020 of Chapter 14.08 (Marine District) of Title 14 (Zoning) of the San Rafael Municipal Code; and Amending Table 2.3.070.A (Use Table) of Chapter 9 (Downtown Form-Based Code) of the Downtown San Rafael Precise Plan Relating to Outdoor Eating Areas in the Public Right-of-Way
Recommended Action - Final adoption of Ordinance 2016
 - ii. Resolution Approving the Streetary Program Design and Development Standards and Fees Under the Streetaries Ordinance, Chapter 11.70 of the San Rafael Municipal Code
Recommended Action - Adopt Resolution
- b. **FY 2022-23 City of San Rafael Canal Maintenance Dredging**
Resolution Approving and Authorizing the City Manager to Award and Execute a Construction Agreement for the FY 2022-23 City of San Rafael Canal Maintenance Dredging Project, City Project No. 11423, to the Dutra Group, in a Not to Exceed Amount

of \$3,468,000, and Authorizing Contingency Funds in the Amount of \$346,800, for a Total Appropriated Amount of \$3,814,800, which Includes a Transfer from the General Fund to Fund 401 in the Amount of \$649,200 to Cover the City Portion of the Dredge (PW)
Recommended Action - Adopt Resolution

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 and at City Hall, 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/>.



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Attorney

Prepared by: Genevieve Coyle,
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 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

RECOMMENDATION:

Adopt the 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.

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 the 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:

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2

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. Other boards and commissions that meet in the City Council Chambers will also be able to meet in person. 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 they cannot safely attend in person, as well as for those persons who may find it more convenient to participate in the meetings through teleconferencing.

However, the City Council also holds special meetings at locations not in the City Council Chambers and staff has determined that the hybrid meeting model set up for these meetings has not provided sufficient space for social distancing and negatively impacts public participation through virtual means. Additionally, not all City boards and commissions meet in the City Council Chambers. 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 the City's legislative bodies meeting outside the City Council Chambers can meet or continue to meet using teleconferencing technology. These include special meetings of the City Council and meetings of the City's boards and commissions.

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 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.

ATTACHMENTS:

1. Resolution

RESOLUTION NO.

RESOLUTION OF THE SAN RAFAEL CITY COUNCIL 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

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 directly impacts or continues to directly impact the ability of the City's legislative bodies to meet safely in person,

including special meetings of the City Council and meetings of the City's boards and commissions.

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 3rd day of October 2022 by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Lindsay Lara, City Clerk

ORDINANCE NO. 2017

AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SECTIONS 2.16.030 THROUGH 2.16.033 OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO THE BOARD OF LIBRARY TRUSTEES

WHEREAS, Article IX, Section 1 of the Charter of the City of San Rafael requires the City Council to appoint a Board of Library Trustees of the City of San Rafael; and

WHEREAS, regulations governing the Board of Library Trustees of the City of San Rafael are located in the San Rafael Municipal Code (SRMC) Sections 2.16.030 through 2.16.033 of Chapter 2.16 (Boards and Commissions); and

WHEREAS, staff recommends amending SRMC Section 2.16.031 (Trustee membership-Compensation) by replacing the provision that members serve without compensation with a provision that authorizes the City Council to establish their compensation by resolution; and

WHEREAS, staff recommends removing the Board's duty to review, and make comments and recommendations regarding the annual operating budget of the library department by deleting the applicable provision from the SRMC Section 2.16.033 (Trustee powers and duties); and

WHEREAS, there are instances throughout the SRMC where masculine language is used, and staff recommends amending the language to be gender-neutral; and

WHEREAS, there are instances throughout the SRMC where the term 'citizen' is used, and staff recommends replacing this term with the terms 'community' or 'patron'; and

WHEREAS, staff recommends repealing Section 2.16.032 of the SRMC (Trustee term of office and removal) in its entirety because it is duplicative of information set forth in Article IX, Section 1 of the San Rafael Charter.

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

Division 1. Amendment of Municipal Code.

Sections 2.16.030 through 2.16.033 of Chapter 2.16 (Boards and Commissions) of the San Rafael Municipal Code are hereby amended to read as follows. Additions are shown in underline, and deletions are shown in ~~strikethrough~~.

2.16.030 - Board of library trustees.

A board of library trustees is created.

(Ord. 889 § 6, 1967).

** Board of library trustees —See San Rafael Charter, Art. IX § 1.*

2.16.031 - Trustee membership—Compensation.

The board of library trustees shall consist of five members appointed by the city council, one of whom may be a ~~councilman~~ councilmember. ~~All members shall serve without compensation.~~ The City Council may establish compensation for members of the board of library trustees by resolution.

(Ord. 889 § 7 (part), 1967).

2.16.032 - ~~Trustee term of office and removal.~~ Reserved

~~The members of the board of library trustees shall serve for a term of four years and shall be subject to removal by the affirmative vote of three members of the city council. The terms of office of members of the board of library trustees shall be staggered in the manner provided by resolution of the city council.~~

(Ord. 889 § 7 (part), 1967).

2.16.033 - Trustee powers and duties.

Subject to the direction and control of the city council, as provided in Section 2.04.030 of this code, the powers and duties of the board of library trustees shall be:

To assess and evaluate current and long-range needs of the library; to formulate and adopt policies, rules and regulations with respect to programs and facilities to meet such needs of the community, including recommendations for sites and design of facilities. Such formulations and adoptions shall be made in conjunction with recommendations of the librarian;

~~To review, comment and make recommendations regarding the annual operating budget of the library;~~

To receive, and review periodic reports from the librarian concerning the general operations and functions of the library;

To recommend ways to inform the ~~citizens of San Rafael~~ community as to the various programs, services and assistance which the library affords all its patrons~~citizens~~;

To promote intergovernmental cooperation in the development of library services, patronage and usage;

To perform such other duties as may be prescribed by the city council.

(Ord. 1131 § 3, 1974: Ord. 889 § 7 (part), 1967).

Division 2. 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 3. CEQA Determination.

This Ordinance makes only administrative changes to the operations of a City board and is therefore exempt from the requirements of the California Environmental Quality Act (CEQA) under 14 Cal. Code Regs. §15061(b)(3), the common sense exemption, because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

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.

THE FOREGOING ORDINANCE was first read and introduced at a regular meeting of the San Rafael City Council on the 19th day of September 2022, and was passed and adopted at a regular meeting of the San Rafael City Council on the 3rd day of October 2022 by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

KATE COLIN, Mayor

Attest:

LINDSAY LARA, City Clerk

SUMMARY OF ORDINANCE NO. 2017

AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SECTIONS 2.16.030 THROUGH 2.16.033 OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO THE BOARD OF LIBRARY TRUSTEES

This Summary concerns a proposed ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 2017, which will amend the Board of Library Trustees. Ordinance No. 2017 is scheduled for adoption by the San Rafael City Council at its regular meeting of Monday, October 3, 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. 2017 amends Sections 2.16.030 through 2.16.033 of the San Rafael City Municipal Code, removing masculine language and replacing it with gender neutral language, removing the clause relating to compensation of Board Members and providing authority to the City Council to approve compensation by resolution, removing duplicative language in the code, and removing the review of the department budget from the powers and duties of the Board. The City Council's adoption of this ordinance creates uniformity across the City's boards and commissions program.

For a complete copy of the text of the Ordinance, please contact the City Clerk Lindsay Lara at 415-485-3065 or Lindsay.lara@cityofsanrafael.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: 09/23/2022

ORDINANCE NO. 2018

AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SECTION 14.25.070 AND ADDING SECTIONS 2.16.120 THROUGH 2.16.122 OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO THE DESIGN REVIEW BOARD

WHEREAS, regulations governing the Design Review Board of the City of San Rafael are located in the San Rafael Municipal Code (SRMC) Section 14.25.070 (Environmental and Design Review Permits); and

WHEREAS, staff recommends deleting provisions of Section 14.25.070 relating to the Board's term of office, removal or vacancy of membership, meetings, quorum, and rules of order; and

WHEREAS, staff recommends that the remaining regulations under Section 14.25.070 relating to Board membership and powers and duties be moved to new Sections 2.16.120 through 2.16.122 of Chapter 2.16 (Boards and Commissions); and

WHEREAS, staff recommends that the regulation under Section 14.25.070 relating to streamlined reviews of certain residential projects remain in that section of the code; and

WHEREAS, staff recommends the removal of compensation information from the municipal code.

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

Division 1. Amendment of Section 14.25.070 of Municipal Code.

Section 14.25.070 of Chapter 14.25 (Environmental and Design Review Permits) of the San Rafael Municipal Code is hereby amended to read as follows. Additions are shown in underline, and deletions are shown in ~~strikethrough~~.

14.25.070 – ~~Design review board~~ Streamlined Review of Certain Residential Projects.

~~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.~~

Agenda Item 4.c

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

~~B. Membership of the Design Review Board. The design review board shall consist of a total of five (5) regular members and may include one alternate member appointed by the city council. The design review board members shall be qualified as follows:~~

- ~~1. At least two (2) members shall be licensed architects or licensed building designers;~~
- ~~2. At least one member shall be a licensed landscape architect;~~
- ~~3. At least one of the five (5) members shall have background or experience in urban design;~~
- ~~4. The alternate member may have qualifications in any of the above fields of expertise;~~
- ~~5. All board members shall reside in the city of San Rafael; and~~
- ~~6. In addition to the five (5) council-appointed board members and one alternate member, one planning commissioner shall attend board meetings. This liaison planning commissioner shall be appointed by the commission chairperson. An additional commissioner shall be appointed to serve as an "alternate liaison" in case of absence. The planning commission liaison should be present at all design review board meetings to offer advice and direction to the board on matters of commission concern.~~

~~C. Alternate Member. The alternate member may temporarily fill a vacancy created when a regular member: (1) leaves office prior to completion of the member's term; (2) cannot attend a meeting; or (3) cannot participate on a particular matter due to a conflict of interest.~~

~~D. Term of Office. The term of office for each design review board member shall be four (4) years. Of the members of the board first appointed, one shall be appointed for the term of one year; one for the term of two (2) years; one for the term of three (3) years; and two (2) for the term of four (4) years. The term of office for the alternate board member shall be four (4) years concurrent with the term of the chairperson.~~

~~E. Removal or Vacancy of Membership. Any member of the board or the alternate member can be removed at any time by a majority vote by the city council. A vacancy shall be filled in the same manner as the original appointment. The person appointed to fill a vacancy shall serve for the remainder of the unexpired term.~~

~~F. Meetings. At least one (1) regular design review board meeting shall be held each month on a date selected by the board, unless there is no business to conduct. The design review board may adopt and amend as necessary, Rules of Order ensuring efficient and responsive board meetings.~~

~~G. Quorum. Three (3) of the members of the board, either regular members or two (2) regular members and the alternate board member, shall be required to constitute a~~

Agenda Item 4.c

~~quorum for the transaction of the business of the board and the affirmation vote of a majority of those present is required to take any action.~~

~~H. Compensation of the Design Review Board. All members of the board shall serve as such without compensation.~~

~~I. The design review board may adopt, and amend as necessary, Rules of Order to ensure efficient and responsive board meetings.~~

~~(Ord. 1838 § 53, 2005; Ord. 1794 § 2, 2003; Ord. 1625 § 1 (part), 1992).~~

~~(Ord. No. 1882, Exh. A, § 94, 6-21-2010; Ord. No. 2006 , § 1, 5-2-2022)~~

Division 2. Addition to Chapter 2.16 of Municipal Code.

Sections 2.16.120 through 2.16.122 are hereby adopted and made a part of Chapter 2.16 (Boards and Commissions) of the San Rafael Municipal Code as follows. Additions are shown in underline.

2.16.120 Design review board – creation.

A design review board is created.

2.16.121 Design review board membership - compensation.

The design review board shall consist of a total of five (5) regular members and may include one alternate member appointed by the city council. The design review board members shall be qualified as follows:

1. At least two (2) members shall be licensed architects or licensed building designers;
2. At least one member shall be a licensed landscape architect;
3. At least one of the five (5) members shall have background or experience in urban design;
4. The alternate member may have qualifications in any of the above fields of expertise;
5. All board members shall reside in the city of San Rafael; and
6. In addition to the five (5) council-appointed board members and one alternate member, one planning commissioner shall attend board meetings. This liaison planning commissioner shall be appointed by the commission chairperson. An additional commissioner shall be appointed to serve as an "alternate liaison" in case of absence. The planning commission liaison should be present at all design review board meetings to offer advice and direction to the board on matters of commission concern.

Alternate Member. The alternate member may temporarily fill a vacancy created when a regular member: (1) leaves office prior to completion of the member's term; (2) cannot attend a meeting; or (3) cannot participate on a particular matter due to a conflict of interest.

The city council may establish compensation for members of the design review board by resolution.

2.16.122 – Design review board powers and duties.

Subject to the direction and control of the city council, as provided in Section 2.04.030 of this code, the powers and duties of the design review board shall be:

To 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

Agenda Item 4.c

review permits, except that an alternate streamlined review process may be allowed for certain eligible projects by ordinance or resolution of the city council.

To 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.

To 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.

Division 2. 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 3. CEQA Determination.

This Ordinance makes only administrative changes to the operations of a City board and is therefore exempt from the requirements of the California Environmental Quality Act (CEQA) under 14 Cal. Code Regs. §15061(b)(3), the common sense exemption, because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

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.

THE FOREGOING ORDINANCE was first read and introduced at a regular meeting of the San Rafael City Council on the 19th day of September 2022, and was passed and adopted at a regular meeting of the San Rafael City Council on the 3rd day of October 2022 by the following vote, to wit:

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

KATE COLIN, Mayor

Attest:

LINDSAY LARA, City Clerk

SUMMARY OF ORDINANCE NO. 2018

AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SECTION 14.25.070 AND ADDING SECTIONS 2.16.120 THROUGH 2.16.122 OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO THE DESIGN REVIEW BOARD

This Summary concerns a proposed ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 2018, which will amend the Design Review Board. Ordinance No. 2018 is scheduled for adoption by the San Rafael City Council at its regular meeting of Monday, October 3, 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. 2018 deletes provisions of Section 14.25.070 of the San Rafael City Municipal Code relating to the Board's term of office, removal or vacancy of membership, meetings, quorum, and rules of order; moves the remaining regulations under Section 14.25.070 relating to Board membership and powers and duties to new Sections 2.16.120 through 2.16.122; and replaces masculine language with gender neutral language. The City Council's adoption of this ordinance creates uniformity across the City's boards and commissions program.

For a complete copy of the text of the Ordinance, please contact the City Clerk Lindsay Lara at 415-485-3065 or Lindsay.lara@cityofsanrafael.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: 09/23/2022

ORDINANCE NO. 2019

AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SECTIONS 2.16.010 THROUGH 2.16.013 OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO THE FIRE COMMISSION

WHEREAS, Article VIII, Section 10 of the Charter of the City of San Rafael requires the City Council to appoint a Board of Fire Commissioners of the City of San Rafael; and

WHEREAS, regulations governing the Board of Fire Commissioners of the City of San Rafael are located in the San Rafael Municipal Code (SRMC) Sections 2.16.010 through 2.16.013 of Chapter 2.16 (Boards and Commissions); and

WHEREAS, staff recommends amending SRMC Section 2.16.011 (Board membership-Compensation) by replacing the provision that members serve without compensation with a provision that authorizes the City Council to establish their compensation by resolution; and

WHEREAS, staff recommends removing the Commission's duty to review, and make comments and recommendations regarding the annual operating budget of the fire department by deleting the applicable provision from the SRMC Section 2.16.013 (Trustee powers and duties); and

WHEREAS, there are instances throughout the SRMC where masculine language is used, and staff recommends amending the language to be gender-neutral; and

WHEREAS, staff recommends repealing Section 2.16.012 of the SRMC (Board term of office and removal) in its entirety because it is duplicative of information set forth in Article VIII, Section 10 of the San Rafael Charter.

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

Division 1. Amendment of Municipal Code.

Sections 2.16.030 through 2.16.033 of Chapter 2.16 (Boards and Commissions) of the San Rafael Municipal Code are hereby amended to read as follows. Additions are shown in underline, and deletions are shown in ~~strike through~~.

2.16.010 - Board of fire commissioners.*

A board of fire commissioners is created.

(Ord. 889 § 2, 1967: Ord. 825 § 1, 1965: Ord. 422).

* *Fire commission—See San Rafael Charter, Art. VIII § 10.*

2.16.011 - Board membership—Compensation.

The board of fire commissioners shall consist of five members appointed by the city council, one of whom may be a ~~councilman~~ councilmember. The chief of the fire department shall be an ex officio member of the commission, but shall not be entitled to vote as a member of the commission. ~~All members of the commission shall serve without~~

~~compensation. The city council may establish compensation for members of the board of fire commissioners by resolution.~~

~~(Ord. 889 § 3 (part), 1967).~~

~~**2.16.012 – Board term of office and removal.**~~

~~The members of the board of fire commissioners shall serve for a term of four years and shall be subject to removal by the affirmative vote of three members of the council. The terms of office of members of the commission shall be staggered in the manner provided by resolution of the city council.~~

~~(Ord. 889 § 3 (part), 1967).~~

2.16.013 - Board powers and duties.

Subject to the direction and control of the city council, as provided in Section 2.04.030 of this code, the powers and duties of the board of fire commissioners shall be:

To review and recommend concerning the future needs of the fire department in respect to long-range capital needs, including buildings, training facilities, and water mains and hydrant replacements;

To review the relationship of the fire department with other governmental agencies and private entities concerning topics which the commission feels present a true and pressing need for the city's fire service, i.e., mutual aid and the fire rating system of the Independent Insurance Office;

~~To review, comment and make recommendations regarding the annual operating budget of the department;~~

To recommend to the fire chief and the city council action concerning initial adoption and future amendments to the fire prevention code, the building code, and other such ordinances which pertain to the prevention of fires within the community;

To receive monthly reports from the department head concerning the general operations and functions of the department;

To perform such other duties as may be prescribed by the city council.

~~(Ord. 1131 § 1, 1974: Ord. 889 § 3 (part), 1967).~~

Division 2. 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 3. CEQA Determination.

Agenda Item 4.d

This Ordinance makes only administrative changes to the operations of a City commission and is therefore exempt from the requirements of the California Environmental Quality Act (CEQA) under 14 Cal. Code Regs. §15061(b)(3), the common sense exemption, because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

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.

THE FOREGOING ORDINANCE was first read and introduced at a regular meeting of the San Rafael City Council on the 19th day of September 2022, and was passed and adopted at a regular meeting of the San Rafael City Council on the 3rd day of October 2022 by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

KATE COLIN, Mayor

Attest:

LINDSAY LARA, City Clerk

SUMMARY OF ORDINANCE NO. 2019

AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SECTIONS 2.16.010 THROUGH 2.16.013 OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO THE FIRE COMMISSION

This Summary concerns a proposed ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 2019, which will amend the Fire Commission. Ordinance No. 2019 is scheduled for adoption by the San Rafael City Council at its regular meeting of Monday, October 3, 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. 2019 amends Sections 2.16.010 through 2.16.013 of the San Rafael City Municipal Code, removing masculine language and replacing it with gender neutral language, removing the clause relating to compensation of Commissioners and providing authority to the City Council to approve compensation by resolution, removing duplicative language in the code, and removing the review of the department budget from the powers and duties of the Commission. The City Council's adoption of this ordinance creates uniformity across the City's boards and commissions program.

For a complete copy of the text of the Ordinance, please contact the City Clerk Lindsay Lara at 415-485-3065 or Lindsay.lara@cityofsanrafael.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: 09/23/2022



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Departments: Cross-Departmental

**Prepared by: Alicia Giudice
Director of Community Development**

City Manager Approval: _____

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

**Monica Ly
Senior Planner**

TOPIC: GENERAL PLAN

SUBJECT: GENERAL PLAN ANNUAL PROGRESS REPORT (GPAPR) FOR 2021

RECOMMENDATION: Accept the General Plan Annual Progress Report for 2021.

BACKGROUND:

California Government Code Section 65400 requires that after the legislative body (City Council) has adopted all or part of a General Plan, the planning agency shall review an annual report on the status of the General Plan progress and its implementation and provide the report to the legislative body. The GPAPR is then submitted to the California Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD) each year. The Government Code also includes specific requirements for information about the status of Housing Element programs and progress in meeting its share of the Regional Housing Need Allocations (RHNA) issued by the Association of Bay Area Governments (ABAG). The Housing Element APR was accepted by the City Council on March 21, 2022 and submitted to the two state Agencies shortly after that. This report focuses on the progress of the General Plan.

ANALYSIS:

All cities in California are required to prepare and adopt a General Plan. The General Plan identifies policies and programs addressing the development and redevelopment of land, preservation of parks and open spaces, provision of housing for current and future residents, conservation of natural resources, improvement of the circulation and transportation system, control of noise and protection of life and property from hazards.

The purpose of the GPAPR is to provide local legislative bodies and the public with information regarding the implementation of the General Plan and to inform the public of the progress in meeting the community's goals. An annual progress report on the General Plan must be presented to the City Council

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

for its review and acceptance. The GPAPR should provide enough information for decision-makers to assess how the General Plan was implemented during the 12-month reporting period.

The attached GPAPR (see Attachment 1) comprises the General Plan goals and provides a summary of the status of the General Plan and the implementation programs contained in each General Plan Element. San Rafael has adopted eight State-required Elements and five optional Elements as follows: Land Use Element; Neighborhoods Element; Parks, Recreation, and Open Space Element; Safety and Resilience Element; Noise Element; Mobility Element; Community Services and Infrastructure Element; Arts and Culture Element; Economic Vitality Element; Equity Diversity and Inclusion Element; and Housing Element. The annual progress report on the Housing Element was presented to the City Council on March 21, 2022 and submitted to the state on March 29, 2022. Thus, this report is focused only the status of the remaining General Plan elements. Highlights of accomplishments in the implementation of General Plan programs in 2021 are included below with the corresponding references to the General Plan Element Implementation Program:

- Adopted General Plan 2040
On August 2, 2021, the San Rafael City Council adopted [General Plan 2040](#) and the [Downtown Precise Plan](#). First initiated in 2017, the update of the San Rafael General Plan 2020 was necessary to respond to new issues, priorities, forecasts, state laws, and to incorporate recent City plans and programs. All elements of the Plan have been comprehensively updated. An extensive community engagement program, including a 24-member Steering Committee, accompanied this effort.
- 2023-2031 Housing Element Update
In 2021, the City began preparation of the 2023-2031 Housing Element Update, launching a community kick-off meeting in early November. The City created a 13-member Working Group to provide feedback on new housing policies and programs for the city. The City engaged in outreach to lower-income households, especially renters. Staff solicited input from housing advocates, tenant groups, the development, real estate, and business communities, neighborhood groups, environmental groups, and social service providers, including organizations serving unhoused residents.
- Parks and Recreation Master Plan
In 2021, the City began preparation of the Parks and Recreation Master Plan. The Library & Recreation and Public Works Departments began planning for a series of community meetings, focus groups, and surveys to gather input from the public about how to improve San Rafael parks, recreational facilities and programs as part of the Parks and Recreation Master Plan process. The departments also made plans to hold an outreach event and conduct a survey to gather feedback from the Sun Valley neighborhood on planned improvements to the Sun Valley Park. The Parks and Recreation Master Plan was scheduled to begin in 2022 and to be completed in early 2023. **Programs: PROS 1.4B (Community Engagement), PROS-1.6A (Needs Assessment), PROS-1.6B (Park Improvements), and PROS-1.11A (Field Improvements).**
- Adopted Downtown Precise Plan
The Downtown Precise Plan and Form-Based Code was adopted on August 2, 2021. During the early phases of the Draft General Plan 2040 update process, the City of San Rafael pursued and secured grant funding to prepare a more detailed plan for the Downtown area. The community engagement process in the Draft Plan preparation included a series of community workshops, a three-day charrette, and vetting of the Draft Plan components by the 24-member General Plan 2040 Steering Committee and a smaller working group of this Committee. **Program: CDP-2.2A (Downtown Precise Plan).**
- Adopted Transportation Impact Analysis (TIA) Guidelines

The City adopted new guidelines for the preparation of Transportation Impact Analysis (TIA) Guidelines in compliance with Senate Bill 743 (SB743), which requires the replacement of the Level of Service (LOS) methodology with the Vehicle Miles Traveled (VMT) methodology for environmental review. Additionally, the City adopted VMT standards in the 2040 General Plan update. **Program M-2.5A (Traffic Circulation Studies).**

- **Traffic Mitigation Fee Update**

The Traffic Impact Fee was updated by the City Council adoption of Resolution No. 14983 on October 4, 2021. The update was based on a nexus study conducted by Fehr and Peers Consultants. The nexus report justified the increase of the trip rate to \$6,909. The City Council directed that this fee be implemented gradually over a five-year period starting in January 2022 and provided for an annual adjustment of the fee according to the Lee Saylor Construction Cost Index. **Program M-2.6A (Traffic Mitigation Fee Updates).**

- **Supported the Downtown Business Improvement District (BID)**

In 2021, the City continued to support the Downtown BID through attention to streetscape, marketing and promotions, special events, and advocating on issues of safety, public parking and other factors affecting the economic vitality of the downtown district. **Program NH-1.1B (Quality Downtown Services).**

The City worked with downtown businesses (including Art Works and art supply stores), the Chamber of Commerce and Downtown Business Improvement District to provide Día de los Muertos altars in downtown windows in October. Staff cross promoted events with the Downtown BID. **Program AC-1.2D (Public Information).**

Regional Housing Needs Allocation Progress

The City of San Rafael completed a 2021 Housing Element Annual Progress Report and submitted it to the California Department of Housing and Community Development (HCD) and the Office of Planning and Research (OPR) on March 29, 2022, in accordance with state housing law. This report provides information on the progress of our housing element programs and reports on the progress toward meeting the City's share of the Regional Housing Needs Allocation Progress. The City reported that 12 housing units were entitled and building permits were issued for 66 units during the 2021 reporting period. For more information, please refer to the earlier [staff report](#) presented to the City Council on March 21, 2022.

FISCAL IMPACT:

This is an informational report, there are no fiscal impacts at this time.

OPTIONS:

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

1. Receive and accept the report (recommended).
2. Direct staff to return with more information.
3. Take no action.

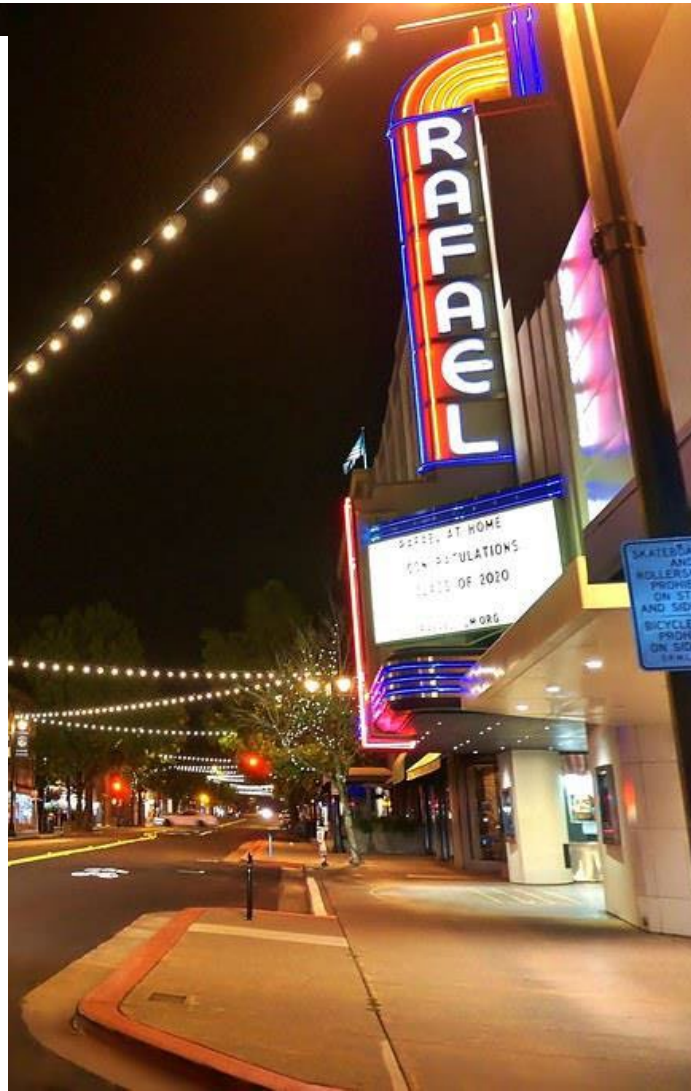
RECOMMENDED ACTION:

Staff recommends that City Council accept the General Plan Annual Progress Report for 2021.

ATTACHMENTS:

1. General Plan Annual Progress Report 2021

SAN RAFAEL GENERAL PLAN ANNUAL PROGRESS REPORT 2021



OCTOBER 3, 2022



Introduction

Government Code Section 65400 requires that after the legislative body (City Council) has adopted all or part of a General Plan, the City prepare a General Plan Annual Progress Report (APR) regarding the status of the City's General Plan and progress in its implementation and submit the General Plan APR to the Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD). The GPAPR provides for the annual review of the General Plan to assess the level of implementation and effectiveness of the General Plan as a guide for orderly growth and development, preservation and conservation of open space land and natural resources, and the efficient expenditure of public funds. The GPAPR also provides information regarding the City's progress in meeting its share of regional housing needs.

The General Plan provides a shared vision for San Rafael's future, and a road map to make that vision a reality. It is rooted in a commitment by San Rafael residents and businesses to sustain the qualities that make San Rafael a great city today, and to pursue improvements that make the city more resilient, equitable, healthy, and attractive in the future. The Plan looks ahead 20 years to contemplate what kind of community we want to be. It provides the policies and actions to lead us there. General Plan 2040 was adopted on August 2, 2021. San Rafael has adopted eight State-required Elements and five optional Elements as follows: Land Use Element; Neighborhoods Element; Parks, Recreation, and Open Space Element; Safety and Resilience Element; Noise Element; Mobility Element; Community Services and Infrastructure Element; Arts and Culture Element; Economic Vitality Element; Equity Diversity and Inclusion Element; and Housing Element.

The General Plan will be implemented collectively by the City Council, City Boards and Commissions, City staff, San Rafael residents, and local business owners. Decisions by the City Council and its representatives must be consistent with its goals and policies. Implementation takes place in many ways, including local zoning regulations, future plans and studies, municipal code changes, partnerships, budgets, capital improvement programming, annual work programs, and standard operating procedures, among others. Some of the programs listed in the General Plan are already in effect, but the Plan also proposes new programs and changes to existing programs. Because of resource limitations, some of these changes may take place sooner than others.

Table of Contents

General Plan Annual Progress Report City Council Acceptance	4
General Plan 2040 Update	5
General Plan Implementation Measures	6
Housing Element APR 2021	7
Implementation Matrix	8 - 188

General Plan Annual Progress Report City Council Acceptance

On October 3, 2022, the San Rafael City Council, by minute order, received and accepted the General Plan Annual Progress Report 2021. A copy of the Resolution is available from the City Clerk, at City Hall, 1400 Fifth Avenue, or at 415-485-3066. The resolution is also available online through the City of San Rafael's [Public Records Portal](#).

General Plan 2040 Update

On August 2, 2021, the San Rafael City Council adopted General Plan 2040 and the Downtown Precise Plan. First initiated in 2017, the update of the San Rafael General Plan 2020 was necessary to respond to new issues, priorities, forecasts, state laws, and to incorporate recent City plans and programs. All elements of the Plan have been comprehensively updated. An extensive community engagement program, including a 24-member Steering Committee, accompanied this effort.

As part of the General Plan Update, the City prepared a more focused plan for Downtown San Rafael. The “Downtown Precise Plan” replaces the 1993 Downtown Vision Plan and includes strategies to accommodate future Downtown housing and employment and to strengthen Downtown San Rafael as a vital, attractive business district and neighborhood. The Precise Plan was funded by a grant from the Association of Bay Area Governments and reflects Downtown’s designation as a “Priority Development Area.” The Plan includes specific planning and design recommendations, as well as strategies for historic preservation, economic development, transportation, affordable housing production, and anti-displacement. It also includes a “Form Based Code” that replaced existing zoning regulations.

Implementation Measures

The Implementation Matrix provides a strategic framework for implementing General Plan 2040. Future Annual Progress Reports will use the indicators included in the implementation matrix as a starting point to describe progress toward specific implementation milestones.

The Plan identifies hundreds of programs to implement local policies and achieve the City's goals. Most are ongoing measures to be implemented through the operating procedures of City departments. Some are specific activities to be implemented in the years after Plan adoption, including additional plans, studies, ordinances, and capital improvement projects. Many of the programs provide guidance for development review, service delivery, budgeting, public participation and communication, and administration of community development functions.

The Matrix is organized by Plan Element. It includes 12 individual tables, covering all chapters of the Plan except Housing, which has its own Action Plan.

Each Implementation Matrix begins with a list of performance measures or indicators that may be used to monitor implementation progress or provide a benchmark for planning and development review. In some cases, an actual numeric standard is provided (repeating a standard expressed in the text). In other cases, potential future metrics are suggested but no specific targets are provided. The City may develop numeric targets for these criteria in the future, as data, technology, and resources allow.

Housing Element APR 2021

The City of San Rafael submitted a 2021 Housing Element Annual Progress Report on March 29, 2022, to the California Department of Housing and Community Development (HCD) and the Office of Planning and Research (OPR), in accordance with state housing law. The Housing Element APR is included as an attachment to this General Plan APR.

Implementation Matrix

LAND USE ELEMENT				
Effectiveness of the Land Use Element in attainment of San Rafael’s land use goals: <ul style="list-style-type: none"> • Goal LU-1: Well-Managed Growth and Change • Goal LU-2: A Complete Community • Goal LU-3: Distinctive Neighborhoods 				
PROGRAM	PROGRAM DESCRIPTION	DEPT	STATUS	PROGRESS IN 2021
Program LU-1.1A	General Plan Evaluations. Complete an evaluation of the General Plan at least once every five years. As part of this process, assess San Rafael’s growth data and trends, population and employment forecasts, and progress toward meeting its housing, mobility, sustainability, and other goals. Recommend changes to policies, and adjustments to fees and capital improvement projects based on the findings.	All Departments	No Action	The next General Plan Evaluation is due in the year 2026. In 2025, City staff will form a subcommittee consisting of representatives from the various departments to review the City’s growth data and trends and make recommendations for policy changes as necessary.
Program LU-1.2A	Development Review. Implement Policy LU-1.2 through the development review and environmental review processes. The City may modify the requirements associated with this policy if it determines that its application as stated would preclude all economically viable use of a subject property. See also Mobility Element Programs M-2.5B and M-3.2D for LOS and VMT exceptions	CDD	Ongoing	
Program LU-1.3A	Benefits of Transit-Oriented Development. Seek ways to objectively quantify and monitor the benefits of focusing new development around	CDD, PW	Ongoing	Ongoing pre-entitlement, post-occupation data not yet collected.

	transit nodes and corridors and shifting trips from cars to active (non-car) transportation modes. Programmatic changes and recommendations should be supportable by objective data and quality of life measures. This should include data on modes of travel, trip origins and destinations, trip lengths, vehicle ownership, traffic congestion and duration of idling traffic, greenhouse gas emissions, and other metrics in areas that are well served by transit.			
Program LU-1.4A	Reasonable Interim Uses. Ensure that zoning regulations include provisions for reasonable interim uses for properties where the highest and best use allowed by zoning is not presently attainable due to traffic capacity, infrastructure, natural hazards (including sea level rise), and other factors. Examples of reasonable interim uses include contractor’s yards, modular or mobile uses, new car storage, parking, and outdoor recreation.	CDD	Ongoing	
Program LU-1.6A	LAFCO. Encourage LAFCO to adopt Urban Service Area and annexation policies for the San Rafael Planning Area that are consistent with General Plan policies.	CDD	No Action	
Program LU-1.7A	Development Adjacent to San Rafael. Work with the County, other jurisdictions, neighborhood groups, and residents to review applications for development in areas adjacent to San Rafael’s city limits or within the Sphere of Influence.	CDD, PW, FIRE	Ongoing	County includes Fire in the review process for projects in CSA 19 & adjoining areas.
Program LU-1.8A	Codifying Residential Density Limits. Implement General Plan densities by setting allowable lot sizes and densities in the zoning ordinance and by including height limits and an area-wide dwelling unit “cap” in the Downtown Precise Plan (see text box).	CDD	Ongoing	

Program LU-1.8B	Minimum Densities. The net density of new development shall be no less than the lower end of the density range specified by the General Plan for that property.	CDD	Ongoing	Ongoing part of development review.
Program LU-1.8C	Small Multi-Family Lots. Amend Section 14.16.300 of the Zoning Regulations to allow more than one housing unit per lot on lots that are smaller than 5,000 square feet, provided the density is consistent with the General Plan (these lots are currently limited to one unit each, unless located Downtown).	CDD, City Attorney	No Action	
Program LU-1.10A	Codifying General Plan Floor Area Ratio Limits. Implement General Plan floor area ratio (FAR) limits by setting appropriate FAR limits in the zoning ordinance.	CDD	No Action	
Program LU-1.12A	Transfer of Development Rights (TDR) Program. Evaluate opportunities for TDR as a response to issues such as sea level rise, historic preservation, and wildfire hazards. This evaluation also should address how TDRs are conveyed and recorded.	CM (Sustainability), CDD	No Action	
Program LU1.15A	Planned Development Zoning. Continue to maintain Planned Development (PD) zoning districts.	CDD	Ongoing	
Program LU-1.16A	Zoning for School Sites. Continue to implement school site reuse and redevelopment through zoning regulations and the development review process.	CDD	Ongoing	
Program LU-2.1A	Zoning Ordinance Amendments. Revise the zoning ordinance, including the zoning map, to implement General Plan land use designations and policies, incorporate provisions from other recently adopted City plans and programs, and	CDD, City Attorney, CM (Sustainability)	Ongoing.	

	ensure that all provisions are consistent with state law. This should include creation of a new overlay district corresponding to areas expected to be affected by sea level rise (see Program S-3.1C).			
Program LU-2.1B	<p>Subdivision Ordinance Amendments. Revise the subdivision ordinance where necessary for conformance with General Plan land use designations and policies. Provisions for the enforcement of conditions of subdivision map approval should be included in the Ordinance.</p> <p>See also Program LU-2.4A on Industrial Zoning standards</p>	CDD, City Attorney, PW	No Action	
Program LU-2.2A	<p>Development Review. Use the development review process to evaluate the compatibility of residential uses in commercial areas.</p>	CDD	Ongoing	
Program LU-2.2B	<p>Innovation Districts. Evaluate creation of an overlay zone or “innovation” district (see text box) to be applied to a limited number of Light Industrial-Office (LI-O) properties located near Downtown (including the existing Lindero Mixed Use District) and/or Northgate Industrial Park, In addition to allowing a wide range of employment uses, multi-family residential and live-work uses could also be allowed in these areas, subject to performance standards, use permit requirements, and a finding that there will be no net loss of industrial floor space. The area covered by such a zone would be strictly limited in order to preserve the supply of land needed for local and region-serving businesses, minimize potential conflicts between adjacent uses, and avoid impediments to established businesses.</p>	CDD	No Action	

Program LU-2.3A	Neighborhood Centers. Use the development review process to evaluate future proposals for existing neighborhood commercial centers, including the addition of new uses such as housing. Neighbors should be involved early in the development review process.	CDD	Ongoing	
Program LU-2.3B	Revitalization Incentives. Develop zoning and economic development incentives that keep local neighborhood centers viable, such as allowing additional floor area and housing units when neighborhood-serving uses are included or retained. See the Neighborhoods Element for policies related to specific centers. See the Economic Vitality Element for policies on retail retention and incentives.	CDD, ED,	No Action	
Program LU-2.4A	Industrial Zoning. Periodically evaluate zoning standards for Light Industrial-Office and General Industrial areas in response to business and economic trends, market demand, changes in technology and the transportation sector, greenhouse gas reduction goals, and climate-related hazards such as sea level rise.	CDD	Ongoing	
Program LU-2.5A	Industrial Zoning Standards for Ancillary Retail and Service Uses. Continue to provide opportunities for small local-serving retail and service businesses in industrial zoning districts.	CDD	No Action	
Program LU-2.6A	Lot Consolidation Incentives. Continue to encourage small lot consolidation through zoning regulations. Incentives such as height and floor area bonuses and reduced parking should be considered, provided they do not result in the loss of unique or historic buildings.	CDD	Ongoing	

Program LU-2.7A	Large and Small Family Child Care Regulations. Ensure that regulations for large and small family child care facilities comply with all applicable State laws. To the extent permitted by law, the siting and operation of larger facilities in single family neighborhoods should mitigate the potential for off-site impacts (parking, noise, etc.).	CDD	Ongoing	Pre-empted by State Law.
Program LU-2.7B	Fees for Child Care Programs. Where feasible, consider waiving application, permit, and traffic mitigation impact fees for child care uses. See also Policy LU-1.13 on FAR exemptions for child care. See Policy PROS-2.4 and Policy EDI-5.1 for additional guidance on child care.	Finance	Progress	The City has included certain existing motels as housing opportunity sites in its draft 2023-2031 Housing Element.
Program LU-2.9A	Motel Conversions. In cases where an existing motel is no longer viable for that purpose, encourage conversion to multi-family residential use, including affordable housing.	CDD (Housing)	No Action	
Program LU-2.10A	Monitoring Program. Monitor the effectiveness of short-term rental regulations on issues such as parking, rental housing supply, and neighborhood compatibility. Refine these regulations as needed to address issues and concerns.	CDD (Code Enforcement), City Attorney	Ongoing	
Program LU-2.12A	Live-Work Regulations. Revise zoning regulations for live/work uses to make this a more viable housing type and facilitate its development.	CDD	No Action	
Program LU-2.12	Alternative Housing Types. Explore regulatory and cost barriers and potential opportunities for innovative housing types such as co-housing, tiny homes, micro units, modular and movable construction, mobile homes, and other forms of habitation which may be easier and less expensive to build than traditional housing.	CDD	No Action	

	Consider zoning and building code changes to support the conversion of existing underutilized buildings to these uses in commercial and mixed use areas. This should include changes that facilitate the conversion of underutilized office buildings or vacant retail buildings to residential use.			
Program LU-2.12C	Floating Homes. Consider changes to the Municipal Code, including zoning regulations, that support houseboats, live-aboards, and other types of floating homes in areas designated as “Water” on the General Plan Map.	CDD, City Attorney	No Action	
Program LU-2.12D	Accessory Dwelling Units. Continue to support the conversion of underutilized residential space into accessory dwelling units (ADUs) and Junior Accessory Dwelling Units (JADUs), as well as the development of new ADUs and JADUs in residential areas, except where access difficulties for fire and emergency vehicles pose risks to public health and safety.	CDD	Ongoing	
Program LU-2.13A	Evaluation of Odor Impacts. Evaluate odor impacts as part of development review.	CDD	Progress	Included as a new performance standard for Animal Care Facilities.
Program LU-3.1A	Area Planning Process. Engage neighborhood associations, community groups, residents, businesses, and service providers in the development of area plans, including neighborhood plans. A priority should be placed on plans for the North San Rafael “Town Center” area and the Canal neighborhood. In the event funding for these plans is delayed, projects that would increase housing supply in these areas should be allowed to proceed, with community engagement as described above. See the Neighborhoods Element for additional policies and programs relating to area plans	CDD	Progress	

Program LU-3.2A	Zoning Ordinance. Periodically update the zoning ordinance to address neighborhood issues and concerns.	CDD, City Attorney	No Action	
Program LU-3.4A	Code Enforcement. Maintain an effective Code Enforcement program that engages with neighborhoods and business groups and works in partnerships with appropriate City staff to address nuisances, mitigate problems with vacant and blighted properties, and correct zoning code violations.	CDD (Code Enforcement)	Ongoing	
Program LU-3.4B	Conditions of Approval. Use the development review process to establish conditions of approval, including maintenance of landscaping and other improvements. Use building inspection and code enforcement processes to ensure that these conditions and other mitigation or monitoring responsibilities are carried out.	CDD, PW, FIRE, PD	Ongoing.	Multiple departments will continue to utilize the development review process to review projects and add conditions accordingly. City staff from multiple departments will continue to use inspections to ensure that the conditions of approval have been met. Fire will be using this process to identify staffing & equipment needs for pending large scale development.
Program LU-3.4C	Community Appearance. Continue and enhance programs to abate illegal dumping and remove graffiti. See also Policy EDI-4.2 on maintenance of streets and public space and Policy EDI-3.5 on property maintenance	PW, CM (Sustainability)	Ongoing	
Program LU-3.6A	Parking Lot Design. Maintain design guidelines for parking lots that address landscaping, buffering, environmental quality, and neighborhood compatibility. Parking lots should not be the dominant visual feature from the street frontage.	CDD	Ongoing	

Program LU-3.7A	<p>Neighborhood Parking Measures. In neighborhoods with excessive on-street parking demand or where a proposed project would result in a substantial increase in demand:</p> <ul style="list-style-type: none"> a) Work with property owners to add off-street parking and allow shared parking during off-peak hours. b) Where feasible, require additional off-street parking as a condition of approval for expansion or remodels. c) Update permit parking programs and on-street parking time limits to improve their effectiveness. 	CDD, PW	Ongoing	
Program LU-3.7B	<p>Parking Regulations. Periodically evaluate and amend parking regulations to respond to new technologies and trends in car ownership and design, while still ensuring adequate on-site parking.</p> <p>See Goal M-7 (Mobility Element) for additional policies and programs on parking, including amendments to parking standards.</p>	CDD, PW	No Action	
Program LU-3.8A	<p>Abandoned Vehicle Program. Continue the abandoned vehicle abatement program.</p>	PD, Parking Services	Ongoing	
Program LU-3.8B	<p>Vehicles as Residences. Continue the prohibition on the overnight residential use of vehicles in the public right of way.</p>	PD, Parking Services	Ongoing	
Program LU-3.9A	<p>Neighborhood Serving Uses. Prioritize neighborhood serving uses and places that support neighborhood interaction on small commercial sites in residential areas. Examples of such uses are cafes, grocery stores, hair salons, hardware stores, household goods and maintenance services, restaurants, drug stores, local medical and health care services, farmers</p>	CDD	No Action	

	markets, child care facilities, public facilities, and similar activities that meet the day to day needs of local residents. Also encourage uses that facilitate remote work, such as postal and telecommunication services. Maintaining these uses near residents can potentially help reduce vehicle miles traveled (VMT) and encourage walkable neighborhoods.			
Program LU-3.9B	Housing in Neighborhood Commercial Centers. In the event housing is proposed on neighborhood commercial sites, encourage the integration of neighborhood-oriented commercial or service uses on the ground floor or a portion of the site.	CDD	Ongoing	
Program LU-3.11A	Neighborhood Websites. Support the development of neighborhood websites and provide links to these sites on the City’s website.	CDD	Ongoing	

NEIGHBORHOODS ELEMENT

Effectiveness of the Neighborhoods Element in attainment of San Rafael’s neighborhood policies:

- Policy NH-1.1: A Thriving Downtown
- Policy NH-1.2: Economic Success
- Policy NH-1.3: Downtown Housing
- Policy NH-1.4: Preventing Displacement
- Policy NH-1.5: Downtown Employment
- Policy NH-1.6: Public Realm
- Policy NH-1.7: Context-Sensitive Design
- Policy NH-1.8: Historic Resources
- Policy NH-2.19: Traffic Circulation
- Policy NH-2.20: Parking
- Policy NH-2.21: Downtown Transition Areas
- Policy NH-2.22: Bret Harte Neighborhood
- Policy NH-2.23: Gerstle Park
- Policy NH-2.24: Natural Features
- Policy NH-2.25: Pedestrian Linkages and Landscaping
- Policy NH-3.1: Southeast San Rafael/Canal
- Policy NH-3.24: Canalways (see also text box, page 4-50)
- Policy NH-3.25: Windward Way
- Policy NH-3.26: Shoreline Center
- Policy NH-3.27: San Quentin Ridge
- Policy NH-3.28: Adaptation
- Policy NH-4.1: North San Rafael
- Policy NH-4.2: North San Rafael Town Center
- Policy NH-4.3: Design Excellence

- Policy NH-1.9: Downtown Arts
- Policy NH-1.10: Downtown Circulation
- Policy NH-1.11: Parking
- Policy NH-1.12: Hazard Resilience
- Policy NH-2.1: Miracle Mile Land Uses
- Policy NH-2.2: West End Circulation
- Policy NH-2.3: Noise Abatement
- Policy NH-2.4: Development of Remaining Vacant Residential Lots
- Policy NH-2.5: Sun Valley Neighborhood
- Policy NH-2.6: Neighborhood Sustainability
- Policy NH-2.7: Natural Features
- Policy NH-2.8: Sun Valley Development
- Policy NH-2.9: Sun Valley Circulation
- Policy NH-2.10: Sun Valley Gathering Places
- Policy NH-2.11: Fairhills Neighborhood
- Policy NH-2.12: Lincoln/San Rafael Hill
- Policy NH-3.2: San Rafael Canal
- Policy NH-3.3: Canal Maintenance
- Policy NH-3.4: Canal Waterfront Land Uses
- Policy NH-3.5: Waterfront Design
- Policy NH-3.6: Public Access
- Policy NH-3.7: Recreational Boat Facilities
- Policy NH-3.8: Flood Control Improvements
- Policy NH-3.9: Near Southeast Land Uses
- Policy NH-3.10: Highway 101 Frontage
- Policy NH-3.11: Lindero Mixed Use
- Policy NH-3.12: Canal Housing Needs
- Policy NH-3.13: Canal Public Safety
- Policy NH-3.14: Public Facilities
- Policy NH-3.15: Parking and Transportation
- Policy NH-3.16: Local Business Support
- Policy NH-3.17: Medway Commercial
- Policy NH-4.4: Transportation Safety and Accessibility
- Policy NH-4.5: Eichler and Alliance Homes.
- Policy NH-4.6: Terra Linda Shopping Center
- Policy NH-4.7: Terra Linda Community Improvements
- Policy NH-4.8: Community Beautification and Environmental Restoration
- Policy NH-4.9: Neighborhood Character
- Policy NH-4.10: Merrydale Area
- Policy NH-4.11: Northgate Business Park
- Policy NH-4.12: Redwood Highway Improvements
- Policy NH-4.13: West of Los Gamos Drive
- Policy NH-4.14: Design Considerations for the Civic Center Vicinity
- Policy NH-4.15: Civic Center SMART Station
- Policy NH-4.16: Pedestrian, Bicycle, and Transit Connections
- Policy NH-4.17: San Rafael Airport
- Policy NH-4.18: Habitat Enhancement
- Policy NH-5.1: San Pedro Peninsula

<ul style="list-style-type: none"> • Policy NH-2.13: Lincoln Avenue Corridor • Policy NH-2.14: Dominican University • Policy NH-2.15: Dominican/Black Canyon Area Resources and Hazards • Policy NH-2.16: Montecito Residential Densities • Policy NH-2.17: High School Campus Plans • Policy NH-2.18: Architecture 	<p>District</p> <ul style="list-style-type: none"> • Policy NH-3.18: Education • Policy NH-3.19: Libraries and Community Programs • Policy NH-3.20: Neighborhood Appearance • Policy NH-3.21: Spinnaker Point/Baypoint Lagoons • Policy NH-3.22: Highway 101/I-580 Interchange • Policy NH-3.23: Marin Square/Gary Place 	<ul style="list-style-type: none"> • Policy NH-5.2: Point San Pedro Road • Policy NH-5.3: Maintenance of Public Facilities and Infrastructure • Policy NH-5.4: Loch Lomond Marina • Policy NH-5.5: Loch Lomond Area and Canal North Shore Neighborhoods • Policy NH-5.6: San Rafael Rock Quarry Operations • Policy NH-5.7: San Rafael Rock Quarry and McNear Brickyard Long-Term Plans
---	--	---

PROGRAM	PROGRAM DESCRIPTION	DEPT	STATUS	PROGRESS IN 2021
Program NH-1.1B	Quality Downtown Services. Support the Downtown Business Improvement District (BID), the Chamber of Commerce, and other organizations in efforts to maintain the quality of Downtown as a great place to do business. Encourage investment in services and amenities that project a positive image of Downtown and make it a destination of choice within Marin County.	CM, ED	Ongoing	The City continued to support the Downtown BID through attention to streetscape, marketing and promotions, special events and advocating on issues of safety, public parking and other factors affecting the economic vitality of the downtown district.
Program NH-1.1C	Capital Improvements. Incorporate projects and programs identified in the Downtown Precise Plan into the City's Capital Improvement Program and operating budget. Explore potential funding sources for capital projects, including grants that recognize the benefits of accommodating sustainable growth and responding to climate change. Maintain existing facilities, such as lighting and landscaping, so that Downtown remains an attractive place to visit.	PW, Finance, ED	Progress	PW has applied for several grants for capital projects identified in the Downtown Precise Plan and is waiting on responses. The CIP has also set aside matching funds for these grants. In addition, PW has worked on replacing light fixtures to LED lights around the downtown. Updated the traffic impact fee to augment capital investment in transportation.

Program NH-1.1D	Downtown Public Safety. Continue public safety, maintenance, and social service initiatives that keep Downtown safe and address the needs of Downtown businesses, visitors, and residents of all incomes.	PD	Ongoing	
Program NH-1.2A	Adapting to Changes in Retail. Work with the owners and tenants of ground floor spaces, especially along Fourth Street, to respond to changes in the demand for retail space. Ensure that zoning and building regulations are flexible so that these spaces remain usable and can support active uses. See the Economic Vitality Element for economic development programs and Chapter 8 of the Downtown Precise Plan for additional implementation measures.	ED, CDD	No Action	
Program NH-1.3A	Development Incentives. Implement and expand incentives for the private sector to provide more affordable housing, community amenities and public space. These incentives should substantially increase the stock of units that are permanently affordable.	CDD	No Action	
Program NH-1.4A	Supportive Housing. Work with local social service and non-profit organizations to address the needs of unsheltered residents in Downtown, including the provision of additional permanent supportive housing. See the Downtown Precise Plan for Anti-displacement strategies, including measures to protect tenants.	CM (Homelessness), CDD (Housing)	Progress	The City released a Notice of Funding Availability in 2021 and in early 2022 funded two projects through its Affordable Housing Trust Fund that together will provide 72 units of permanent supportive housing. The City of San Rafael partnered with Caltrans, the County of Marin, CHP, and multiple service organizations to provide enhanced services for individuals experiencing homelessness. This innovative partnership enabled the City to create a

				designated “service support area”. This designated space provided security, restrooms, handwashing stations, garbage pick-up, regular outreach and service referrals, and other quality of life amenities. It also allowed for the continuing of work with local partners to identify permanent paths to housing.
Program NH-1.6A	Court Street Plaza. Enhance the Court Street Plaza and adjacent area of 4th Street as a public gathering space. Implement pilot programs that reimagine this part of Fourth Street as a “shared street” that functions as civic space and accommodates multiple travel modes.	L&R & PW	No Action	
Program NH-1.6B	Transit Gateway Improvements. Create a new public space adjacent to the SMART station that would provide an amenity for Downtown residents, workers, visitors, and transit passengers. The space should create a welcoming “first impression” of Downtown. Provisions for ongoing programming, maintenance, and safety should be developed prior to construction.	PW	No Action	
Program NH-1.6C	Pocket Parks and Private Plazas. Use incentives such as additional building height to create accessible outdoor spaces such as plazas and paseos in new development.	CDD	No Action	
Program NH-1.6D	Downtown Alleys. Activate key Downtown alleys as public spaces. See Downtown Precise Plan Chapter 8 for a list of proposed public realm improvements	CDD	No Action	
Program NH-1.7A	Downtown Form Based Code. Adopt and maintain a Form Based Code that provides	CDD	Progress	The Downtown Precise Plan and Form-Based Code was adopted August 2021 and

	<p>greater predictability in what will be built and emphasizes pedestrian-friendly design. Development standards should reinforce the unique character of Downtown while allowing its built form to evolve and improve. The Code should allow for a streamlined permitting and approval process, increased certainty for developers, and more predictable outcomes for the community as new projects are proposed.</p> <p>See the Community Design and Preservation Element for additional policies and programs on designing buildings to complement and enhance Downtown’s character and create a pedestrian-friendly environment.</p>			<p>the Community Development Department implements the design recommendations and standards of the Downtown Precise Plan on an ongoing basis as new inquiries and projects are received regarding projects in the Downtown Area.</p>
Program NH-1.8A	<p>Context Sensitive Design. Implement Form Based Code provisions to ensure that new development adjacent to historic resources or within historic districts is sympathetic to the scale and character of older buildings.</p>	CDD	Ongoing	<p>Ongoing as part of development review when not in conflict with SB 330 provisions.</p>
Program NH-1.8B	<p>Historic Districts. Consider the use of historic districts to conserve the character of parts of Downtown with high concentrations of important older buildings. These districts should continue to accommodate infill development on vacant and underutilized sites, but should provide incentives for preservation and adaptive reuse, including tax benefits and transfer of development rights.</p>	CDD	No Action	
Program NH-1.8C	<p>Addressing Functional Obsolescence. Work with property owners to modernize functionally obsolete spaces in older buildings. Seek solutions which allow updating and alteration of interior spaces without losing the historic integrity of the building exterior.</p>	CDD	No Action	

Program NH-1.8D	<p>Historic Inventory. Regularly update the inventory of historic and cultural resources in Downtown.</p> <p>See Community Design and Preservation Element Goal 5 for additional guidance</p>	CDD	No Action	
Program NH-1.10A	<p>Multi-Modal Improvements. Implement the improvements in the Downtown Precise Plan to improve the safety and comfort of all travel modes in Downtown, particularly pedestrians and bicycles. This includes additional bike routes and lanes; safer pedestrian crossings; wider sidewalks in some locations; street trees and landscaping; converting B Street to two-way traffic; and creating a “north/south greenway” for bicycles and pedestrians along the Tamalpais Avenue corridor.</p>	PW	Progress	The B Street conversion design is almost complete, and it is anticipated this will be constructed as a change order to the Third Street Rehabilitation project.
Program NH-1.10B	<p>Evolving Mobility Needs. Design Downtown streets so that they can adapt to changing transportation trends such as ride-hailing and micro-mobility (electric bikes and scooters), changing parking demand, and changes in technology, including autonomous vehicles. Technology should also be used to make Downtown safer and easier to navigate for all users, for example, with the use of pedestrian-activated crossing signals, timed traffic signals, and digital information on parking.</p>	PW	Progress	The Third Street Rehabilitation project includes installation of a fiber backbone infrastructure downtown connecting to the PSC. In addition, the County received a federal grant to improve traffic signal safety on key intersections throughout the County. This project includes adding pedestrian push buttons at several downtown intersections.
Program NH-1.10C	<p>Wayfinding. Build upon ongoing efforts to implement a clear wayfinding strategy to orient transit passengers, motorists exiting Highway 101, and other visitors to Downtown. Use consistent signage and streetscape elements to enable visitors to navigate Downtown easily.</p>	PW		

Program NH-1.12A	Sea Level Rise Adaptation. Develop a comprehensive set of sea level rise adaptation strategies for future development that draw from citywide and regional strategies. These strategies could include tidal gates, levee improvements, wetland restoration, and elevation requirements for new buildings.	CM (Sustainability)		
Program NH-2.1A	Neighborhood Plan. In the event that significant changes to currently allowable land uses or densities are proposed in the future, develop a neighborhood/corridor plan for the Miracle Mile.	CDD		
Program NH-2.2A	West End Circulation Improvements. Pursue the following circulation improvements in the West End Neighborhood: <ul style="list-style-type: none"> a) Reconfigure the traffic signal at Ross Valley Drive and Fourth Street to incorporate Santa Margarita Drive, thereby improving safety. b) Implement pedestrian/bicycle safety improvements across and along Second/Fourth Streets, including the crosswalks at the Marquard/West End intersection and the East Street intersection, and wider, safer sidewalks along both sides of Second Street between Marquard and Shaver Streets. c) Complete the Grove Hill Estates pedestrian path along the easement created in 1983 to connect Tamal Vista Drive to the Sun Valley neighborhood. 	PW	Progress	The city has started design of the 2nd & 4th street intersection and applied for OBAG 3 grant funding. We anticipate hearing about the grant early in 2023.
Program NH-2.3A	Noise Improvements. Use the capital improvement program and development review process to consider noise abatement techniques for the Miracle Mile and adjacent thoroughfares,	PW	No Action	

	including the use of attractive fencing, trees and landscaping, and sound-absorbing pavement.			
Program NH-2.5A	Neighborhood-Serving Commercial Uses. Encourage retention of existing neighborhood commercial uses. Allow new commercial uses only if they benefit the neighborhood, will not impair its residential character or impact health and safety, and have been vetted through a community process.	CDD	Ongoing	
Program NH-2.8A	Camgros/Duca Properties. Ensure that any future use on these properties supports and sustains neighborhood character. The neighborhood has expressed that it supports acquisition of these sites for a neighborhood/community cultural center, or dedication of land for such a site in future development. Such a center could also provide for outdoor education, emergency response and training, community functions, and delivery of local services. The potential for housing on this site also must be recognized. In the event residential development is pursued, clustering of the allowable units should be encouraged to preserve open space areas. Development should comply with the City’s Hillside Guidelines and should establish a wildlife corridor and protected riparian area along a restored Mahon Creek.	CDD	No Action	
Program NH-2.10A	Community Center. Consider the feasibility of a community cultural and environmental center in the Sun Valley area. In addition, strengthen the function of Sun Valley School and Sun Valley Park as neighborhood gathering places. This includes continued agreements with the School for access to the school yard after hours as well as access to the Dan Abraham Trail. These agreements could be expanded to allow for community meetings,	L&R, CM	No Action	

	emergency response, and other activities on school property.			
Program NH-2.11A	Hillside Construction. Ensure that hillside areas are protected by continuing to apply the Hillside Residential Design Guidelines for new construction and major remodels. The siting, height, and design of new or expanded structures should be carefully evaluated to ensure adequate emergency vehicle access, slope and foundation stability, adequate surface and sub-surface drainage, and erosion control. Buildings that are out of scale, damage the natural landscape, cause excessive tree loss or habitat destruction, or obstruct scenic vistas from public vantage points, should be discouraged.	CDD	Ongoing	Ongoing when not SB 9 application.
Program NH-2.13A	Lincoln Avenue Development Standards. Maintain development standards that preserve the character of Lincoln Avenue, including: <ul style="list-style-type: none"> a) 36-foot (three story) height limit¹ b) 15' front yard setbacks c) Continued allowances for multi-family residential and office uses. This includes a continued prohibition on the conversion of existing residential space to office use unless replacement residential units are provided. d) Prohibition of most new retail uses (while allowing existing uses to continue) e) Requirements to mitigate noise impacts from SMART, the freeway, and Lincoln Avenue traffic, where appropriate. 	CDD	Ongoing	

¹ Subject to density bonuses for affordable housing

Program NH-2.13B	Lincoln/San Rafael Hill Park. Pursue opportunities to develop a small neighborhood park in the northern part of the Lincoln/San Rafael neighborhood.	L&R, CM	No Action	
Program NH-2.14A	University-Neighborhood Coordination. Maintain on-going coordination between Dominican University, the Dominican-Black Canyon Neighborhood Association, the City of San Rafael, and campus neighbors to address concerns such as traffic, parking, noise, and vegetation management in the University area. In the event future development or campus expansion is proposed, amendments to the Master Use Permit shall be required. Creation of neighborhood advisory committees to advise and collaborate on proposed development projects and address issues of concern is strongly encouraged.	CDD	Ongoing	
Program NH-2.14B	Dominican Hillside Parcels. Work with Dominican University and neighborhood residents to plan for the undeveloped hillside parcels located east of Deer Park Avenue and south of Gold Hill Grade. Much of the property is steep and heavily wooded. Other portions have the potential for housing, including student housing and faculty/staff housing, which is a significant local and community need. In the event housing is pursued, the permitted density should reflect site constraints. Development should conform to the City's Hillside Residential Design Guidelines and include provisions for substantial open space. The neighborhood should be involved in the planning and review process, which would include an amendment to the Master Use Permit and the PD-district zoning.	CDD	No Action	

Program NH-2.15A	Emergency Preparedness. Continue collaborative efforts to improve emergency preparedness, including vegetation management on public open space and private property, evacuation and emergency response, and community awareness and training.	FIRE	Ongoing	Staff continued efforts in collaboration with community partners.
Program NH-2.15B	Noise Reduction. Continue to work with Caltrans to reduce freeway noise in the Dominican/Black Canyon area. This should include maintenance of landscaping along the freeway sound wall, noise-reducing pavement, and other sound absorption technologies.	PW	Ongoing	
Program NH-2.15C	Open Space Dedication. Consider offers to dedicate vacant sites, including the 17.9-acre parcel at the end of Dominican Drive (also with frontage on Glen Park Avenue), as public open space. If City ownership is infeasible, consider dedication to Marin County Parks.	PW, CM	No Action	
Program NH-2.17A	Corporation Yard Reuse. Encourage relocation of the bus/maintenance yard located on the northwest corner of the high school campus (Union and Mission), thereby allowing for development of: <ul style="list-style-type: none"> a) Affordable multi-family housing. To the extent feasible, housing on the site should serve older adults and/or School District staff. Any development on this site should maintain, enhance, and protect the view corridor down Fourth Street to the High School's west portico. b) Montecito Neighborhood Park. A small neighborhood park and children's playground should be included in any plans to repurpose 	PW, CDD	No Action	

	<p>school property. In the event a park is infeasible on the Union and Mission site, consider other locations on the campus where such a facility is possible, including a joint use park on the field east of the corporation yard.</p> <p>If any part of the high school campus is closed or sold before the horizon of the General Plan, a priority should be placed on developing affordable housing or neighborhood parkland.</p>			
Program NH-2.17B	Joint Use. Work with San Rafael City Schools to accommodate greater public access to open space and athletic fields at the High School during hours when school is not in session.	CDD	No Action	
Program NH-2.17C	School-Related Traffic. Work with San Rafael City Schools to improve the safety and effectiveness of drop-off areas at San Rafael High School. Encourage continued communication and cooperation to address access and scheduling improvements.	PW	Progress	San Pedro Crosswalk improvements in front of SR High School. Redesign of Nova Albion in front of Terra Linda High School.
Program NH-2.19A	Access to Downtown. Provide safe access from the Montecito-Happy Valley area to Fourth Street, the Montecito Shopping Center, the Canal waterfront, and the transit center area. Streetscape improvements in the eastern end of Downtown should create an inviting, comfortable environment for walking.	PW	No Action	
Program NH-2.19B	Pedestrian Improvements. Improve the safety and condition of neighborhood sidewalks, including improvements to crosswalks, posting of speed limits, and improvements to pedestrian paths and rights-of-way. Work with the neighborhood to gather information on sidewalks and paths needing improvement.	PW	Ongoing	The city continues to provide funding for the sidewalk repair program, which allows residents to fix their sidewalks and the city will provide a partial match. In addition, PW has set aside money in the CIP annually to fix sidewalks owned/maintained by the city. The City established an inventory of

				pedestrian facilities and work is ongoing on making critical improvements.
Program NH-2.20A	Parking Improvements. Continue to explore practical and cost-effective solutions to manage parking in the Montecito area. These measures could include residential permit parking, time limits on parking on specific high-demand streets, working with apartment owners to restore parking spaces being used for storage, working with property owners to add on-site parking where feasible, and posting no parking signs on narrow streets with access constraints for emergency vehicles.	Parking Services	No Action	
Program NH-2.21A	Reuse of Commercial Properties. Actively solicit input from Montecito-Happy Valley residents on plans for the reuse, redevelopment, and improvement of properties in the commercial area between US 101 and San Rafael High School, including the Montecito Shopping Center.	ED, CDD	No Action	
Program NH-2.22A	Bret Harte Neighborhood Priorities. Recognize the following neighborhood priorities in planning and development decisions for the Bret Harte area: <ul style="list-style-type: none"> a) Maintain strict limits on hillside development. Existing hillside open spaces should be reinforced and proactively managed to prevent future landslides. b) Encourage safety improvements to infrastructure, including undergrounding power lines and monitoring aging gas lines through residential yards. c) Improve bicycle and pedestrian access along Woodland Avenue, providing safer routes to school, and better access to Downtown San 	CDD, PW, FIRE	Progress	Fire continued outreach efforts in collaboration with community partners, including age friendly San Rafael. Fire and PPD work collaboratively to discourage encampments and remove vegetation in areas where they are reoccurring.

	<p>Rafael.</p> <p>d) Improve neighborhood aesthetics and landscaping, particularly at the neighborhood gateways at DuBois and Irwin Streets. Additional trees should be planted throughout the area, and existing trees should be maintained.</p> <p>e) Continue improvements to Bret Harte Park, including hillside landscaping to prevent erosion, community art projects, shade tree maintenance, completion of restroom improvements, and replacement of the water tank while preserving the historic wooden structure that surrounds it.</p> <p>f) Expand emergency preparedness activities, particularly for older adults.</p> <p>g) Encourage renovation of the Bret Harte Shopping Center.</p> <p>h) Monitor and discourage homeless encampments in the open space below Southern Heights Ridge.</p>			
Program NH-2.23A	<p>Short School. Coordinate with San Rafael City Schools on the future of Short Elementary School. Uses should be compatible with the surrounding residential neighborhood and sensitive to potential impacts on parking, traffic, noise, and similar factors.</p> <p>See also Program CDP-5.2B (Community Design and Preservation) identifying Gerstle Park as one of several priority areas for a historic resource inventory update.</p>	CDD		
Program NH-2.25A	<p>Gateway Improvements. Provide landscaping improvements along B, C, and D Streets.</p>	PW	No Action	

Program NH-3.1A	<p>Southeast San Rafael Community Plan. Prepare a Plan for the Southeast San Rafael area, including its business districts and the Canal neighborhood. The Plan should be comprehensive in scope, covering land use, transportation, housing, public safety, conservation, sea level adaptation, and economic vitality issues. The Plan should be based on an inclusive public process that gives voice to Canal residents and Southeast San Rafael businesses. The type of Plan to be prepared (Precise Plan, Specific Plan, etc.) will be determined based on available resources and project objectives.</p>	CDD, PW, FIRE, PD, CM (Sustainability), ED	Progress	The City has applied for grant funding to create a precise plan for the Canal PDA.
Program NH-3.2A	<p>Design Plan and Vision for the Canalfront. Continue implementation of the Canalfront Conceptual Design Plan, including circulation and access improvements and development of a waterfront paseo. (see text box on page 4-37).</p>	CDD	Ongoing	
Program NH-3.3A	<p>Canal Dredging. Support efforts to dredge the San Rafael Canal to ensure its continued navigability, effectiveness for flood control and sea level rise resilience, and value as natural habitat and a recreational resource. Pursue a reliable ongoing funding source for dredging and channel maintenance, potentially including a maintenance assessment district and federal funding.</p> <p>See also Policy CSI-1.11 in the Community Services and Infrastructure Element</p>	PW	Progress	Working with the Army Corps of Engineers, the City has helped secure \$7.7 million to dredge the federal channel in the fall 2022. In addition, the City is coordinating an umbrella permit for all properties along the canal to secure environmental clearance to dredge between the federal channel and the shoreline. In 2023, the City plans to explore an assessment district to create a reliable funding source.
Program NH-3.4A	<p>Zoning. Maintain zoning provisions to protect and incentivize water-oriented uses. Amend zoning as needed to permit floating homes and other water-dependent housing.</p>	CDD	No Action	

Program NH-3.4B	State Lands Commission Title Claims. To assist in redevelopment, resolve public trust title land claims that enable the City to convey or exchange certain filled lands which are found to be no longer necessary for use as harbors, commerce, navigation, fisheries, or appurtenances, consistent with State law.	PW, City Attorney	No Action	
Program NH-3.5A	Canalfront Design Guidelines. Use the development review process to implement the 2009 Design Guidelines for the Canal Waterfront, including requirements for a 25' waterside setback for new buildings and a 10' paseo along the waterfront. Amenities such as seating, lighting, and bike racks should be provided along the shoreline. The Design Guidelines include provisions for building materials, architecture, lighting, signage, views, public open space, landscaping, street furniture, streets and sidewalks, and sustainability.	CDD	Ongoing	
Program NH-3.6A	Circulation Improvements. Continue to seek funding opportunities for pedestrian and bicycle enhancements along the Canal and include such projects in the Capital Improvement Program as funding becomes available. In addition, explore the feasibility of future water taxi service between the Downtown/Transit Center area and points along the Canal and shoreline.	PW	Progress	The city applied for multiple grant opportunities for a Canal neighborhood multimodal experience enhancement project.
Program NH-3.6B	Water Access. As outlined in the Canalfront Design Guidelines, provide public access for boat docks and kayak launches in new development where feasible. Waterside access for boats should be encouraged in new commercial development along the Canal.	CDD	Ongoing	
Program NH-3.7A	Public Boat Launching Facilities. Promote the addition of public boat launching facilities for small non-motorized watercraft such as kayaks at Beach	PW, CDD	No Action	

	Park and the Montecito Shopping Center.			
Program NH-3.7B	<p>Boating Sanitation and Dock Safety. Implement the Vessel Sanitation and Dock Safety provisions of the San Rafael Municipal Code (Chapter 17.40) to protect water quality, ensure adequate equipment for boat sanitation and sewage pump-out facilities.</p> <p>See also Conservation/Climate Change Element Policy C-3.6 and Programs C-3.6A, -B, and C-3.6B on canal water quality, sanitation, and sewage pump out facilities.</p>	PW, Sanitation	No Action	
Program NH-3.8A	<p>Pump Station Improvements. Improve the appearance or relocate the City’s Pump Station at 569 East Francisco Boulevard (near the San Rafael Yacht Harbor).</p> <p>See also Policies S-3.1 through S-3.9 in the Safety and Resilience Element on Sea Level Rise.</p>	PW	No Action	
Program NH-3.9A	<p>Consideration of General Plan Amendments. Retain the existing Industrial and Light Industrial zoning in the Andersen-Woodland corridor in order to preserve the much-needed industrial base serving both San Rafael and Marin County. In the event General Plan amendments and rezoning are proposed, a comprehensive assessment of impacts on local businesses, relocation options, land use compatibility, and fiscal conditions should be required.</p>	CDD	No Action	
Program NH-3.9B	<p>Industrial Area Design Improvements. Upgrade the condition and appearance of properties as redevelopment or remodeling occurs. When new development and remodels are proposed, consider visual and view impacts on the Bret Harte and Picnic Valley neighborhoods, Highway</p>	CDD	No Action	

	101, and adjacent transportation routes. As necessary, apply requirements to screen outdoor storage areas and rooftop mechanical equipment.			
Program NH-3.9C	Woodland Avenue. Create a more compatible transition between industrial and residential properties along Woodland Avenue. New or redeveloping industrial properties should minimize the potential for adverse impacts to nearby residential uses. Similarly, new housing on residentially zoned sites should minimize the potential for negative impacts on industrial uses and business operations.	CDD	No Action	
Program NH-3.9D	Andersen Drive. Continue to minimize vehicular access points onto Andersen Drive to maintain maximum traffic flow.	CDD, PW	No Action	
Program NH-3.10A	Francisco Boulevard West Zoning. Maintain zoning regulations for the Francisco Boulevard West corridor that capitalize on the area's freeway frontage. Zoning should be periodically updated to respond to economic and market changes. As the retail environment changes, other uses with positive fiscal benefits should be permitted and encouraged.	CDD	Ongoing	
Program NH-3.10B	Property Assembly. For properties along Francisco Boulevard West and adjacent side streets where significant redevelopment and upgrading is needed, facilitate cooperative efforts among property owners to assemble and redevelop individual parcels.	ED, CDD	No Action	
Program NH-3.10C	Andersen/Francisco Boulevard West. Facilitate improvement of the older commercial centers around the intersection of Andersen Drive,	CM, ED, CDD	No Action	

	Francisco Blvd. West, and the southbound Highway 101 on- and off-ramps (Graham and Rice Centers). This could include assistance with lot assembly, substantial upgrading of the properties, and redevelopment with desired uses.			
Program NH-3.11A	Lindero Mixed Use Zoning. Maintain the Lindero Mixed Use Zoning district. Consider potential expansion of this district to the north side of Andersen and west of Irwin Street, extending to Mahon Creek, along with its rebranding as an “Innovation District” that capitalizes on its proximity to Downtown San Rafael and the transit center area.	CDD	No Action	
Program NH-3.12A	Increasing the Affordable Housing Supply. Use the upcoming San Rafael Housing Element and Southeast San Rafael Precise Plan processes to identify specific programs addressing local housing needs.	CDD (Housing)	Progress	The City is working with stakeholders on the 2023 – 2031 Housing Element Update to identify opportunity sites for housing development and specific programs and policies that are responsive to the needs assessment and community feedback.
Program NH-3.13A	Police Substation. Pursue development of a police substation to provide faster, more effective service to the Canal area and Southeast San Rafael.	PD	No Action	
Program NH-3.14A	Bellam/Windward Park. Pursue development of a neighborhood park on publicly owned land at the southeast corner of Bellam Boulevard and Windward Way, or on an equivalent publicly-owned property in this area.	L&R	No Action	
Program NH-3.14B	Community Meeting Space. Meet the need for affordable meeting and activity space, both at the Albert Boro Community Center and through the development of additional community facilities in new development. Incentives and density bonuses should be provided for private/non-profit development that sets aside space for	CDD	No Action	

	<p>neighborhood-based activities such as child care, education, and job training.</p> <p>See the Equity, Diversity and Inclusion Element for programs on public facility and infrastructure investment in the Canal. The Precise Plan for Southeast San Rafael should further address these needs.</p>			
Program NH-3.15A	<p>Canal Parking Management. Continue to implement measures to manage parking in the Canal, including time-limited parking and enforcement of parking rules. Consider additional measures to balance supply and demand, including shared parking with private businesses, increasing supply, and improving other transportation modes, such as transit and bicycling.</p>	Parking Services	No Action	
Program NH-3.15B	<p>Community Based Transportation Plan (CBTP) Update. Update the Canal CBTP to reflect progress made since completion of the 2006 Plan and address current transportation issues.</p> <p>See also Policy NH-3.22 on the I-580/US 101 interchange.</p>	CDD, PW	Progress	<p>The Department of Public Works plans to spearhead a community engagement effort and form a Stakeholder Committee to update the Community Based Transportation Plan (CBTP). The CBTP will be presented to City Council summer of 2022. The City is currently working on adding and enhancing street lights in the Canal. In addition, we have applied for multiple grant funding opportunities.</p>
Program NH-3.16A	<p>Core Canal Industrial/Office (CCI/O) District. Amend the Core Canal Industrial/Office zoning district to provide more flexibility for neighborhood businesses that are compatible with the existing mix of commercial and industrial activities in this zone. Housing should not be permitted in the CCI/O district.</p>	CDD	No Action	

Program NH-3.17A	Public Plaza. Encourage the creation of a public plaza to serve the Canal community. If a site cannot be identified in the Medway-Vivian area, pursue acquisition and improvement of another site nearby. The plaza should be planned and programmed by and for the Canal community, using the Precise Plan process as a starting point.	CM, L&R, CDD	No Action	
Program NH-3.19A	Youth and Family Services. Prioritize additional programs for youth and families in the Canal area, including child care and more activities for young people.	L&R	Progress	The Library and Recreation Department plans to partner with San Rafael City Schools and Marin YMCA to implement a free summer camp for up to 75 Canal youth in the summer of 2022.
Program NH-3.21A	Sea Level Rise Adaptation. Engage the Spinnaker Point/Baypoint Lagoons community in sea level rise adaptation, odor mitigation, and flood control efforts.	CM (Sustainability)	No Action	
Program NH-3.21B	Parking Spillover. Continue efforts to manage parking on neighborhood streets. Ensure that new development in the vicinity of Spinnaker/Baypoint includes provisions to meet parking demand without worsening existing shortages (see also Program NH-3.15A).	Parking Services	Ongoing	Ongoing project involving representatives from the ESR community as well as city staff.
Program NH-3.22A	Interchange Improvement Process. Ensure local participation and advocacy in planning, design, and environmental review for the 101/580 interchange. The project should include mitigation measures that facilitate local access and circulation in Southeast San Rafael, and benefit all modes of travel, including bicycles, pedestrians, and transit. Expansion of the project scope should be considered so it includes the segment of I-580 between US 101 and the Richmond-San Rafael Bridge as well as safety and functional requirements to improve access to Bellam Boulevard and other major thoroughfares	CDD, PW	Progress	City staff has participated in technical planning meetings for the Interchange Improvement Process.

	in Southeast San Rafael.			
Program NH-3.24A	Canalways Conservation and Development Plan. Encourage preparation of a Canalways Conservation and Development Plan by the landowners. Such a Plan could become the basis for defining the developable area and permitting and defining additional land uses. The first step of this process should be a biological assessment and updated delineation of wetlands.	CDD, PW, CM (Sustainability)	No Action	
Program NH-4.2A	North San Rafael Town Center Plan. Pursue funding to prepare a more detailed plan for the North San Rafael Town Center area (such as a precise plan or a specific plan), including Northgate Mall and commercial properties in the vicinity. The plan shall include a community-driven process that fully engages property owners, business owners, community residents, and government agencies. It should update the 1997 vision and identify strategies to strengthen the Town Center as a community gathering place, while recognizing market conditions, retail and office trends, housing needs, transportation and infrastructure capacity, and the potential for off-site impacts. See also Program LU-3.1A on the North San Rafael Town Center Community Plan, as well as policies in the Land Use, Community Design, and Noise Elements on land use compatibility.	ED, CDD	No Action	
Program NH-4.2B	Outdoor Gathering Places. Include outdoor public places that support community activities and entertainment such as a public plaza for periodic arts and cultural events, outdoor cafes with music, restaurants with sidewalk or patio dining, children’s play areas, teen-centered spaces, and other uses that provide outdoor	CDD, L&R	No Action	

	seating. Design of retail spaces should be flexible enough to support these types of activities in the future.			
Program NH-4.2C	Incentives. Provide development incentives to attract desired uses to the Town Center, including retail, office, housing, and community services. Allow a height bonus of two stories (24 feet) for affordable housing.	CDD	No Action	
Program NH-4.2D	Farmers Market. Consider a partnership with the Agricultural Institute of Marin (AIM) to bring the Farmers Market to the Town Center as a permanent feature, as feasible.	ED, L&R	Progress	ED and the BID have an ongoing dialogue with AIM leadership.
Program NH-4.3A	Pedestrian-Friendly Design. Provide design guidance through the Town Center planning process. One of the objectives of this process should be to give the area a stronger pedestrian feel and improve its walkability, including landscaped walkways and improved connectivity to surrounding neighborhoods.	CDD	No Action	
Program NH-4.4A	Promenade and Other Improvements. Use the development review and capital improvement program process to complete the North San Rafael Promenade through the Town Center. Considerations include: <ul style="list-style-type: none"> a. Routing of the Promenade to include safer crossings from the Civic Center and along Freitas Parkway. Consistent with the 2013 Station Area Plan and more recent community input, this also includes long-term improvements along Merrydale (on the east side of Mt. Olivet Cemetery) and through the Northgate III site in the event that site is 	CDD, PW	Progress	PW is working with a consultant on the 30% design on the Merrydale from Northgate to SMART to improve the pedestrian and bicycle experience.

	<p>redeveloped.</p> <ul style="list-style-type: none"> a. Implementing Bicycle and Pedestrian Master Plan (2018) improvements through the Town Center area, including increased availability of bicycle racks a. Increasing public transit to and from the Town Center and making it safer and easier to access bus stops. This includes possible shuttle service to Civic Center station. a. Implementing traffic calming on parking lot access roads, and redesigning traffic flow to minimize conflict between vehicles, bicycles, and pedestrians a. Designing any new parking structures to provide safe pedestrian access and reduced traffic conflicts. 			
Program NH-4.4B	<p>Improved Entrance to the Mall. Support redesign of intersections along Las Gallinas, Northgate Drive, Del Presidio, and Merrydale to improve traffic flow and improve safety for pedestrians and bicyclists. Support realignment of driveways along Las Gallinas to form safer intersections and pedestrian crossings.</p> <p>See also Mobility Element Policy M-2.5 on Level of Service standards for road segments and intersections in the North San Rafael Town Center vicinity, including requirements for traffic studies. The standards reflect anticipated future traffic volumes and will provide the basis for future improvements to ensure safe and adequate access.</p>	PW	No Action	

Program NH-4.5A	<p>Eichler-Alliance Overlay. Continue to enforce provisions of the Eichler-Alliance Overlay District, including height limits and design review requirements for most roof modifications. Consider preparation of design guidelines to preserve the characteristic features of these homes, and possible expansion of the Overlay District to include additional homes with similar features</p>	CDD	Ongoing	Ongoing through development review.
Program NH-4.6A	<p>Shopping Center Improvements. Work with the property owners, tenants, and neighborhood residents to achieve the following objectives:</p> <ul style="list-style-type: none"> a) Retention of popular local businesses, such as Scotty’s Market b) A pedestrian-oriented plaza with shade trees, outdoor seating, and outdoor dining c) Coordinated, refreshed entry signage at Freitas and Del Ganado d) A limited amount of housing, including smaller and affordable units that would provide opportunities for seniors and local employees while not intruding on the surrounding lower density neighborhood. 	ED, CDD	No Action	
Program NH-4.7A	<p>Community Improvements. Consider the following improvements in the Terra Linda area:</p> <ul style="list-style-type: none"> a) Modernization of the Terra Linda Community Center to meet current and future needs b) Additional recreation facilities for youth, such as a teen center or skate park c) Upgraded pocket parks along Freitas Parkway (Arbor, Munson, and Hillview), linked to a broader effort to restore Gallinas Creek (see next policy) d) Retention of the Kaiser Permanente Medical Center, including improvements 	L&R, CM, PW	No Action	

	<p>to address traffic and parking</p> <ul style="list-style-type: none"> e) Implementation of North San Rafael Promenade improvements, especially between the Community Center and Freitas Parkway to encourage access by foot and bike f) Improved pedestrian walkways connecting Terra Linda streets g) Additional public recreational opportunities at School District-owned sports fields, such as those at Santa Margarita School h) Safety improvements to infrastructure (see NH-4.8A(a) below). <p>See also Policy NSR-2 on the Northgate Branch Library</p>			
<p>Program NH-4.8A</p>	<p>Beautification and Restoration Projects. Pursue the following beautification and restoration projects in Terra Linda:</p> <ul style="list-style-type: none"> a) Undergrounding of utilities along Freitas Parkway and Del Ganado Road b) Additional landscaping and street trees c) Restoring the hydrologic function of Santa Margarita Creek, including possible removal of the concrete channel bottom and expansion of planting area for successful tree planting. An expanded tree canopy will help to lower water temperatures and protect water quality. d) Restoration of Las Gallinas Creek e) Daylighting of creeks and drainageways in other locations wherever feasible. <p>Creek restoration projects should be designed to restore a more natural hydrologic flow, stabilize creek beds, increase stormwater absorption,</p>	<p>PW</p>	<p>No Action</p>	

	improve riparian habitat and water quality, maintain storm drainage capabilities, and avoid flooding. Opportunities to combine creek restoration, utility, and promenade projects for funding purposes are strongly encouraged, and will make projects more competitive in the grant application process.			
Program NH-4.10A	Station Area Plan Implementation. Consider additional development opportunities along Merrydale Road consistent with the land use recommendations of the Civic Center Station Area Plan (2012). Existing height limits should be maintained at currently allowed levels. Any project in this vicinity should reflect traffic, water, and sewer capacity and emergency vehicle access constraints and be compatible with neighborhood character.	CDD	No Action	
Program NH-4.10B	Pedestrian and Bicycle Access to the Station. Develop an ADA compatible path on the south side of the SMART rail line to connect Merrydale Road with Civic Center Drive (east of 101). Implement other access and circulation recommendations as called for by the Civic Center Station Area Plan (2013) to improve pedestrian and bicycle access to the station and nearby destinations, including a safe pedestrian/bicycle crossing of the tracks between the north and south segments of Merrydale.	PW	No Action	
Program NH-4.10C	Merrydale/Southbound 101 Improvements. Consistent with the Station Area Plan, pursue improvements to the Southbound 101 on and off ramps at Merrydale.	PW	No Action	
Program NH-4.11A	Zoning. Ensure that zoning for the Northgate Business Park area protects the viability of industrial uses while adapting to new uses and	CDD	No Action	

	trends in production, distribution, repair, and sales. Parcels with “Office” zoning along Redwood Highway may be considered for other uses, including live-work and multi-family housing, provided these uses are compatible with adjacent activities.			
Program NH-4.11B	<p>Access to Civic Center Station. Improve access to the Civic Center SMART station from this area, potentially including shuttle service along Redwood Highway and additional pathways as recommended by the 2013 Station Area Plan.</p> <p>See also Program NH-4.18A on Gallinas Creek and marsh protection in this area</p>	PW	No Action	
Program NH-4.12A	<p>Design and Landscaping. Upgrade building design and landscaping through new construction and remodeling projects, particularly along Redwood Highway. Evaluate the design of projects, including views from Highway 101, with particular attention paid to rooftop equipment and screening of mechanical equipment.</p>	CDD	No Action	
Program NH-4.12B	<p>Pedestrian Safety. Improve pedestrian and bicycle safety along Redwood Highway with improved sidewalks, bike amenities, and landscaping.</p>	PW	No Action	
Program NH-4.14A	<p>Civic Center Design. Monitor, review and comment on County development at and around the Civic Center. Encourage the County to go through a design review process and involve the North San Rafael community in the evaluation and review of proposed changes at the Civic Center. Request that the County provide sufficient opportunity for review of major development proposals at the Civic Center by the Design Review Board, Planning Commission and City Council.</p>	CDD	No Action	

Program NH-4.15B	Station Area Plan. Implement the recommendations prescribed in the Civic Center Station Area Plan (See text box on next page). Continue to evaluate parking needs and develop plans to avoid adverse effects of parking on neighborhoods.	CDD	No Action	
Program NH-4.16A	Bicycle and Pedestrian Improvements. Pursue improvements consistent with the Bicycle and Pedestrian Master Plan and the North San Rafael Vision Promenade Plan to improve pedestrian and bicycle safety, including: <ul style="list-style-type: none"> a) Completion of the southern segment of the North San Rafael Promenade to Civic Center Drive, consistent with community input b) Lighting and sidewalks on both sides of Civic Center Drive between the Civic Center and the Merrydale overcrossing c) Extension of the McInnis Parkway sidepath across the south fork of Gallinas Creek, providing a trail connection to McInnis Park in the SMART right-of-way while protecting creek and marsh habitat d) Bicycle and pedestrian safety improvements on North San Pedro Road between Los Ranchitos Road and Civic Center Drive e) Working with Golden Gate Transit to provide for safer bus pad locations and design along Highway 101. 	PW	No Action	
Program NH-4.17A	San Rafael Airport. As needed, require improvements consistent with this policy through the development review process.	CDD, PW, FIRE	Ongoing	Multiple departments will continue to use the development review process to ensure that required improvements are consistent with retaining "Airport/Recreation." Fire will continue to coordinate with other City

				departments to ensure codes relating to fire protection and life safety are met.
Program NH-4.18A	<p>Wetland Management. Support efforts to:</p> <ul style="list-style-type: none"> a) Conserve and enhance the McInnis Marsh wetlands, including sea level rise adaptation projects b) Maintain Smith Ranch Pond, including removal of exotic plants, habitat enhancement, and potentially adding a public observation area c) Restore and enhance the North and South Forks of Gallinas Creek, including the marshland area south of Contempo Marin and east of Northgate Business Park. d) Monitor for presence of Ridgway’s Rail along the North Fork. 	CM (Sustainability)	No Action	
Program NH-5.1A	<p>Hazard Mitigation. Implement programs to improve the resilience of the San Pedro Peninsula to natural hazards, including:</p> <ul style="list-style-type: none"> a) Reinforcing the shoreline to reduce flooding and sea level rise hazards and explore other mitigations. b) Managing wildfire hazards, particularly through vegetation management on hillside open space, replacement of hazardous trees with native species when possible, and coordination with the State and other open space stewards to reduce hazards in China Camp State Park and McNears Beach. c) Working with utility operators to ensure a reliable power supply and telecommunication services at all times (i.e, before, during, and after an emergency). d) Continuing emergency preparedness efforts, including evacuation procedures and identification of short-term and 	CM (Sustainability), FIRE	Ongoing	Ongoing- multiple grants have been applied for to address sea level rise and flooding. Extensive work has been completed to reduce wildfire risk in the area with additional projects planned. Multiple presentations drills have occurred and will continue in collaboration is the San Pedro Disaster Coalition and other community groups.

	<p>longer-term shelter locations, medical services, and supplies.</p> <p>e) Identification of alternate emergency evacuation routes via China Camp and North San Pedro Road.</p> <p>f) Support for micro-grids to improve the reliability and sustainability of electrical service and minimize the impacts of outages.</p> <p>g) Innovative solutions to flooding and sea level rise, such as creation of artificial beaches, reworking rip rap to attenuate wave energy, and improving the promenade west of the McNear Brickyard, among others.</p>			
Program NH-5.1B	<p>Community Center. Explore opportunities to create a public community center that can serve as a location for programs, recreational services, community events, and emergency preparedness/response. This should include opportunities created at such time that the San Rafael Rock Quarry/McNear Brickyard ceases operations and is planned for reuse.</p>	L&R	No Action	
Program NH-5.1C	<p>Wetlands. Explore forward-thinking and sustainable ways to maintain and improve the vitality of the wetlands along the Peninsula shoreline. Work cooperatively with the County to manage wetlands in the unincorporated area.</p>	CM (Sustainability)	No Action	
Program NH-5.2A	<p>Point San Pedro Road Improvements. Continue efforts to maintain Point San Pedro Road as a vital community lifeline. This should include long-term plans to raise the road elevation and increase the height of the rock wall along the shoreline. It should also include maintaining traffic capacity and flow, exploring opportunities for public transit, reducing vehicle noise through special pavement,</p>	PW	No Action	

	providing safer conditions for bicyclists and pedestrians, ensuring emergency vehicle access, and maintaining the median and roadside areas.			
Program NH-5.3A	Environmental Quality Improvements. Ensure that City properties and infrastructure are maintained in a way that protects environmental quality, reduces hazards, and protects the quality of life. This should include maintenance of stormwater pumps at Riviera Drive and Point San Pedro Road, implementing best practices for reducing siltation and improving water quality in the Peacock Gap Lagoon, renovating and maintaining Peacock and Riviera Parks, and continuing efforts to improve roads and other infrastructure.	Sanitation	No Action	
Program NH-5.4A	Completion of Village Improvements. Pursue timely completion of the Village at Loch Lomond Marina project consistent with approved plans, as amended. This should include: <ul style="list-style-type: none"> a) Completion of the remaining residential units and mixed-use building. b) Construction of the Harbormasters office, boat repair facility, fuel storage and pumping facility/fuel dock, and reskinning of the yacht club building. c) Completion of recreational improvements, including a kayak dock and launch ramp and public access improvements in the center plaza. d) Flood-related repair work to previously completed areas and further measures to reduce flooding during peak storm events and king tides. e) Completion of the pedestrian access path. f) Off-site road and utility improvements 	CDD	Progress	Phase II residential development (The Strand) is underway, kayak launch is installed, ongoing work related to off-site and other improvements.

	<p>along Point San Pedro Road.</p> <p>g) Installation of a bird viewing area and interpretive signage.</p>			
Program NH-5.4B	Parking and Traffic Studies. Consistent with the conditions of approval, monitor traffic and parking conditions at Loch Lomond Marina. A traffic and parking study should be done within one year of completion of the project as required under the permits to determine the need to retain areas currently reserved for future parking.	CDD	No Action	
Program NH-5.4C	Common Area Maintenance. Continue to maintain publicly-accessible parks, shoreline areas, and a marina green through a community facilities (Mello-Roos) district.	PW	No Action	
Program NH-5.4D	Community Engagement. Continue to engage the community, including representatives of nearby homeowner and neighborhood associations, in the review of progress and resolution of issues related to the Village development and Marina operations.	CDD	Ongoing	Monthly Oversight meetings keep HOAs apprised on work within the Marina.
Program NH-5.4E	Coordination with Regulatory Agencies. Continue coordination of project- related activities with natural resource agencies, including the Bay Conservation and Development Commission, the US Fish and Wildlife Service, and other agencies with responsibility for the Bay and wetland areas.	CDD, PW,	Ongoing	
Program NH-5.5A	Disaster Preparedness. Continue efforts to improve disaster preparedness and reduce hazards, including a fire break along the ridgeline above Loch Lomond	FIRE	Ongoing	Ongoing- initial fuel reduction work is completed with more planned. Staff continue to seek funding for sea level rise projects.

	Highlands, continued maintenance of storm drainage facilities, and adaptation to sea level rise along San Rafael Bay and the San Rafael Creek shoreline.			
Program NH-5.6A	Quarry Impacts. Seek ongoing input into County activities, land use entitlements, and negotiations with Quarry operator that might reduce impacts on City infrastructure or properties in the City of San Rafael. The City will support Best Management Practices for Quarry operations, including air quality testing, water quality monitoring and improvements, and runoff controls that reflect the latest technology and scientific methods. The City will further promote joint City-County and Quarry operator efforts to address flooding and sea level rise, pedestrian and bicycle safety, wetlands restoration, and noise mitigation.	PW	Ongoing	
Program NH-5.6B	Environmental Review. If and when the Quarry applies for modifications to its existing Operating Permit, participate in discussions to ensure that: <ul style="list-style-type: none"> a) Potential environmental impacts and hazards are minimized. b) Public health, safety and quality of life are protected. c) Traffic and noise impacts are addressed, particularly impacts on Point San Pedro Road. d) Future costs associated with reclamation, such as long-term environmental restoration and infrastructure repair, are objectively evaluated and considered in decisions about future Quarry operations. e) With input from residents, confirm that Quarry operations and any proposed 	CDD, PW	Progress	Reviewed and commented on CEQA document for extension of quarry operations summer 2021.

	Operating Permit changes do not violate, and are in conformance with, applicable court orders and non-conforming use restrictions.			
Program NH-5.7A	Quarry Planning. Participate, through the County of Marin, in any revisions to the San Rafael Rock Quarry Reclamation Plan, which should form the basis for decisions about future land uses and possible annexation.	PW, CDD	No Action	
Program NH-5.7B	Shoreline Use. Use the development review process to establish a bay frontage linear park that connects McNear Beach to the existing shoreline walkway along Point San Pedro Road. The park should incorporate sea level rise adaptation measures.	CDD, CM (Sustainability)	No Action	

COMMUNITY DESIGN AND PRESERVATION ELEMENT

Effectiveness of the Community Design and Preservation Element in attainment of San Rafael's community design and preservation goals:

- Goal CDP-1: A Beautiful City
- Goal CDP-2: A Sense of Place
- Goal CDP-3: Attractive Streets and Public Spaces
- Goal CDP-4: Quality Construction and Design
- Goal CDP-5: Protection of Cultural Heritage

PROGRAM	PROGRAM DESCRIPTION	DEPT	STATUS	PROGRESS IN 2021
Program CDP-1.3A	Hillside Residential Design Guidelines. Continue to implement hillside residential design guidelines through the design review process, as well as larger lot size requirements for hillside areas where there are access limitations or natural hazards. Update the design guidelines as needed.	CDD	Ongoing	
Program CDP-1.3B	Hillside Lot Consolidation. Where feasible, consolidate small, nonconforming hillside lots in areas with slope and emergency vehicle access constraints into larger, conforming parcels. Apply	CDD	Ongoing	

	<p>hillside development standards in the event such lots are developed to ensure that construction is compatible with the neighborhood development pattern.</p> <p>See the Conservation/Climate; Safety/Resilience; and Parks, Recreation, and Open Space Elements for additional policies on hillside management, landslide hazard reduction, wildfire prevention, and related topics.</p>			
Program CDP-1.4A	Canalfront Design Plan. Implement the Canalfront Conceptual Design Plan (2009) recommendations. Development near the shoreline should maximize views to the water and public access to the shoreline.	CDD	Ongoing	
Program CDP-1.4B	Canal Promenade. Pursue development of a continuous pathway or promenade along the Canal waterfront.	PW, CDD	No Action	
Program CDP-1.5A	Evaluating View Impacts. Consider the impact of proposed development on views, especially views of Mt Tamalpais and nearby ridgelines. Where feasible, new development should frame views of ridges and mountains and minimize reduction of views, privacy, and solar access.	CDD	Ongoing	
Program CDP-1.5B	Guidance on View Protection. Establish clearer, more objective City guidelines and standards on view protection, privacy, and solar access for new development, additions, and alterations.	CDD	No Action	
Program CDP-1.5C	Downtown Height Profile. Develop zoning and design tools that encourage both continuity and variation in building heights, along with improved solar access and interesting roof elements such as domes, cupolas, and corner towers. Views of	CDD	Progress	The Downtown San Rafael Precise Plan and Form-Based Code was adopted August 2021 and includes a section on Building Height and Transitions.

	Downtown should be accented by memorable building elements, rather than a flat profile of buildings of uniform height.			
Program CDP-2.1A	Place Types. Identify “place types” in the city that establish defining characteristics and provide the basis for objective design standards. Design standards for each place type should support housing production and commercial development that is consistent and compatible with each neighborhood or employment district (see Figure 5-4).	CDD	No Action	
Program CDP-2.1B	Design Guidance. Use precise plans, specific plans, and similar tools to establish a design vision for different parts of the city, and to identify desired improvements. See also Policy NH-4.2 on the vision for the North San Rafael Town Center	CDD	Ongoing	
Program CDP-2.2A	Downtown Precise Plan. Implement the design recommendations and standards of the Downtown Precise Plan, including public improvements.	CDD	Progress	The Downtown Precise Plan and Form-Based Code was adopted August 2021 and the Community Development Department implements the design recommendations and standards of the Downtown Precise Plan on an ongoing basis as new inquires and projects are received regarding projects in the Downtown Area.
Program CDP-2.3A	Code Enforcement. Maintain code enforcement and nuisance abatement programs to address litter, illegal dumping, unlawful storage, and property maintenance issues.	CDD (Code Enforcement)	Ongoing	
Program CDP-2.3B	Educational Materials. Continue to provide programs and educational materials to inform property owners about property maintenance requirements, and sanitation, health, and safety standards.	CDD	Ongoing	

	See the Housing Element for policies on residential rehabilitation loans and other issues related to maintenance and repair of the housing stock. See also Program LU-2.12 and Policy H-16 on ADUs, including best practices for integrating ADUs into the fabric of existing homes and neighborhoods. See Policy EDI-3.5 on property maintenance.			
Program CDP-2.4A	Streetscape Guidelines. Develop general streetscape guidelines for residential arterials, auto-oriented commercial streets, pedestrian streets, and other types of streets in the city. Include site-specific recommendations for individual corridors when needed. Streetscape guidelines should support climate change and “complete streets” goals as well as aesthetic goals.	PW	No Action	
Program CDP-2.4B	Right-of-Way Landscaping. Encourage Caltrans to install and maintain landscaping along Highway 101 and Interstate 580.	PW	No Action	
Program CDP-2.4C	Highway 101 Crossings. Promote public art, restoration of Irwin Creek, better lighting, and other improvements beneath the Downtown Highway 101 viaduct to better connect the east and west sides of the freeway and make the area more hospitable to pedestrians and cyclists. Consider similar improvements in North San Rafael as part of the future PDA planning process, including the Merrydale Promenade connector near the Civic Center Station.	PW, CM	Ongoing	
Program CDP-2.5A	Commercial and Industrial Beautification. Where feasible, develop and implement urban design improvements such as street trees, sidewalks, lighting, landscaping, and signage, in	CDD, PW	No Action	

	<p>commercial and industrial areas through the development review process, capital improvement program, and similar means.</p> <p>See the Arts and Culture Element for policies on public art</p>			
Program CDP-2.6A	Gateway Improvements. Evaluate each gateway shown on Figure 5-2 to develop recommendations for architecture, landscape design, public art, and signage. Prioritize the recommendations and include appropriate improvements in the City's Capital Improvements Program.	PW, CDD	No Action	
Program CDP-2.6B	Neighborhood and District Gateways. Support landscaping, signage, and design improvements at neighborhood and business district entry points. Evaluate opportunities for gateway improvements in private development where appropriate.	CDD, PW	No Action	
Program CDP-3.1A	Activation of Public Space. Encourage activities such as farmers markets and performances in public spaces to enhance their usefulness and role as community gathering space.	L&R	No Action	
Program CDP-3.1B	Solar Access for Public Space. Explore potential sun and shading standards for select public and quasi-public spaces.	CDD	No Action	
Program CDP-3.1C	Universal Design. Incorporate the concept of universal design in the design of public space, so that persons of all physical abilities can safely and comfortably use city streets and civic places.	CDD	No Action	
Program CDP-3.1D	Alleys. Improve Downtown alleys so they become more functional, economically productive and activated public spaces.	CDD, PW	No Action	

Program CDP-3.1E	North San Rafael Improvements. Encourage and incentivize the development of public art, publicly accessible plazas, and other activated spaces in new and redeveloped projects in North San Rafael, especially in the Northgate Mall/North San Rafael Town Center area.	CM, CDD	No Action	
Program CDP-3.2A	Right-of-Way Encroachments. Continue to refine City standards for encroachments into the public right of way for features such as sidewalk dining, parklets, awnings, and temporary signage.	PW	No Action	
Program CDP-3.2B	Arts Partnerships. Explore opportunities to engage the local arts community in the design of public realm improvements, including public art, painting of utility boxes, murals, and similar improvements. See the Arts and Culture Element for public art policies and the Community Services and Infrastructure Element for Green Streets policies	CM	Ongoing	The City continues to work with the arts community to establish a public arts process by 2022-2023.
Program CDP-3.4A	Landscape Stewardship. Encourage partnerships with neighborhoods and civic organizations to maintain and improve the city's landscaped areas.	PW	No Action	
Program CDP-3.5A	Street Tree Master Plan. Develop a comprehensive citywide Street Tree Master Plan. The Plan should address street tree planting, species selection, maintenance, replacement, diversification, wood utilization, and tree waste recycling and should ensure that trees are appropriate for the planting areas where they are located.	PW	No Action	

Program CDP-3.5B	Street Tree Inventory. Create an inventory of City street trees, using volunteers to the greatest extent feasible.	PW	No Action	
Program CDP-3.5C	Street Trees for New Development. Require street trees in new developments and major property upgrades. See the Community Services and Infrastructure Element for policies and programs regarding coordination with PG&E on tree maintenance and safety and Policy C-1.16 on urban forestry.	PW	Ongoing	
Program CDP-3.5D	Street Tree Maintenance. Support the long-term health of San Rafael's urban forest through timely, quality street tree maintenance. Seek diversified funding sources for maintenance and replacement.	PW	Ongoing	
Program CDP-3.5E	Tree Replacement Due to Sidewalk Damage. Consider replacing trees that have root systems that cause sustained damage to pavement and sidewalks. See also Policies C-1.16 and C-1.17 on urban forestry and tree protection	PW	Ongoing	
Program CDP-3.6A	Downtown Wayfinding. Implement the signage recommendations in the 2018 Downtown Parking and Wayfinding Study to direct people to historic and cultural resources, public facilities, parks, shopping areas, parking, and key destinations. Consider wayfinding signage in other parts of the city, such as Northgate, the Point San Pedro area, and the Canal.	Parking Services	Ongoing	
Program CDP-3.6B	Interpretive Signage. Use interpretive signage to provide information about local history, the natural environment, and cultural resources.	Parking Services	Ongoing	

Program CDP-4.1A	Design Guidelines. Maintain design guidelines for residential, non-residential, and mixed use construction. Guidelines should define the elements of good design (see text box on Page 5-22) and encourage compatible building patterns, scale, mass, and transitions between areas. Design guidelines should be periodically updated to respond to construction trends, neighborhood feedback, and changes in the way people live, work, and travel.	CDD	Ongoing	
Program CDP-4.1B	Objective Design and Development Standards. Develop and maintain objective (measurable) design standards for new higher density and mixed use housing that meet the requirements of State law and support new housing construction. These standards would be used in lieu of those referenced in Program CDP-4.1A and apply only to proposals for multi-family and mixed use housing meeting specific State-adopted criteria. (see text box on Page 5-21)	CDD	Progress	On July 16, 2019, a draft San Rafael Objective Design Standards was presented to the Design Review Board (DRB). City staff plans to bring another draft Objective Design Standards to the DRB in August 2022 and hope to have the Objective Design Standards adopted by late 2022.
Program CDP-4.1C	Form Based Codes. Encourage the use of form based codes (FBCs) as an alternative to design guidelines and zoning standards in specific districts of the city such as Downtown. The FBC integrates design and regulatory controls to improve design quality and enhance public space. See the Safety and Resilience Element for policies on fire-safe design and construction	CDD	Progress	The Downtown Precise Plan and Form-Based Code was adopted August 2021 and the Community Development Department implements the design recommendations and standards of the Downtown Precise Plan on an ongoing basis as new inquires and projects are received regarding projects in the Downtown Area.
Program CDP-4.2A	Improving Design Review Efficiency. Continue to improve the design review process by: <ul style="list-style-type: none"> Engaging stakeholders, community members, and the developer early, including consideration of written 	CDD	Ongoing	

	<p>comments, so that issues can be worked out before initial submittal</p> <ul style="list-style-type: none"> • Clarifying requirements for initial submittals, including geotechnical, grading, and survey reports, to improve their quality • Adjusting notification procedures to encourage earlier and broader participation • Changing the project review sequence so that Planning Commission feedback is solicited before the Design Review Board • Periodically evaluating and updating the guidelines, including thresholds for design review. 			
Program CDP-4.2B	<p>Community Discussions of Good Design. Continue to engage the community in discussions to define “good design” and strategies to improve architecture and public space.</p>	CDD	Ongoing	
Program CDP-4.3 A	<p>Reinforcing Design Context. Ensure that design guidelines recognize the distinct characteristics of San Rafael neighborhoods. Guidelines should ensure that new development respects the character-defining elements of neighborhoods, including height, scale, materials, and setbacks.</p>	CDD	No Action	
Program CDP-4.3B	<p>Successful Design Portfolio. Establish a portfolio of existing buildings and projects illustrating successful design and make it available on the City’s website.</p>	CDD	No Action	
Program CDP-4.3C	<p>Exceptions. Allow variation from design guidelines and standards for exceptional buildings that contribute public benefits and make a significant contribution to their surroundings.</p>	CDD	No Action	

	See also Housing Policy H-2			
Program CDP-4.6A	On-Site Recreational Areas. Continue requirements for on-site recreational areas as specified in the zoning ordinance.	CDD	Ongoing	
Program CDP-4.7A	Signature Buildings. Allow for “signature” buildings that create a positive impression of San Rafael. Memorable, innovative architecture should be encouraged through the placement of building forms and features, selection of materials, and unique treatment of corner sites, and similar measures. Innovative climate-adaptive measures such as vertical gardens, roof-gardens, living building design and onsite water reuse also should be encouraged.	CDD	No Action	
Program CDP-4.8A	Building Stepbacks. Use tools such as stepbacks and daylight planes to improve height transitions where taller buildings are constructed near lower-scale buildings. The perceived height and bulk of new buildings can be reduced through measures such as stepping back the upper floors, articulating the building elevation, and using varied exterior building materials and colors.	CDD	Ongoing	Ongoing when not pre-empted by SB 330.
Program CDP-4.10A	Zoning Regulations. Periodically evaluate the landscape provisions in the Zoning Ordinance to respond to climate change, hazards, water availability, shading needs, and other issues. Zoning should support the City’s goal of having a strongly landscaped character.	CDD	Ongoing	
Program CDP-4.10B	Industrial Landscape Design. Ensure that landscape guidelines for new industrial and general commercial development provide effective buffering, while also supporting water conservation, water quality, and fire hazard reduction goals.	CDD, PW	Ongoing	

Program CDP-4.10C	Parking Lot Landscaping Requirements. Review City standards for parking lot landscaping to ensure that they adequately address visual screening, environmental quality, and climate-related issues. Standards should allow for solar shade structures within parking areas.	CDD	No Action	
Program CDP-4.11A	Lighting Plans. Continue to require lighting plans for projects proposing exterior lighting. The design review process should be used to evaluate lighting for safety, consistency with dark sky objectives, and potential mitigation to reduce negative impacts on nearby properties.	CDD	Ongoing	
Program CDP-4.12A	Sign Regulations. Periodically update the City's sign regulations to reflect new technologies, materials, and design trends, and to ensure that regulations comply with all applicable state and federal laws.	CDD	No Action	
Program CDP-5.1A	Preservation Ordinance. Continue to implement the City's Historic Preservation Ordinance. The Ordinance should be modified to include updated procedures to mitigate impacts from the demolition, destruction, or alteration of historic resources.	CDD	Ongoing	
Program CDP-5.1B	Oversight Responsibilities. Create a more formal means of oversight for review of planning and building applications affecting historic resources. This could include a contract with an architectural historian, or an advisory committee convened as needed to advise the Planning Commission on matters and policies related to preservation or the modification of historic structures. If an oversight body is created, it should represent diverse perspectives and interests.	CDD	No Action	

Program CDP-5.1C	Certified Local Government (CLG) Designation. Contact the National Park Service State Office and State Historic Preservation Office (SHPO) to evaluate the pros and cons of San Rafael becoming a designated CLG. The designation allows for streamlining, greater local control over preservation decisions, funding opportunities, and technical assistance.	CM	No Action	
Program CDP-5.2A	Context Statement. Prepare a citywide historic context statement to provide the framework for evaluating a property's historic significance and integrity.	CDD	No Action	
Program CDP-5.2B	Inventory Update. Regularly update the City's Historical/Architecture Survey, which is an inventory of buildings of architectural value, historic buildings and/or districts and historic elements such as signs, monuments, and gates. A priority should be placed on neighborhoods with large concentrations of older structures, as well as areas most likely to experience development pressure in the future.	CDD	Progress	A survey of the properties in Downtown was done for the Precise Plan, but there has been no official update to the inventory.
Program CDP-5.2C	Criteria for Designation. Review and adjust the criteria for designation of historic resources so they align with those of state and federal preservation agencies.	CDD	No Action	
Program CDP-5.2D	Additional Landmarking. Based on updated historic preservation data, identify additional structures or sites for local and/or state landmark status and/or potential nomination to the National Register of Historic Places. The process for local landmark designation, including applications, fees, and approval, should be updated and clarified.	CDD	No Action	

Program CDP-5.3A	Downtown Districts. Consider the designation of additional historic districts in Downtown San Rafael based on the 2019 Downtown Precise Plan field survey.	CDD	No Action	
Program CDP-5.3B	Conservation Districts. Consider the use of Conservation Districts as an alternative to historic districts or the designation of individual landmarks (see text box).	CDD	No Action	
Program CDP-5.3C	Mid-Century Neighborhoods. Recognize the Eichler, Kenney, and Alliance subdivisions of North San Rafael as a defining part of San Rafael's architectural heritage. Continue to take steps to preserve the characteristic features of these homes and neighborhoods, including height and roofline modifications.	CDD	Ongoing	
Program CDP-5.4A	Zoning and Development Incentives. Support the use of transfer of development rights and façade easements to encourage preservation of historic buildings.	CDD	No Action	
Program CDP-5.4B	Local Financial Incentives. Pursue the following financial incentives to support historic preservation activities: <ul style="list-style-type: none"> a) Development of a local Mills Act program to allow contracts with the owners of historic properties meeting criteria to be defined by the City. The contracts allow for reduced property taxes in exchange for an agreement to maintain the historic integrity and visibility of the structure. b) Reductions or waivers of local permitting fees for qualifying historic preservation projects. c) Creation of a historic preservation mitigation fund for developments that may impact historic resources, with the 	CDD	No Action	

	<p>proceeds used to support preservation activities.</p> <p>d) Arrangements with the commercial brokerage community to bank and transfer development rights from historic properties to receiving sites (not yet identified)</p> <p>e) Establishment of a nonprofit trust whose function is to restore, maintain, and lease publicly owned historic buildings (such as Falkirk Mansion and the Boyd Gatehouse).</p>			
Program CDP-5.4C	Non-Local Financial Incentives. Support financial assistance for preservation through state and federal grants and loans, tax credits, National Trust Preservation funds, the Federal Historic Preservation Tax Incentives Program, and similar programs.	CM, ED	No Action	
Program CDP-5.5A	California Historic Building Code. Use the State historic building code to relieve historic buildings from modern code requirements, thus making it easier to reuse the building. Explore other incentivizes or code changes that allow interior spaces in older buildings to be more easily and affordably updated.	CDD	No Action	
Program CDP-5.5B	Zoning. Investigate zoning exceptions for historic structures, such as reduced on-site parking, setback, and driveway width requirements. The range of permitted or conditionally permitted uses in historic structures should be expanded to make them more viable for reuse.	CDD	No Action	
Program CD-5.6A	Certificates of Appropriateness. Continue existing requirements for “Certificates of Appropriateness” (COA) for alterations to designated historic resources. Criteria for COAs	CDD	Ongoing	

	should be consistent with Secretary of the Interior standards.			
Program CDP-5.6B	Design Guidelines. Address historic preservation in the City’s design guidelines, including successful examples of (a) adaptive reuse, alterations, and other changes; and (b) new infill development in the context of an older neighborhood, including examples of contemporary architecture. Infill development in older areas does not need to mimic historic development but should acknowledge and respect its context.	CDD	No Action	
Program CDP-5.6C	Landscapes and Natural Features. Consider landscapes, gardens, mature trees, and natural features as contextually relevant when defining historic value. Encourage the preservation of such features when they are determined to be significant.	CDD, PW	Ongoing.	
Program CDP-5.7A	Incentives. Support property owner efforts to maintain and restore historic properties through fee reductions, tax credits, and Code exceptions.	CDD	No Action	
Program CDP-5.8A	Public Recognition. Support programs that publicly recognize property owners who have done an exceptional job preserving an historic property	CM	No Action	
Program CDP-5.8C	Public Events and Social Media. Encourage local preservation advocacy organizations to produce events, publications, social media, and exhibits about the historic resources that exist in San Rafael.	CM	No Action	
Program CDP-5.9A	Preservation Reference Materials. Support the efforts of local organizations to maintain and expand collections of historic photographs,	CM	Ongoing	

	artifacts, books, media, oral histories, and other resources, and to make these materials available through on-line archives.			
Program CDP-5.9B	Plaques and Markers. Support efforts to install plaques and markers recognizing historic locations and the locations of important historic events in San Rafael.	CM	Ongoing	
Program CDP-5.9C	School Programs. Support local school efforts to incorporate San Rafael history lessons, events, and field trips into their curriculum and programs.	CM	No Action	
Program CDP-5.10A	Walking Tours, Trails, and Historic Festivals. Encourage walking tours, historic trails, mobile apps, and history fairs and programs that attract visitors. Partner with local preservation advocacy groups and other organizations to promote events celebrating San Rafael history.	CM	No Action	
Program CDP-5.10B	Marin County Civic Center. Work with the County of Marin to encourage and support preservation of the Frank Lloyd Wright-designed Civic Center complex and grounds as a nationally important historic architectural site and major destination for regional, national, and international visitors.	CM	No Action	
Program CDP-5.10C	Mission San Rafael. Promote San Rafael's historic origin as a "mission city," and Mission San Rafael Arcangel as a destination of historic interest. See also Policy EV-3.3 on authenticity as an economic development strategy	CM, ED	No Action	

Program CDP-5.11A	Energy Retrofits. Encourage the use of energy efficiency incentives to assist in the rehabilitation of older buildings, keeping in mind the importance of maintaining historic integrity.	CM (Sustainability), ED	No Action	
Program CDP-5.12A	Community Heritage Programming. Engage representatives of the different ethnic communities, as well as preservation organizations and San Rafael schools, universities, and colleges to document and preserve the history of each community in San Rafael, including sites and structures of historic importance. Support educational curriculum that raises awareness of the city's cultural heritage and includes non-Eurocentric perspectives.	CM	No Action	
Program CDP-5.13A	Archeological Resources Ordinance. Modify the City's Archeological Resources Ordinance to include construction best management practices to follow if a potentially significant archaeological resources is encountered during ground disturbing activities.	CDD, City Attorney	No Action	
Program CDP-5.13B	Human Remains. When permitting ground-disturbing activities, require that any human remains encountered are treated in accordance with California Health and Safety Code Section 7050.5, Public Resources Code 5097.98, and the California Code of Regulations Section 15064(e), which prescribe the mandated procedures of conduct in such cases.	CDD	No Action	
Program CDP-5.14A	AB 52 Compliance. Implement the requirements of Assembly Bill 52 by providing opportunities for meaningful input from Native American representatives in the development review process.	CDD	Ongoing	

Program CDP-5.14B	Protection of Tribal Resources. Incorporate standard approval conditions in future development projects that ensure that Native American resources are protected during construction. In the event tribal resources are discovered, earth-disturbing work must be temporarily suspended pending evaluation by a qualified archaeologist and an appropriate Native American representative. Where appropriate, a mitigation plan shall be developed in accordance with state guidelines and tribal input.	CDD	Ongoing	
Program CDP-5.15A	Paleontological Resource Mitigation Protocol. Prepare and adopt a list of protocols in accordance with Society of Vertebrate Paleontology standards that protect or mitigate impacts to paleontological resources, including requiring grading and construction projects to cease activity when a paleontological resource is discovered so it can be safely removed.	CDD	No Action	

CONSERVATION AND CLIMATE CHANGE ELEMENT

Effectiveness of the Conservation and Climate Change Element in attainment of San Rafael’s conservation and climate change goals:

- Goal C-1: Supporting Our Natural Communities
- Goal C-2: Clean Air
- Goal C-3: Clean Water
- Goal C-4: Sustainable Energy Management
- Goal C-5: Reduced Greenhouse Gas Emissions

PROGRAM	PROGRAM DESCRIPTION	DEPT	STATUS	PROGRESS IN 2021
Program C-1.1A	Surveys for Regulated Waters. Require that sites with suitable natural habitat be surveyed for the presence or absence of regulated waters prior to development approval. Such surveys should be conducted by a qualified wetland specialist and occur prior to development-related vegetation removal or other habitat modifications.	CDD, PW	No Action	
Program C-1.1B	Wetlands Overlay District. Continue to implement wetlands policy through a Wetlands Overlay zoning	CDD, PW	Ongoing	

	district that is based on wetland delineations consistent with US Army Corps of Engineers criteria. In unincorporated areas within the Planning Area, support County implementation of Baylands Corridor policies and standards.			
Program C-1.1C	Tiscornia Marsh Restoration. Support restoration plans for Tiscornia Marsh adjacent to Pickleweed Park in the Canal neighborhood. The project will raise and improve a degraded levee to stabilize and potentially restore an eroding tidal marsh, reducing the community's vulnerability to rising tides and flooding.	PW	No Action	
Program C-1.1D	McInnis Marsh Restoration. Support restoration plans for McInnis Marsh, providing improved habitat for protected species, flood protection for McInnis Park golf course, and improved trail connections along the San Pablo Bay Shoreline.	PW	Ongoing	
Program C-1.3A	Compensatory Mitigation Requirements. For permanently impacted wetlands, lost wetland area shall be replaced on-site and in-kind at a minimum ratio of 2:1 (e.g., 2 acres for each acre lost). If on-site mitigation is not possible or practical, off-site mitigation shall be required, preferably in the same drainage basin or a nearby Marin watershed if the same basin is not available, at a minimum replacement ratio of 3:1. Temporarily impacted wetlands may be restored and revegetated to pre-project conditions.	PW	No Action	
Program C-1.3B	Conditions for Mitigation Waivers. The City may waive the compensatory mitigation requirement on a case by case basis for wetlands restoration projects and for fill of wetlands that are less than 0.1 acres in size, provided that all of the following conditions are met: (1) the wetland is isolated (e.g., it is not within, part of, or directly connected or	PW	No Action	

	hydrologically linked by natural flow to a creek, drainageway, wetland, or submerged tidelands); (2) it is demonstrated by an independent wetland expert that preservation would not result in a functioning, biological resource; (3) the City has determined that filling would result in a more appropriate and desirable site plan for the project; and (4) the City verifies that applicants have received all required permits and complied with all other mitigation requirements from resource agencies with wetland oversight. ²			
Program C-1.3C	Revision of Mitigation and Waiver Requirements. Consider revisions to mitigation requirements and waiver conditions that reflect best practices, sea level rise adaptation needs, and consistency with the requirements used by state and federal agencies.	PW	No Action	
Program C-1.4A	Wetland Plans and Monitoring. Wetland plans shall be prepared by a qualified wetland restoration ecologist in consultation with appropriate federal and state resource agencies. Such plans shall require annual monitoring for a specified period of time to determine mitigation success. Contingency measures to deal with the potential for lack of success should be included in the plan.	PW	No Action	
Program C-1.4B	Timing of Wetlands Creation. Restoration or creation of wetlands should be completed prior to construction of the development. Where construction activities would adversely impact wetland restoration or creation, the restoration or creation may be completed after construction of the development, as determined through development review.	PW	No Action	

Program C-1.4C	<p>Mitigation Banking. Support the creation of wetland mitigation banking sites within the city. This would allow the collection of mitigation fees from multiple projects to be combined to construct or restore larger, more viable wetlands in designated locations rather than constructing small compensatory wetlands on or near each development site. This could include an inventory of priority restoration areas for future projects that may require compensatory off-site mitigation.</p>	PW	No Action	
Program C-1.6A	<p>Creek and Drainageway Setbacks: Maintain the following setback requirements in the Municipal Code:</p> <p>(a) A minimum 25-foot development-free setback shall be maintained from the top of creek banks for all new development (including but not limited to paving and structures), except for Miller Creek and its tributaries, where a minimum 50-foot setback shall be maintained. Setbacks up to 100 feet may be required in development projects larger than two acres where development review determines that a wider setback is needed to maintain habitat values, and in areas where high-quality riparian habitat exists. The City may waive the setback requirement for minor encroachments if it can be demonstrated that the proposed setback adequately protects the functions of the creek to the maximum extent feasible and the results are acceptable to appropriate regulatory agencies.</p> <p>(b) Drainageway Setbacks: Drainageway setbacks shall be established through individual development review, taking into</p>	PW	No Action	

	account existing habitat function and values.			
Program C-1.6B	Municipal Code Compliance. Ensure that the San Rafael Municipal Code is consistent with local, state, and federal regulatory agency requirements for erosion control and natural resource management and is amended as needed when these regulations change. Local public works activities shall comply with the Municipal Code.	PW	No Action	
Program C-1.6C	Creek and Drainageway Mapping. Work collaboratively with local environmental organizations and institutions to prepare updated maps of creeks and drainageways and to evaluate the potential for restoration.	PW	No Action	
Program C-1.7A	Creek Access on Public Land. Proactively identify and create access points to creeks on public lands.	PW	No Action	
Program C-1.7B	Public Access in Development Along Creeks. Use the development review process to identify and secure areas appropriate for creek access.	PW	No Action	
Program C-1.8A	Publicity. Use the City’s website to publicize information about creek and waterway protection and access. Where appropriate, partner with local schools, conservation and environmental groups, business organizations, and others to increase awareness of the city’s creeks and waterways.	PW	Ongoing	
Program C-1.8B	Creek Signage. Develop attractive signage and/or educational displays identifying local creeks, describing native habitat and history, and reminding visitors of what they can do to protect water quality.	PW	No Action	

	See also Policy PROS-3.10 on environmental education and Program C-3.6A on removal of plastics from creeks, marshes, and the Bay			
Program C-1.9A	Watercourse Protection Regulations. Maintain watercourse protection regulations in the San Rafael Municipal Code. These regulations should be periodically revisited to ensure that they adequately protect creeks and drainageways. Consider specific measures or guidelines to mitigate the destruction or damage of riparian habitat from roads, development, and other encroachments.	PW	No Action	
Program C-1.9B	Creek Restoration. Encourage and support efforts by neighborhood associations, environmental organizations, and other interested groups to fund creek enhancement, restoration, and daylighting projects, as well as creek clean-ups and ongoing maintenance programs.	PW	No Action	
Program C-1.9C	Upper Gallinas Watershed Restoration. Support implementation of creek restoration projects in the Upper Gallinas Creek Watershed, consistent with the Restoration Opportunities Report prepared in December 2016. It remains a priority of the City to restore the creek by removing the concrete channel, creating a walkway/bikeway alongside, and planting native trees to provide shade and filter runoff. Pursue grants and other funds, including capital improvement projects and general operating funds, to restore natural creek conditions and native vegetation.	PW	No Action	
Program C-1.9D	Restoration of San Rafael, Mahon, and Irwin Creeks. Pursue opportunities for creek	PW	No Action	

	<p>restoration and beautification along San Rafael, Mahon, and Irwin Creeks, building on past efforts supporting biological and ecological restoration, education, and water quality improvements along these waterways.</p> <p>See Goal C-3 for additional policies on water quality</p>			
Program C-1.10A	<p>Hillside Management and Residential Design Guidelines. Continue to implement Hillside Residential Design Guidelines as well as management practices that promote ecological health, hazard reduction, and climate change mitigation.</p>	CDD, PW	Ongoing	
Program C-1.11A	<p>Surveys for Wildlife Movement Corridors. Require that sites with suitable natural or anthropogenic habitat, including creeks in urban areas, be surveyed for the presence or absence of important wildlife corridors, prior to development approval. Such surveys should be conducted by a qualified biologist following CDFG-accepted species-level protocol and occur prior to development-related vegetation removal or other habitat modifications. As resources allow, surveys also should be conducted in previously developed areas to establish conservation priorities, and support wildlife and ecosystem management and education programs.</p>	PW	No Action	
Program C-1.11B	<p>Wildlife-Human Interface. Implement programs to reduce conflicts and improve co-existence between people and wildlife, including education about animals living around us and the need to modify certain human behaviors.</p>	CM (Sustainability)	No Action	

Program C-1.12A	Surveys for Sensitive Natural Communities and Special Status Species. Require that sites with suitable natural or anthropogenic habitat, including creek corridors through urbanized areas, be surveyed for the presence or absence of sensitive natural communities and special status species prior to development approval. Such surveys should be conducted by a qualified biologist following CDFG-accepted species-level protocol and occur prior to development-related habitat removal or other habitat modifications.	PW	No Action	
Program C-1.12B	Non-Native Predators. Support efforts by non-profit conservation groups, state and federal agencies, the Marin Humane Society and other organizations to protect the habitat of birds and small mammals from non-native predators and restricting the use of pesticides.	CM (Sustainability)	No Action	
Program C-1.12C	Oak Savanna and Oak Woodland Habitat Protection. Require proposed developments with the potential to impact oak savanna/oak woodland habitat to either avoid, minimize, or compensate for the loss of such habitat. Avoidance is the preferred measure where feasible. If habitat loss is deemed unavoidable, require that direct and indirect impacts be mitigated through habitat restoration, creation, or enhancement. Mitigation requirements shall provide for a minimum 1:1 replacement in both the aerial extent of the tree canopy and number of trees lost. See also Policy C-3.6 on the conservation of nearshore waters, including the Canal and San Francisco Bay.	CDD, PW	No Action	
Program C-1.13A	List of Species. Maintain current California Natural Diversity Database (CNDDB) digital (GIS)	CM (Sustainability)	No Action	

	maps and data tables listing threatened, endangered, and special status species in the San Rafael Planning Area. CNDDDB data should be supplemented with more specific local data wherever possible.			
Program C-1.13B	Mitigating Impacts on Special Status Species. Avoid and protect special status species and require that consultation with resource agencies be performed in conformance with federal and State regulations. Require that potential unavoidable impacts to special status species are minimized through design, construction, and project operations. If such measures cannot adequately mitigate impacts, require measures such as on-site set asides, off-site acquisitions (conservation easements, deed restrictions, etc.), and specific restoration efforts that benefit the listed species being impacted.	CDD, PW	No Action	
Program C-1.13C	Steelhead Habitat. Support efforts to restore, preserve or enhance Central California Coast Steelhead habitat in Miller Creek and other creeks.	CM (Sustainability)	No Action	
Program C-1.13D	Bird Safe Design. Develop and adopt a Bird-Safe Design Ordinance to provide specific criteria and best management practices to be used in design review for taller structures. These criteria should be applied to ensure that such structures are designed to minimize the risk of bird collisions.	CDD	No Action	
Program C-1.13E	Avoidance of Nesting Birds. Nests of native birds in active use shall be avoided in compliance with State and federal regulations. For new development sites where nesting birds may be present, vegetation clearing and construction shall be initiated outside the bird nesting season (February 1 through August 31) or pre-	CDD	No Action	

	<p>construction surveys shall be conducted by a qualified biologist within a minimum of 500 feet from the project site where access is feasible and no more than seven days prior to any disturbance. If active nests are encountered, appropriate work avoidance buffer zones shall be established based on recommendations by the biologist and remain in place until any young birds have successfully left the nest and are no longer dependent on parental care.</p> <p>See also Programs C-1.11.A and C-1.12A on wildlife surveys</p>			
Program C-1.14A	<p>Identification of Desirable and Undesirable Species. Use California Invasive Plant Council (CalIPC) guidance for desirable and invasive plants in the development review, design review, and public lands management processes. This guidance should ensure that noxious plants are not planted in new development, on rights of way, and on public land; help inform revegetation and replanting programs; and support the management of existing vegetation.</p>	CDD	No Action	
Program C-1.14B	<p>Integrated Pest Management Policy. Maintain and periodically update an Integrated Pest Management Policy (IPMP) that minimizes the application of pesticides in the city and encourages non-toxic methods to control vegetation such as properly timed goat grazing. The IPMP should be modified as needed to reflect changes in regional stormwater control requirements, data on pesticide toxicity, and the feasibility of new and less toxic methods for controlling invasive plants. Changes to the IPMP should be made through a transparent public process and should ensure that the use of any chemicals of concern is publicly noticed.</p>	PW	Ongoing	

Program C-1.14C	Removal of Invasive Species. Support partnerships and multi-jurisdictional efforts to remove invasive plant species, reduce fire hazards, and improve habitat on public properties. Use volunteers and non-profit organizations to assist in such efforts and consult with the California Native Plant Society and similar organizations to optimize results, avoid the removal of desirable plants, and replant with appropriate plants before invasive species return. Funding from sources such as Measure A, state and regional wildfire prevention funds, utility funds, and other conservation program funds should be pursued to support these efforts.	FIRE	Ongoing	Staff continued to support multiple broom pull events monthly and are planning larger scale projects for specific species thanks to measure C funding.
Program C-1.14D	Wildfire Action Plan Implementation. Implement the provisions of San Rafael’s Wildfire Action Plan (2020) relating to the control of invasive plants, including further limiting the sale or planting of highly flammable non-native plants in the city, supporting volunteer activities to remove Scotch and French broom, revising standards for Eucalyptus, providing fuel breaks on public property, and educating the public on fire-safe landscaping.	FIRE	Ongoing	Staff continued to provide regular updates on specific action items to City Council. Staff continued to work to achieve compliance with updated citywide vegetation standards as outlined in SRMC 4.12. Multiple open space projects and evacuation improvements have been completed with additional work planned.
Program C-1.15A	Education on Desirable Plant Species. Leverage the educational and website materials on “water-wise” plants developed by the Marin Municipal Water District and fire-prone plants from FireSafe Marin as resources for San Rafael property owners. The City should also create Resilient Landscape Templates (RLTs) that offer suggestions for homeowners to achieve beautiful, fire-resistant, drought tolerant landscaping.	FIRE	No Action	Ongoing- annual mailers sent to each resident regarding fire adapted landscaping. Ongoing partnership with FireSafe Marin and the MWPA to further resident education. Demonstration Garden will be installed this Fall.
Program C-1.16A	Increasing the Tree Canopy. Implement measures to increase the tree canopy, as outlined	CDD, PW	No Action	

	<p>in the City’s Climate Change Action Plan. These measures include:</p> <ul style="list-style-type: none"> a) tree planting on City-owned land b) reviewing parking lot landscaping standards to maximize tree cover c) minimizing tree removal d) controlling invasive species that threaten the health of the urban forest e) integrating trees and natural features into the design of development projects f) encouraging trees on private property g) increasing the diversity of trees to increase habitat value and resilience h) emphasizing the use of native tree species, where appropriate, given their adaptability to local conditions and increased importance to native wildlife. 			
Program C-1.16B	Tree City USA. Maintain San Rafael’s status as a “Tree City USA” community by following best practices in urban forestry management and regularly applying for recertification.	PW	No Action	
Program C-1.17A	Tree Preservation. Revise Chapter 11.12 of the Municipal Code (Trees) or add a new Code section that defines protected and heritage trees and establishes permit requirements and procedures for tree protection, removal, and replacement. The regulations should strongly support the protection of California redwoods (<i>Sequoia sempervirens</i>) and other native trees.	PW	No Action	
Program C-1.17B	Tree Management Plan: Require a tree management plan prior to approval of development with the potential to remove or substantially impact trees. The Plan should be prepared by a licensed arborist using published standards and practices for protecting and	PW	No Action	

	monitoring tree health during and after construction.			
Program C-1.17C	<p>Mitigation for Tree Removal. Continue to implement mitigation requirements for tree removal in new development. When necessary, this could include planting of trees in locations other than the project site, planting native trees in lieu of non-natives, or reducing the footprint of proposed development. Tree replacement should be based on a value that is equal to or greater than the carbon footprint and ecological benefits of the trees being removed. Ecological benefits include water conservation, absorption of runoff, reduction of air pollution, energy reduction from shade and cooling effects, soil retention, slope stabilization, and wildlife support.</p> <p>See Policy CDP-3.5 and Program CDP-3.5A for additional guidance on street trees, including a proposed Street Tree Master Plan</p>	PW	Ongoing	
Program C-1.19A	<p>Dark Sky Ordinance. Adopt a dark sky ordinance, including lighting standards and enforcement provisions that reduce light pollution. In the interim, refer to guidelines from the International Dark Sky Association during the review of major projects involving night lighting.</p>	CDD	No Action	
Program C-2.1A	<p>Cooperation with Other Agencies. Work with the Bay Area Air Quality Management District (BAAQMD) and other agencies to ensure compliance with air quality regulations and proactively address air quality issues.</p>	CDD, PW, FIRE	Ongoing	FIRE will continue to ensure that any prescriptive burning will fully comply with BAAMQD regulations.
Program C-2.2A	<p>Protection of Sensitive Receptors. Use the development review process to require an evaluation of air quality impacts and the inclusion of measures to mitigate the exposure of sensitive receptors to both construction-related and long-</p>	CDD, PW	No Action	

	<p>term operational impacts. As prescribed by the EIR for General Plan 2040 and the Downtown Precise Plan, the following protocols shall be followed:</p> <ul style="list-style-type: none"> a) Projects that exceed BAAQMD screening criteria shall be required to evaluate project-specific construction emissions and operational emissions in conformance with California Environmental Quality Act (CEQA) Guidelines and BAAQMD methodologies. If projected pollutant levels for either construction or operations exceed BAAQMD thresholds, project applicants shall be required to mitigate the impacts to an acceptable level. b) As recommended by the California Air Resources Board, projects that would result in construction activities within 1,000 feet of residential and other land uses that are sensitive to toxic air contaminants (e.g., hospitals, nursing homes, day care centers, etc.), as measured from the property line of the project, shall be required to prepare a construction health risk assessment in accordance with the policies and procedures of the Office of Environmental Health Hazard Assessment (OEHHA) and the BAAQMD CEQA Guidelines. These Guidelines identify mitigation measures capable of reducing potential cancer and non-cancer risks to a level below ten in one million or a hazard index of 1.0. c) Applicants for industrial or warehousing land uses or commercial land uses that would generate substantial diesel truck travel (i.e., 100 diesel trucks per day or 40 or more trucks with diesel-powered 			
--	---	--	--	--

	transport refrigeration units per day) shall contact BAAQMD to determine the appropriate level of operational health risk assessment (HRA) required. If required, the HRA shall be prepared in accordance with OEHHA and BAAQMD requirements and impacts shall be mitigated to an acceptable level.			
Program C-2.3A	Air Pollution Reduction Measures. Implement air pollution reduction measures as recommended by BAAQMD's Clean Air Plan and supporting documents to address local sources of air pollution in community planning. This should include Transportation Control Measures (TCM) and Transportation Demand Management (TDM) programs to reduce emissions associated with diesel and gasoline-powered vehicles.	PW	No Action	
Program C-2.4A	Particulate Matter Exposure. Through development review, require that Best Available Control Technology (BACT) measures (such as setbacks, landscaping, paving, soil and dust management, and parking lot street sweeping) are used to protect sensitive receptors from particulate matter. This should include control of construction-related dust and truck emissions as well as long-term impacts associated with project operations. Where appropriate, health risk assessments may be required to evaluate risks and determine appropriate mitigation measures.	FIRE	No Action	
Program C-2.4B	Wildfire Smoke. Support efforts to reduce health hazards from wildfire smoke, such as limits on outdoor activities, access to respirators and air filtration systems, access to clean air refuge centers, and public education.	FIRE	Ongoing	Staff continued to provide public education and engaged in city planning efforts for clean air centers.

Program C-2.4C	Wood-Burning Stoves and Fireplaces. Regulate wood-burning stoves and fireplaces to reduce particulate pollution.	CDD	Ongoing	
Program C-2.6A	Air Quality Education Programs. Actively participate in the air quality education programs of the BAAQMD. Use social media and other means of outreach to alert residents of Spare the Air days and associated recommendations.	FIRE	No Action	
Program C-2.6B	Equipment and Generators. Encourage the use of non-gasoline powered leaf blowers and other yard maintenance equipment, as well as clean-powered generators.	CM (Sustainability)	Progress	The City Manager's Office is working on a Leaf Blower Ordinance which would ban the use of gas-powered leaf blowers.
Program C-3.1A	Interagency Coordination. Coordinate with the local, state, and federal agencies responsible for permitting discharges to San Rafael's creeks and surface waters, monitoring water quality, and enforcing adopted water quality standards and laws.	PW	No Action	
Program C-3.2A	Countywide Stormwater Program. Continue to participate in the countywide stormwater pollution prevention program and comply with its performance standards.	PW	Ongoing	
Program C-3.2B	Reducing Pollutants in Runoff. Continue to reduce the discharge of harmful materials to the storm drainage system through inspections, enforcement programs, reduced use of toxic materials, and public education.	PW	Ongoing	
Program C-3.2C	Construction Impacts. Continue to incorporate measures for stormwater runoff control, management, and inspections in construction projects and require contractors to comply with accepted pollution prevention planning practices. Provisions for post-construction	PW	Ongoing	

	stormwater management also should be included.			
Program C-3.2D	System Improvements. Improve storm drainage performance through regular maintenance and clean-out of catch basins, a City street sweeping program, and prioritizing Trash Reduction Implementation Plan measures, including installation of trash capture devices, . When existing drainage lines are replaced, design changes should be made as needed to increase capacity to handle intensifying storms and expected sea level rise impacts.	PW	No Action	
Program C-3.2E	Pesticide and Fertilizer Management. On City property, reduce or eliminate the use of toxic pesticides and fertilizers. Ensure that the application of pesticides follows all applicable rules and regulations and is performed through a transparent process in which the public receives early notification.	PW	No Action	
Program C-3.2F	Monitoring. Support ongoing water quality testing in San Rafael's creeks and waterways to evaluate the effectiveness of existing programs and determine where additional pollution control measures may be needed.	PW	Ongoing	
Program C-3.3A	Development Review. Provide guidance to developers, contractors and builders on the use of rain gardens, bioswales and bioretention facilities, permeable pavers, grass parking lots, and other measures to absorb stormwater and reduce runoff rates and volumes.	PW	Ongoing	
Program C-3.3B	Non-Traditional Gardens. Evaluate best practices in the use of roof gardens, vertical gardens/green walls, pollinator gardens and other measures that increase the City's capacity to	PW	No Action	

	sequester carbon, plant trees, and enhance environmental quality. Encourage the incorporation of such features in new development.			
Program C-3.4A	Green Streets Planning. Develop a Green Streets Plan that includes policy guidance, tools, analytics, and funding mechanisms to create more sustainably designed street and storm drainage systems. Street and drainage system improvements should support City conservation and climate change goals.	PW	No Action	
Program C-3.4B	Funding. Identify and apply for grants and federal, state, and regional funds to upgrade stormwater facilities, rehabilitate roads, and implement other Green Streets initiatives.	PW	Ongoing	
Program C-3.5A	Underground Tank Remediation Continue efforts to remediate underground storage tanks and related groundwater hazards. Avoid siting new tanks in areas where they may pose hazards, including areas prone to sea level rise.	PW	Ongoing	
Program C-3.6A	Water Quality Improvements. Collaborate with the Bay Conservation and Development Commission, State and Regional Water Quality Control Boards, and other agencies to support water quality improvement efforts and the removal of plastics and other trash from the Canal and Bay. Seek funding from organizations such as the San Francisco Bay Restoration Authority for projects that reduce urban runoff.	PW	No Action	
Program C-3.6B	Boat Sanitation and Enforcement. Require consistent enforcement and inspection of sanitation facilities in boats berthed in the San	Sanitation	No Action	

	Rafael Canal and elsewhere in Bay waters within the City limits.			
Program C-3.6C	Sewage Pump Out Facilities. Support marina owners in providing on-site sewage pump-out facilities. Require marinas to install such facilities when improvements are made.	Sanitation	No Action	
Program C-3.6D	Education of Boaters. Educate boaters about good sanitation practices and measures to reduce invasive species with the potential to harm marine and freshwater life.	Sanitation	Ongoing	
Program C-3.7A	Stenciling of Storm Drains. Continue to stencil storm drains and use other forms of signage and art so that people understand the consequences of pollutant runoff and its impacts on the Bay.	PW	Ongoing	
Program C-3.7B	Outreach. Support and participate in efforts by the Marin County Stormwater Pollution Prevention Program to raise awareness of the effects of water pollution and ways the public can help improve water quality.	PW	No Action	
Program C-3.7C	Car Wash Facilities. Require the use of recycled water at new commercial car washing facilities.	CDD, PW	No Action	
Program C-3.8A	Water Conservation Programs. Work with Marin Municipal Water District and other organizations to promote water conservation programs and incentives and ensure compliance with state and MMWD regulations, including the provisions of the Urban Water Management Plan (see Policy CSI-4.8 for additional guidance).	PW	Ongoing	
Program C-3.8B	Public Education. Continue and expand programs to educate residents and businesses about the benefits of water conservation and	PW	Ongoing	

	requirements for plumbing fixtures and landscaping.			
Program C-3.8C	Reclaimed Water Use. Support the extension of recycled water distribution infrastructure by Las Gallinas Valley Sanitary and MMWD, along with programs to make the use of recycled water more feasible (see Policy CSI-4.12 for additional guidance).	PW	No Action	
Program C-3.8D	Graywater and Rainwater. Encourage the installation of graywater and rainwater collection systems. Explore revisions to building codes that would facilitate such projects where obstacles currently exist.	PW, CDD	No Action	
Program C-3.8E	Reducing Municipal Water Use. Reduce water use for municipal operations through water-efficient landscaping, maintenance of irrigation equipment, replacement of inefficient plumbing fixtures, and using recycled water where available and practical.	PW	No Action	
Program C-3.9A	Demonstration Gardens. Maintain the Falkirk demonstration gardens illustrating xeriscaping principles and drought-tolerant plant materials.	PW	No Action	
Program C-4.1A	Marin Clean Energy Targets. Support Marin Clean Energy (MCE) efforts to reach the goal of providing energy that is 100 percent GHG free by 2025.	PW	No Action	
Program C-4.1B	PACE Financing. Participate in a Property Assessed Clean Energy (PACE) financing program to fund installation of renewable energy systems, energy efficiency upgrades to existing buildings, and other improvements such as electric vehicle chargers and battery storage. Consider other funding sources to improve local energy generation and storage.	PW	No Action	

Program C-4.1C	Regulatory Barriers. Continue efforts to remove regulatory barriers and provide creative incentives for solar energy installations, such as rooftop solar systems and parking lot canopies. The installation of renewable energy systems that are consistent with the Climate Change Action Plan should be encouraged and accelerated.	CDD	Ongoing	
Program C-4.1D	Reducing Natural Gas Use. Pending further financial analysis and community input, implement electrification of building systems and appliances in new buildings and those that currently use natural gas. This should be achieved by requiring new or replacement furnaces and appliances to be electric and utilize fossil free energy.	PW	No Action	
Program C-4.1E	Municipal Buildings. Wherever feasible, incorporate renewable energy technology such as solar, cogeneration, and fuel cells, in the construction or retrofitting of City facilities. Continue use of MCE Deep Green (100% renewable) power.	PW	Ongoing	
Program C-4.2A	Energy Efficiency Outreach. Continue to inform businesses and residents of programs and rebates to conserve energy and weatherize their homes.	CM (Sustainability)	No Action	
Program C-4.2B	Green Building Standards. Implement State green building and energy efficiency standards for remodeling projects and new construction. Consider additional measures to incentivize green building practices, low carbon concrete, and sustainable design.	CDD	No Action	
Program C-4.2C	Energy Efficiency Incentives. Provide financial incentives, technical assistance, streamlined permitting processes, and partnerships to	CDD, CM (Sustainability)	No Action	

	encourage energy-efficiency upgrades in new and existing buildings. Typical improvements include the use of energy-efficient windows, lighting, and appliances, induction and convection cooking, insulation of roofs and exterior walls, higher-efficiency heating and air conditioning (including electrical heat pump systems), and other projects that lower electricity and natural gas consumption.			
Program C-4.2D	Time-of-Sale Energy Audits. Consider requiring energy audits for residential and commercial buildings prior to property sales, including identification of cost savings from energy efficiency measures and potential rebates and financing options. An energy audit is a property inspection that identifies opportunities to improve energy efficiency.	CDD	No Action	
Program C-4.2E	Cool Roofs and Pavement. Encourage the use of materials that minimize heat gain on outdoor surfaces such as parking lots, roadways, roofs and sidewalks.	CDD	No Action	
Program C-4.3A	Innovative Technologies. Apply innovative technologies such as micro-grids, battery storage, and demand response programs that improve the electric grid's resilience and meet demand during high use periods. Encourage emergency battery back-up for power outages in lieu of generators. See also Policy CSI-4.13 on energy infrastructure	PW	Ongoing.	The City added battery backup units at several locations and continues to add with reconstruction projects.
Program C-4.4A	Use of Alternative Building Materials. Evaluate opportunities to amend the City's building codes and zoning ordinances to allow the use of acceptable resource-efficient alternative building materials and methods.	CDD	No Action	

Program C-4.5A	Solar Site Planning. Use the development review process to: <ul style="list-style-type: none"> a) Encourage opportunities for passive solar building design and the use of photo-voltaic materials and devices. b) Review proposed site design for energy efficiency, such as shading of parking lots and summertime shading of south-facing windows. 	CDD	No Action	
Program C-4.5B	Solar Access Ordinance. Consider developing a solar access ordinance to protect solar access rights and prevent restrictions on solar energy systems. The ordinance should address potential impacts related to development or modification of existing structures on neighboring properties.	CDD	No Action	
Program C-5.1A	CCAP Updates. Conduct complete updates of the CCAP at least once every 10 years, adjusting programs to achieve updated GHG goals. These goals should align with those adopted by Drawdown Marin, including reductions of 40% below 1990 levels by 2030, 60% below 2005 levels by 2040, and levels conforming to Executive Orders S-03-05 and B-55-18 by 2050. More aggressive goals may be adopted.	CM (Sustainability)	On May 6, 2019, City Council adopted a resolution adopting the San Rafael Climate Change Action Plan 2030.	On May 6, 2019, City Council adopted a resolution adopting the San Rafael Climate Change Action Plan 2030.
Program C-5.1B	Progress Reports. Prepare annual CCAP progress reports, including a list of priority actions. Local climate goals should align with regional goals, including those set through Drawdown Marin.	CM (Sustainability)	No Action	
Program C-5.1C	Quarterly Forum. Continue to hold the CCAP Quarterly Forum, which provides oversight on the implementation progress of sustainability and GHG reduction programs.	CM (Sustainability)	Ongoing	The City continued to host quarterly community CCAP forums the 3 rd Thursday of the month in January, April, July, and October from 4-6pm at the Community Development Conference Room, 3 rd Floor in City Hall, 1400 5 th Avenue.

Program C-5.1D	Funding. Identify funding sources for recommended actions, and pursue local, regional, state, and federal grants. Investigate creation of a local carbon fund or other permanent source of revenue.	CM (Sustainability)	No Action	
Program C-5.3A	Local Government Agency Involvement. Continue to provide a leadership role with other local governmental agencies to share best practices and successes.	CM	Ongoing	
Program C-5.3B	State and Federal Action. Recommend and support State and federal actions to update renewable energy portfolio standards, amend state building codes, and modify motor vehicle standards to reduce GHG emissions and achieve climate goals.	CM (Sustainability)	No Action	
Program C-5.3C	Regional Collaboration. Participate in regional collaborations among public agencies to enact and support new programs or shared improvements which promote or utilize renewable energy sources or reduce energy demand.	CM (Sustainability)	No Action	
Program C-5.4A	Low Carbon Municipal Vehicles. As finances allow, continue to shift the City's vehicle fleet to zero emission vehicles and use low carbon fuels as an interim measure until gasoline-powered vehicles are replaced.	PW	No Action	
Program C-5.4B	Advancing GHG and Sustainability Efforts. Monitor best practices in sustainability and the transition to GHG-free energy sources and evaluate the feasibility of applying such measures at the local level.	CM (Sustainability)	Ongoing	

Program C-5.7A	Public Outreach Campaign. As recommended by the Climate Change Action Plan, implement a communitywide public outreach and behavior change campaign to engage residents, businesses, and consumers around the impacts of climate change and the ways individuals and organizations can reduce their GHG emissions and create a more sustainable, resilient, and healthier community.	CM (Sustainability)	No Action	
Program C-5.7B	Resilient Neighborhoods. Continue participating in the Resilient Neighborhoods program and expand the program to include local businesses (see text box).	CM	Ongoing	
Program C-5.7C	Financial Incentives. Continue to raise awareness of savings, rebates and other financial incentives to conserve and recycle.	CM (Sustainability)	Ongoing	
Program C-5.7D	Promote Sustainability Efforts. Promote sustainability and climate change awareness through education, publications, the City's website, community organizations, and special events such as Earth Day and an annual Green Festival.	CM (Sustainability)	Ongoing	

PARKS, RECREATION, AND OPEN SPACE ELEMENT

Effectiveness of the Parks, Recreation, and Open Space Element in attainment of San Rafael's parks, recreation, and open space goals:

- Goal PROS-1: Quality Parks for All to Enjoy
- Goal PROS-2: Excellence in Recreational Programming
- Goal PROS-3: Protected, Well Managed Open Space

PROGRAM	PROGRAM DESCRIPTION	DEPT	STATUS	PROGRESS IN 2021
Program PROS-1.1A	Parks and Recreation Master Plan. Prepare a Parks and Recreation Master Plan, including citywide recommendations for park management, operations, facility development, potential		Progress	The Library and Recreation Department plan to launch the Parks and Recreation Master Plan Process in March 2022 including the creation of Parks & Recreation

	acquisition, and recreation service delivery, as well as recommendations for each City-owned park.			Master Plan Steering Committee. The City will be seeking input from the community about the future of San Rafael parks and recreation programs and classes through surveys, community meetings as well as other methods.
Program PROS-1.1B	Capital Improvement Program. Use the Capital Improvement Program to identify funding sources and timing of parks and recreation capital projects. See also Program PROS-3.3A on an Open Space Management Plan	PW	Ongoing	
Program PROS-1.2A	Municipal Code Amendment. Modify Chapter 15.09 of the Municipal Code to establish a general standard of 4.0 acres of improved parkland per 1,000. Adjust the formulas for dedication of land to reflect this standard.	PW	No Action	
Program PROS-1.2B	Park In Lieu Fees. Periodically adjust park in-lieu fees to reflect the prevailing costs of land and facilities. Any increases to existing fees should be developed through a public process in which potential cost impacts on development feasibility are disclosed and measures to offset impacts on housing costs are considered.	CDD	No Action	
Program PROS-1.2C	Exemptions. To reduce further increases in housing costs, exempt accessory dwelling units and affordable housing units from park in-lieu and dedication requirements. Consider eliminating the existing exemption for market-rate rental housing or adopting a modified fee schedule which considers factors such as unit size and total project size.	CDD	No Action	
Program PROS-1.3A	New Parks. Develop additional parks and playgrounds in areas with unmet needs and in	L&R	No Action	

	areas experiencing growth. Opportunities to create new parks within new development and on underutilized public land should be pursued.			
Program PROS-1.3B	Parks on Former School Sites. Work with San Rafael City Schools and the Miller Creek School District to identify ways to acquire on-site recreational facilities in the event that school properties are closed, leased, or offered for sale. (see also Policy LU-1.16 on school site reuse)	L&R	No Action	
Program PROS-1.3C	Adaptation Projects. Incorporate shoreline access and new recreational amenities in sea level rise adaptation and flood risk reduction projects where feasible.	CM (Sustainability)	No Action	
Program PROS 1.4A	Park Plan Review. Work with qualified landscape architects, the Design Review Board, the Park and Recreation Commission, and the Planning Commission when preparing and reviewing park master plans and designing park improvements.	L&R & PW	No Action	
Program PROS 1.4B	Community Engagement. Engage the community in park planning and facility development, including all groups and individuals who would be affected by such improvements.	L&R & PW	Progress	The Library & Recreation and Public Works Departments plan to hold a series of community meetings, focus groups, and surveys to gather input from the public about how to improve San Rafael parks, recreational facilities and programs as part of the Parks and Recreation Master Plan process. The departments also plan to hold an outreach event and conduct a survey to gather feedback from the Sun Valley neighborhood on planned improvements to the Sun Valley Park.
Program PROS-1.5A	Branding and Signage. Develop and implement consistent branding, wayfinding, and interpretive signage for San Rafael's parks that identify park and open space properties and help the public	L&R	No Action	

	locate, navigate, and understand them. Park signage should be attractive, durable, and contribute to civic pride and identity.			
Program PROS-1.6A	Needs Assessment. Conduct a needs assessment as part of a Parks and Recreation Master Plan. Recreational facility needs should be periodically reevaluated in response to trends, demographics, and changing conditions.	L&R	Progress	The Parks and Recreation Master Plan, scheduled to begin in 2022 and to be completed in early 2023, will include a needs assessment as part of the scope of work.
Program PROS-1.6B	Park Improvements. As part of the Parks and Recreation Master Plan, prepare plans to improve neighborhood and community park facilities. Seek funding to implement these plans.	L&R	Progress	The Parks and Recreation Master Plan, scheduled to begin in 2022 and to be completed in early 2023, will include recommendations on improvements to neighborhood and community park facilities.
Program PROS-1.7A	Field Improvements. Evaluate local athletic fields as part of a Parks and Recreation Master Plan. Develop design and capital facility recommendations for athletic fields based on the findings.	L&R	Progress	The Parks and Recreation Master Plan, scheduled to begin in 2022 and to be completed in early 2023, will evaluate local athletic fields as part of the scope.
Program PROS-1.11A	Design for All Users. Engage park users, businesses, residents, and social service providers in the design and management of urban parks to safely accommodate all users, provide universal access, and minimize conflicts.	L&R	No Action	
Program PROS-1.11B	Activating Public Space. Work with cafes, restaurants, and other businesses to activate and maintain urban parks and plazas. This can provide 'eyes on the space,' create a sense of ownership, and facilitate economic vitality by providing space for outdoor dining and vending.	L&R	No Action	
Program PROS-1.12A	Joint Use Agreements. Work with San Rafael City Schools and the Miller Creek School District to formalize joint use agreements for parks, playgrounds, sports fields, and other school facilities.	L&R	No Action	

Program PROS-1.13A	Onsite Recreation Facilities. Continue to implement zoning regulations that require appropriate recreational facilities for residents in new development.	CDD	Ongoing	
Program PROS-1.13B	Rooftop Open Space. Encourage the development of rooftop open space in higher density residential, mixed use, and commercial projects. Such spaces should be designed to minimize the potential for noise, privacy, and light impacts on nearby properties.	CDD	Ongoing	
Program PROS-1.14A	Commercial Recreation. Consider amending the zoning ordinance to allow a floor area ratio exemption for on-site recreational facilities open to the public.	CDD	No Action	
Program PROS-1.15A	Cost Considerations in New Projects. Consider maintenance and long-term operating costs when developing any new facility or modernizing an existing facility. Funding mechanisms for maintenance should be identified for every capital project.	L&R	No Action	
Program PROS-1.15B	Park Stewardship. Encourage “adopt a park” programs and other stewardship initiatives that engage volunteers in park clean-up, maintenance, invasive plant removal, and other improvements. Explore agreements with the Downtown Streets Team and similar organizations to maintain park and open space areas.	L&R	No Action	
Program PROS-1.16A	Park Funding Strategy. Seek new and ongoing sources of funds for park development and maintenance, including grants, foundations, bonds, taxes and assessment districts, impact fees, contributions from “Friends” organizations, renewal of Measure A, private donations and land	L&R	No Action	

	dedications, public/private joint ventures, the Capital Improvement Program, and all other available means.			
Program PROS-1.16B	Naming Rights and Sponsorships. Explore opportunities to generate revenue through naming rights, sponsorships, and charitable giving.	L&R	No Action	
Program PROS-1.6C	Sale, Lease, or Contractual Agreements. In the event City-owned park or open space land is sold or leased in the future, require that the proceeds are appropriately used to support park improvements, maintenance, or operating costs.	L&R	No Action	
Program PROS-1.18A	Sustainable Design. Incorporate sustainability principles such as reduced water and energy, use of recycled and non-toxic materials, stormwater capture, and carbon sequestration, in the design and construction of park facilities and grounds. Where feasible, parks should also support the City's wildfire prevention and sea level rise adaptation strategies, and be designed to maximize accessibility by pedestrians, bicyclists, and transit users.	L&R, CM (Sustainability)	No Action	
Program PROS-2.1A	Age-Specific Programs. Provide facilities and programs that are specifically designed to meet the needs of children, teens, and older adults, as well as those designed for intergenerational participants.	L&R	No Action	
Program PROS-2.1B	Cultural Competency. Provide culturally competent and inclusive programming that reflects the diversity of San Rafael's population.	L&R	No Action	
Program PROS-2.2A	Program Evaluations. Monitor and evaluate participation in the City's recreational programs and use this information when developing new programs.	L&R	No Action	

Program PROS-2.2B	Surveys. Conduct periodic surveys in multiple languages to evaluate recreational needs in neighborhoods and the city as a whole (see also Program EDI-1.3B on multi-lingual, culturally competent surveys).	L&R	Progress	The Library & Recreation Department plans to launch a Statistically-Valid Survey for Parks and Recreation Master Plan to begin March 3, 2022 as well as a Communitywide Questionnaire scheduled to run from March through May 2022.
Program PROS-2.3A	Summer Programs. Provide increased programming during periods when children are out of school, including summer youth programs at locations convenient to each neighborhood.	L&R	Progress	The Library and Recreation Department plans to partner with San Rafael City Schools and Marin YMCA to implement a free summer camp for up to 75 Canal youth in the summer of 2022.
Program PROS-2.4A	Operating Hours. Maintain operating hours that meet public needs and accommodate activities such as child care and after school care.	L&R	Ongoing	
Program PROS-2.6A	User Fees. Recover a portion of recreational program costs through user fees, facility rentals, and other direct charges for public use. Provisions to reduce fees for non-profit organizations and low income and special needs patrons should be included.	L&R	Progress	Implemented an updated Recreation and Childcare Master Fee Schedule, which was adopted by City Council in July 2021. Developed and implemented a new Scholarship Program to help offset recreation program costs for low-income residents.
Program PROS-2.10A	Back-Up Power. Maintain back-up power sources at the City's community centers so they remain operational during power outages. Community centers should serve as community gathering places in the event of an emergency or disaster.	L&R	No Action	
Program PROS-3.1A	Criteria for Open Space Protection. Use the following criteria for identifying and prioritizing open space parcels for future protection (the criteria are not listed in any particular order): a) Environmental health and safety issues and potential geologic and seismic hazards. b) Aesthetics (visual backdrop or edge, unique site features, shoreline, ridgelines). c) Wildlife resource value (wetlands, creeks and riparian areas, wildlife habitat and movement	L&R	No Action	

	<p>corridors, and habitat for special status species).</p> <ul style="list-style-type: none"> d) Ability to sequester carbon and mitigate potential climate-related impacts, including reduction of wildfire hazard, drought resilience, protection from sea-level rise. e) Importance to the community as a whole and/or adjoining neighborhoods. f) Merits of alternative uses. g) Ability to connect existing open spaces. h) Potential for recreational uses and/or environmental education, especially for economically disadvantaged communities. i) Availability of outside (non-City) financial assistance. j) Potential maintenance and management costs and liability exposure for the City. k) Feasibility of protection through zoning, easements, development agreements, and other tools rather than through acquisition. 			
<p>Program PROS-3.1B</p>	<p>Open Space Opportunities in New Development. Pursue opportunities to expand the City’s open space network when new development is proposed. This can be achieved through such strategies as clustering development, providing buffers and fuel breaks along site perimeters, dedicating on-site parkland, and mitigating project impacts through wetlands restoration or other measures. When potential open space is not contiguous to existing public open space, the preference is to retain it in private ownership. Maintenance agreements for such areas should include a permanent funding mechanism for maintenance and rehabilitation, follow sound ecological principles, and be enforceable by the City in the future.</p>	<p>L&R & CDD</p>	<p>No Action</p>	

Program PROS-3.1C	Priority Conservation Areas. Explore the feasibility of Priority Conservation Areas (PCA) designations for large areas of contiguous private open space in the San Rafael Planning Area. The PCA designation recognizes the significance of these areas as open space and provides support for their long-term conservation. Owner consent shall be obtained before an application for a PCA is submitted to ABAG.	CDD	No Action	
Program PROS-3.1D	Aquatic Open Space. Consider formal designation of a San Rafael Bay Aquatic Open Space in the waters off the city's shoreline. Compatible conservation and recreational uses such as fishing, kayaking, and paddle boarding should be encouraged in this area.	L&R, CDD	No Action	
Program PROS-3.2A	Management Prescriptions. Develop management prescriptions for different types of open space that recognize their capacity for improvements, access limitations, natural hazard levels, biological resources, and other physical characteristics (Note: this should be done as part of Program PROS-3.3A, listed below).	L&R	No Action	
Program PROS-3.3A	Open Space Management Plan. Work collaboratively with residents, environmental organizations, fire departments, and land management agencies such as Marin Municipal Water District, Marin County Parks and Open Space District, and California State Parks to develop an Open Space Management Plan. The Plan should address appropriate uses of open space in the Planning Area, along with provisions for ongoing maintenance and improvement. It should include six areas of focus: a) Recreation, including appropriate access points, parking and staging	L&R, PW	Progress	The Fire Department participated in ongoing efforts relating to vegetation and fuel reduction work.

	<p>areas, wayfinding and interpretive signage, existing and future trail alignments, and guidelines for the location of amenities such as picnic tables and benches.</p> <p>b) Habitat Protection, including enhancing natural habitats, mitigating the impacts of human activities and climate change on plant and animal life, and preserving natural ecological functions.</p> <p>c) Hazard reduction, in accordance with ecologically sound practices and wildfire science, including removal of highly flammable invasive species, emergency access, and erosion control. This should be closely coordinated with ongoing efforts by the San Rafael and Marin County Fire Departments, Marin Wildfire Prevention Authority, CalFIRE, and non-profit organizations such as FireSafe Marin.</p> <p>d) Green infrastructure, including the capacity of open space areas to sequester carbon, absorb runoff, maintain water quality, mitigate climate change impacts, protect and enhance native biodiversity, and improve resilience.</p> <p>e) Public education, including interpretive facilities</p> <p>f) Funding, including operating costs and capital projects, and options for covering those costs such as assessment districts, interagency agreements, volunteer programs, and private funding, in addition to City funds.</p>			
--	---	--	--	--

Program PROS-3.4A	Diseased Vegetation. Work with resource agency experts to address tree pathogens and to remove hazardous vegetation and harmful invasive plants.	L&R, FIRE, PW	Ongoing	Ongoing within the scope of fires wildfire prevention efforts.
Program PROS-3.4B	Illegal Encampments. Continue to work with private and public property owners to identify and remove illegal encampments in open space areas. Provide a clear method for the public to report encampments when they are observed and work with Marin County Health and Human Services to help those in encampments find housing.	CM (Homelessness)	Ongoing	Ongoing in collaboration with PD and Fire.
Program PROS-3.5A	Appropriate Use of Private Open Space. When land is set aside as permanent open space in a private development or is dedicated to a public agency as open space, specify enforceable use limitations such as restrictions on structures, plant materials, and fences.	L&R	No Action	
Program PROS-3.6A	Access Points. Use the development review process to identify open space access points and required features such as signage, trailheads, and parking.	CDD, PW, L&R	No Action	
Program PROS-3.7A	Coordination with Other Jurisdictions. Continue to work with the public agencies managing open space within the San Rafael Planning Area to coordinate and implement City and County wildfire action plans, habitat conservation programs, and recreation improvements.	L&R, CDD	Ongoing	
Program PROS-3.8A	Citywide Trails Map. Develop—or assist volunteers with developing—a citywide trail map, building on work that has already been done by local advocacy groups.	L&R	No Action	

<p>Program PROS-3.8B</p>	<p>Trails Master Plan. Pursue grant funding and develop a Trails Master Plan, including provisions to improve access and signage to park and open space areas from San Rafael neighborhoods and balance the needs of different trail user groups. The Master Plan should include recommendations for new and enhanced trails, minimizing wildlife and habitat impacts, use guidelines for a variety of users, signage, surface materials, maintenance, compliance with trail rules, and staging areas. The Plan should incorporate the “greenway” improvements from the Bicycle and Pedestrian Master Plan, as well as plans for the Bay Trail, Canal walkway, North San Rafael promenade, and “water” trails for kayaks in San Francisco Bay. San Rafael’s network of neighborhood paths, stairways, and mid-block walkways also should be included.</p> <p>See also Mobility Element Program M-6.4A regarding an Urban Trails Master Plan</p>	<p>L&R</p>	<p>No Action</p>	
<p>Program PROS-3.10A</p>	<p>Public Education. Continue outreach and public education on open space management, including wildfire prevention, stormwater management requirements, predatory animal control, climate change, and coordination between public and private property owners. Also, conduct periodic user surveys to better understand the needs and interests of open space visitors and determine which areas may require further attention.</p>	<p>L&R</p>	<p>Ongoing</p>	
<p>Program PROS-3.10B</p>	<p>Interpretive Facilities. Encourage the development of interpretive trails, nature centers, signage, and similar features that educate San Rafael youth and adults about the natural environment, best practices in conservation, and the value of open space. This should include information about the historic value of open</p>	<p>L&R</p>	<p>Progress</p>	<p>Supporting the Audobon Society in the development of the Tiscornia Marsh project, which will include the development of interpretive signage for the pathway around Pickleweed Park.</p>

	space, including past uses of individual sites (such as mining, logging, military defense, farming, and hunting).			
SAFETY AND RESILIENCE ELEMENT				
<p>Effectiveness of the Safety and Resilience Element in attainment of San Rafael’s safety and resilience goals:</p> <ul style="list-style-type: none"> • Goal S-1: A Safer, More Resilient City • Goal S-2: Resilience to Geologic Hazards • Goal S-3: Resilience to Flooding and Sea Level Rise • Goal S-4: A Fire-Safe Community • Goal S-5: Protection from Hazardous Materials 				
PROGRAM	PROGRAM DESCRIPTION	DEPT	STATUS	PROGRESS IN 2021
Program S-1.1A	LHMP Mitigation Action Plan. Implement the Mitigation Action Plan in the LHMP. The City will consider opportunities to advance each action through operating procedures, development approvals, budgets, public education, and capital improvement projects.	CM (Sustainability)	No Action	
Program S-1.1B	Mitigation Program Funding. Develop an overall funding strategy to prioritize and pursue mitigation projects, including identification and tracking of grants and regular coordination with FEMA and State hazard mitigation agencies.	CM (Sustainability)	No Action	
Program S-1.1C	LHMP Updates. Periodically update the Local Hazard Mitigation Plan to reflect new data, technology, available resources, partnership opportunities, and state and federal requirements.	CM (Sustainability)	San Rafael’s Local Hazard Mitigation Plan (LHMP) was last updated June 2017.	San Rafael’s Local Hazard Mitigation Plan (LHMP) was last updated June 2017.
Program S-1.2A	Entitlement Process. Use the entitlement process to evaluate the potential for hazards and to require appropriate mitigation measures and approval conditions.	CDD	Ongoing	
Program S-1.2B	Use of Hazard Maps in Development Review Review slope stability, seismic hazard, flood hazard, sea level rise, wildfire, and other environmental hazard maps when development is	Digital, CDD, CM (Sustainability)	No Action	

	<p>proposed. Update hazard maps to include data collected during development review and other studies. Measures to adequately mitigate mapped hazards should be identified prior to project approval.</p> <p>See also Policy LU-1.8 on clustering. See the Conservation/Climate Change Element for policies relating to air quality and development suitability.</p>			
Program S-1.3A	<p>Critical Facilities in Vulnerable Areas. Prepare a Public Facility Vulnerability Assessment to identify City buildings and other infrastructure that are susceptible to environmental hazards. Measures should be taken to avoid extraordinary maintenance and operating expenses associated with hazardous conditions and minimize damage potential and interruption of service following a disaster.</p>	CM (Sustainability)	No Action	
Program S-1.4A	<p>LHMP Amendments. Amend local emergency preparedness documents as needed to address public health emergencies, including communication protocol, emergency operating procedures, and provisions for sheltering-in-place.</p>	CM (Sustainability)	No Action	
Program S-1.4B	<p>Pandemic Response and Recovery. Monitor and update data to support response and recovery to the COVID-19 pandemic. Such data should consider immediate and long-term impacts on housing, jobs, equity, local retail, parks and open spaces, health care, social services, the environment, demand for City services, and other variables that shape the safety and well-being of San Rafael residents and employers. As needed, amend policies and ordinances to address pandemic impacts and facilitate recovery and resilience to future public health emergencies.</p>		No Action	

Program S-2.1A	Seismic Design. Adopt and enforce State building codes which ensure that new or altered structures meet the minimum seismic standards set by State law. State codes may be amended as needed to reflect local conditions.	CDD	Ongoing	
Program S-2.1B	Geotechnical Review. Continue to require soil and geologic hazard studies and peer review for proposed development as set forth in the City's Geotechnical Review Matrix (See Appendix F and text box at right). These studies should determine the extent of geotechnical hazards, optimum design for structures and the suitability and feasibility of proposed development for its location, the need for special structural requirements, and measures to mitigate any identified hazards. Periodically review and update the Geotechnical Review Matrix to ensure that it supports and implements the Local Hazard Mitigation Plan by identifying potentially hazardous areas. Consider removing the procedures from the General Plan and instead adopting them as part of the Zoning Ordinance or through a separate resolution.	CDD	Ongoing	
Program S-2.1C	Earthquake Hazard Study. As recommended by the Local Hazard Mitigation Plan, complete an Earthquake Hazard Study that examines geologic hazards in the city.	CM (Sustainability)	No Action	
Program S-2.2A	Landslide Mitigation and Repair Projects. Undertake landslide hazard mitigation and repair projects, as outlined in the LHMP. These projects include a landslide identification and management program, repair of the Fairhills Drive landslide, and repair of the Bret Harte sewer easement.	CM (Sustainability)	No Action	

Program S-2.3A	Seismic Safety Building Reinforcement. Enforce State and local requirements for reinforcement of existing buildings, including the city's remaining unreinforced masonry (URM) buildings.	CDD	Ongoing	
Program S-2.3B	Soft-Story Building Mitigation Plan. Complete a citywide assessment of soft-story buildings and develop a mitigation strategy and cost-benefit analysis to modify these structures to reduce their potential to collapse during an earthquake.	CM (Sustainability)	No Action	
Program S-2.4A	Inspection List. Develop and maintain a list of facilities that would be inspected after a major earthquake, including City-owned essential or hazardous facilities. Facilities on the list should be prioritized for inspection-scheduling purposes.	CM (Sustainability)	No Action	
Program S-2.5A	Erosion and Sediment Control Plans. Require Erosion and Sediment Control Plans (ESCPs) for projects meeting the criteria defined by the Marin County Stormwater Pollution Prevention Program, including those requiring grading permits and those with the potential for significant erosion and sediment discharges. Projects that disturb more than one acre of soil must prepare a Stormwater Pollution Prevention Plan, pursuant to State law.	PW	No Action	
Program S-2.5B	Grading During the Wet Season. Avoid grading during the wet season due to soil instability and sedimentation risks, unless the City Engineer determines such risks will not be present. Require that development projects implement erosion and/or sediment control measures and runoff discharge measures based on their potential to impact storm drains, drainageways, and creeks.	PW	Ongoing	
Program S-2.5C	Sediment Use. Explore the use of sediment from human activities such as dredging and natural	PW	No Action	

	processes such as erosion for wetlands restoration and shoreline resiliency projects.			
Program S-3.1A	Incorporate into City GIS. Incorporate the Sea Level Rise Prediction Map into the City’s Geographic Information System (GIS) map and utilize GIS as a publicly accessible tool for tracking flooding and sea level rise hazards.	Digital, CM (Sustainability)	No Action	
Program S-3.1B	Periodic Update of Sea Level Rise Prediction Map. Review sea level rise data at least once every five (5) years to determine the need for Map updates.	Digital, CM (Sustainability)	No Action	
Program S-3.1C	Sea Level Rise Overlay Zone. Adopt an “overlay zone” on the City Zoning Map incorporating the Sea Level Rise Projection Map. The “overlay zone” shall include land use regulations for site planning and a minimum construction elevation that reflects flooding and sea level rise data.	Digital, CM (Sustainability)	No Action	
Program S-3.2A	Coordination with County of Marin. Coordinate with the County of Marin on updating data related to increased flooding and sea level rise. Utilize the County of Marin Bay Waterfront Adaptation & Vulnerability Evaluation (BayWAVE) as the basis for all City-prepared documents and plans addressing and adapting to increased flooding and sea level rise.	CM (Sustainability)	No Action	
Program S-3.3A	Residential Building Resale (RBR) Reports. Revise the RBR Report template to include a disclosure of potential property risk due to increased tidal flooding and sea level rise. Utilize the Sea Level Rise Prediction Map for confirming property vulnerability. Work with realtors and property owners to implement this requirement.	CM (Sustainability)	No Action	

Program S-3.4A	Development Projects. Where appropriate, require new development, redevelopment projects, and substantial additions to existing development to consider and address increased flooding and sea level rise impact, and to integrate resilience and adaptation measures into project design.	CDD	Ongoing	
Program S-3.4B	Capital Projects and Roadways. Prepare a guidance document to address increased flooding, sea level rise impacts, and adaptation measures into the City’s capital projects and planning process. This should include strategies to identify and evaluate the costs, benefits and potential revenue sources for elevating or redesigning low-lying roadways and critical infrastructure. If the life of a public improvement in a vulnerable area extends beyond 2050, adaptation measures should be incorporated.	PW, CM (Sustainability)	No Action	
Program S-3.4C	Coordination with Utilities and Services. Coordinate with the utilities and services that have infrastructure and facilities in vulnerable areas (for example: wastewater treatment plants) to ensure that sea level rise information and goals are consistent with the City’s goals, and that infrastructure/utilities projects address and plan for increased flooding and sea level rise. See also Policies CSI-4.6 and M-2.11 addressing sea level rise impacts on infrastructure and transportation	PW, CM (Sustainability)	Ongoing	
Program S-3.5A	Code Amendments for Floor Elevation. Update and adopt zoning, building and public works code requirements to establish and mandate a minimum finished floor elevation for new development, redevelopment and substantial additions to existing development. Consider	CDD, PW	Ongoing	

	adopting a minimum, finished floor elevation requirement of +3 feet above the FEMA 100-year flood elevation requirement. ²			
Program S-3.5B	Ground Elevation Surveys. Perform periodic ground elevation surveys in the Sea Level Rise vulnerability zone. The result of the surveys should be considered when developing projects to reduce coastal flooding potential.	CM (Sustainability)	No Action	
Program S-3.5C	Title 18 Flood Protection Standards. Evaluate and revise Title 18 of the Municipal Code (Protection of Flood Hazard Areas) to address anticipated sea level rise, increases in rainfall intensities, and any changes related to Federal or regional flood reduction criteria.	CM (Sustainability), City Attorney	No Action	
Program S-3.5D	National Flood Insurance Program (NFIP). Continue to comply with the federal NFIP by maintaining a flood management program and flood plain management regulations. In addition, develop and periodically update a Community Rating System (CRS) to notify residents of the hazards of living in a flood area, thereby reducing local flood insurance rates.	CM (Sustainability)	No Action	
Program S-3.6A	Sea Level Rise Adaptation Plan. Prepare and adopt an adaptation plan addressing increased flooding and sea level rise. The adaptation plan shall include the following components: <ul style="list-style-type: none"> a) Sea Level Rise Projection Map, to be used as the basis for adaptation planning. b) Coordination with local, county, state, regional and federal agencies with bay and shoreline oversight, major property owners, and owners of critical 	CM (Sustainability)	Progress	Building off the more current resources and utilizing the BayWAVE Vulnerability Assessment as a foundation, City staff has prepared the Flood Risk & Sea Level Rise Adaptation Report , which has been incorporated into General Plan 2040. The purpose of this report is to “set the stage” in providing initial guidance on how an adaptation plan is to be developed and what is to be included in the plan. The report

² The + 3 feet requirement has been used in several other bayfront communities.

	<p>infrastructure and facilities in the preparation of the adaptation plan.</p> <ul style="list-style-type: none"> c) An outreach plan to major stakeholders and all property owners within the vulnerable areas. d) An inventory of potential areas and sites suitable for mid- to large-scale adaptation projects (see Appendices D and E for more information) e) A menu of adaptation measures and approaches that could include but not be limited to: <ul style="list-style-type: none"> o Managed retreat, especially on low-lying, undeveloped and underdeveloped sites; in areas that are permanent open space; and in areas that are environmentally constrained. Transfer of development rights from such areas should be encouraged. o Innovative green shoreline protection and nature-based adaptation measures such as wetlands and habitat restoration, and horizontal levees where most practical and feasible. o Hard line armoring measures (sea walls, levees, breakwater, locks, etc.) in densely developed areas to minimize the potential for displacement of permanent residents and businesses. o Elevating areas, structures, and infrastructure to reduce risks. f) The appropriate timing and “phasing” of adaptation planning and implementation. g) Potential financing tools and opportunities. h) Coordination or incorporation into the San 			<p>presents the following suggestions for developing an adaptation plan:</p> <ol style="list-style-type: none"> 1. Establish clear objectives through a community-based process 2. Utilize Adaptation Land Use Planning – Guidance for Marin County Local Governments 3. Identify policy and regulatory measures 4. Identify the appropriate adaptation tools and strategies 5. Identify financing measures and funding sources for implementation
--	---	--	--	---

	Rafael Local Hazard Mitigation Plan.			
Program S-3.6B	Partnerships. Foster, facilitate and coordinate partnerships with the County of Marin, other effected agencies and utilities, property owners, and neighborhood groups/organizations on planning for and implementing adaptation projects.	CM (Sustainability)	No Action	
Program S-3.6C	Countywide Agency/Joint Powers Authority. Work with the County of Marin to facilitate the formation of a centralized countywide agency or joint powers authority to oversee adaptation planning, financing and implementation.	CM (Sustainability)	No Action	
Program S-3.7A	Levee Improvement Plans. Assess existing levees, berms, and flood control systems to identify reaches with the greatest vulnerability. Develop improvement plans based on existing conditions and projected needs, as documented in adaptation plans. This should include improvement studies for the Spinnaker Point levee, as recommended by the LHMP, and the Canalways levee along San Rafael Bay.	PW, CM (Sustainability)	No Action	
Program S-3.7B	Financing Levee Improvements. Coordinate with property owners; residents and businesses; federal, state, and regional agencies; utilities; and other stakeholders to evaluate potential methods of improving levees and funding ongoing levee maintenance, including assessment or maintenance districts. The cost and fiscal impacts of levee improvements should be evaluated against potential benefits and costs and consequences of inaction.	CM (Sustainability), City Clerk, ED	No Action	
Program S-3.8A	Storm Drainage Improvements. Consistent with Countywide and regional stormwater management programs, require new development	PW	Ongoing	

	with the potential to impact storm drainage facilities to complete hydrologic studies that evaluate storm drainage capacity, identify improvements needed to handle a 100-year storm, and determine the funding needed to complete those improvements.			
Program S-3.8B	<p>Green Infrastructure Guidelines. Evaluate potential measures to more sustainably manage stormwater, erosion, and improve water quality associated with urban runoff. This includes improvements such as rain gardens and permeable pavement, which attenuate flooding downstream and provide ecological benefits.</p> <p>See also Goal C-3 and Policy CSI-4.10 for related policies and programs on water quality and storm drainage</p>	PW	Ongoing	
Program S-3.9A	<p>Incremental Flood Control Improvements. Where needed and possible, new development/redevelopment projects shall include measures to improve area flood protection. Such measures would be identified and required through the development review process.</p>	PW	No Action	
Program S-3.9B	<p>Flood Hazard Mitigation Projects. Undertake flood hazard mitigation projects as outlined in the Local Hazard Mitigation Plan, including sewer relocation and replacement, pump station rehabilitation, corrugated metal pipe replacement, and improvements to flood-prone streets such as Beach Drive.</p>	PW	No Action	
Program S-3.9C	<p>Restoration and Dredging Projects. Implement restoration and dredging projects that will increase stormwater drainage capacity and reduce flood hazards. As noted in the LHMP, this</p>	PW	Ongoing	

	could include restoration of the Freitas Parkway flood channel and dredging of Gallinas Creek and the San Rafael Canal.			
Program S-4.1A	Wildfire Prevention and Protection Action Plan. Implement the Wildfire Prevention and Protection Action Plan (August 2020) in a manner consistent with the direction provided by the San Rafael City Council.	FIRE	Ongoing	Ongoing with significant progress relating to defensible space, open space management, public education, and evacuation improvements
Program S-4.1B	Fire Hazard Maps. Maintain maps identifying potential fire hazard areas in San Rafael. Use these maps for vegetation management and planning purposes.	FIRE, Digital	No Action	
Program S-4.1C	Fire Protection Ordinance. Continue to implement Municipal Code standards to reduce fire hazards in areas, including vegetation management requirements and the designation of a Wildland-Urban Interface (WUI) Zone. Periodically update these standards and the WUI map to implement Wildfire Action Plan measures and other programs to further reduce wildfire risks.	FIRE, City Attorney	Progress	Citywide vegetation standards have been adopted.
Program S-4.1D	Wildfire Fuel Breaks. Where necessary, create new fuel interruption zones in Wildland Urban Interface areas and maintain and expand zones that are already in place. Highly flammable exotic vegetation should be strategically removed in these areas to slow the spread of wildfire and reduce threats to homes.	FIRE, Digital	Ongoing	Ongoing with significant work completed.
Program S-4.1E	Goat Grazing. Continue the use of goat grazing on lands where native vegetation will not be harmed through cooperative relationships with contractors and public agencies.	FIRE	Ongoing	Annual project that is ongoing.

Program S-4.1F	Encampment-Related Hazards. Work collaboratively with service providers for homeless residents and other partners to reduce fire hazards associated with illegal encampments and campfires. Consider partnerships to employ unsheltered residents in vegetation management work.	FIRE, CM (Homelessness)	Ongoing	Ongoing, including vegetation removal in encampment sites.
Program 4.1G	Open Space and Forestry Management. Develop science-based open space and forest management plans to reduce fuel loads, maintain fuel breaks, replace highly flammable species with native species, and increase the health and carbon sequestration potential of open space lands. See the Parks, Recreation, and Open Space Element for additional policies and programs on open space management.	FIRE, L&R	Ongoing	Focused on removal with plans to replace.
Program S-4.2A	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 shake 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.	FIRE	Progress	Ongoing with the support of a resident grant program and the requirement to replace all shake roofs. Parking restrictions completed on San Rafael Lincoln Hill with other areas in progress.
Program S-4.2B	Tree Maintenance. Undertake a tree safety maintenance program to maintain the health and safety of trees along public roadways and minimize safety impacts from trees falling in road rights of way.	PW	Ongoing	

	See the Conservation Element and Community Design Element for additional policies on trees			
Program S-4.2C	Public Education on Fire Resilience and Response. Improve public education and awareness about fire-safe structures and landscaping. This should include demonstration projects that help property owners understand what species to remove and what to plant, and how to make their homes more fire-resistant. Education programs also should address actions to be taken in the event a fire is approaching, including warnings, evacuation routes, shelters, and provisions for “go bags” and personal safety.		No Action	
Program S-4.3A	Fire Hazard Mitigation in New Development. Through the development review process, require appropriate mitigation measures such as fire preventive site design, landscaping and building materials, and the use of fire suppression techniques such as interior and exterior sprinklers. Before adopting new Code standards and requirements, consider and disclose their potential costs to applicants relative to the benefits they may provide.	FIRE	Ongoing	
Program S-4.3B	Development Review for Emergency Response. Review development applications in fire prone areas to ensure adequate emergency vehicle access, and adequate water pressure and supply for fire-fighting purposes (see also Goal CSI-4).	FIRE	Ongoing	
Program S-4.3C	Wildfire Prevention Funding. Develop new partnerships, revenue opportunities, and funding avenues for wildfire prevention and hazard abatement. See also Program S-6.7A on additional emergency egress roads in Wildland Urban	FIRE	Ongoing	Nearly 4 million a year available via Measure C/MWPA. Continued efforts to acquire grants.

	Interface areas			
Program S-5.2A	CUPA Program. Continue to participate in the Certified Unified Program Agency (CUPA) program. The CUPA's responsibilities shall include overseeing the investigation and closure of contaminated underground storage tank sites.	PW	Ongoing	
Program S-5.3A	Inventory of Existing Hazards. Work with State and County GIS data to identify existing hazardous materials permit holders near schools, evaluate relative risk levels, and determine actions in the event of an accidental release. This data should be used to evaluate risk levels and develop measures to ensure the safety of students and school staff where necessary.	CM (Sustainability)	No Action	
Program S-5.3B	Reducing Hazards Near Schools. Consistent with CEQA and the California Public Resource Code 21151.4, limit activities with the potential to release hazardous materials within one-quarter mile of schools.	PW	Ongoing	
Program S-5.4A	Use of Environmental Databases in Development Review. When development is proposed, use environmental and hazardous materials data bases (such as the State GeoTracker data base) to determine whether the site is contaminated as a result of past activity. As appropriate, require studies and measures to identify and mitigate identified hazards.	CDD, FIRE, PW	Ongoing	FIRE worked with consultants for environmental compliance on relevant projects.
Program S-5.4B	Hazardous Soils Clean-Up. Work with appropriate agencies to require remediation and clean-up prior to development of sites where hazardous materials have impacted soil or groundwater. The required level of remediation and clean-up shall be determined by the Certified Unified Program Agency (see Program S-3.2A)	PW	No Action	

	based on the intended use of the site and health risk to the public.			
Program S-5.4C	Environmental Site Management Plan (ESMP). Require the preparation of an ESMP in consultation with the San Francisco Bay Regional Water Quality Control Board and/or the Department of Toxic Substance Control (DTSC), for proposed development on sites with known contamination of hazardous materials pursuant to Government Code Section 65962.5. This includes, but is not limited to, sites in the on-line DTSC EnviroStor Data Base and the State GeoTracker Data base.	CM (Sustainability)	No Action	
Program S-5.4D	Soil Vapor Intrusion Assessment. For sites with potential residual soil or groundwater contamination that are planned for redevelopment with an overlying occupied building, a soil vapor intrusion assessment shall be performed by a licensed environmental professional. If the results indicate the potential for significant vapor intrusion into the building, project design shall include vapor controls or source removal as appropriate in accordance with regulatory agency requirements.	PW	No Action	
Program S-5.5A	Safe Transport of Hazardous Materials. Support California Highway Patrol's efforts to ensure the safe transport of hazardous materials.	PW	Ongoing	
Program S-5.5B	Pipeline Safety. Coordinate with regulatory agencies and utilities to ensure the safety of all fuel pipelines and ensure that maintenance and operating conditions are fully compliant with all state and federal safety regulations.	PW	No Action	

Program S-6.1A	Mutual Aid Agreements. Continue, and where feasible expand, mutual aid agreements that augment public safety personnel in times of emergency.	PW	No Action	
Program S-6.1B	Standardized Emergency Management System (SEMS). Maintain a SEMS-based emergency plan that provides direction and identifies responsibilities after a disaster. Continue to train all City employees and officials in SEMS procedures.	FIRE	Ongoing.	
Program S-6.1C	Emergency Preparedness Plan. Update and publicize the City's emergency preparedness plan in conformance with State guidelines, including information on evacuation routes and shelter locations. The City's Emergency Operations Center Handbook also should be updated.	FIRE	Progress	The City worked on updating the EOP (Emergency Operating Procedures).
Program S-6.1D	Urban Search and Rescue Techniques. Continue to ensure that Urban Search and Rescue techniques remain current. Provide opportunities for trained volunteers to participate as appropriate.	FIRE	Ongoing	Fire continues to closely coordinate with Marin County Urban Search and Rescue team to ensure that Urban Search and Rescue techniques remain current and provide opportunities for trained volunteers to participate as appropriate.
Program S-6.2A	Educational and Training Programs. Support educational and training programs through the Police and Fire Departments and community-based organizations. These Programs include Community Emergency Response Teams (CERT), Citizens Police Academy, Neighborhood Response Groups (NRGs), and Voluntary Organizations Active in Disaster (VOAD) among others. Neighborhood teams should supplement City resources during emergency situations and can assist in disaster preparedness and mitigation efforts.	FIRE	Ongoing	

Program S-6.2B	Neighborhood Disaster Plans. Provide technical assistance as needed to develop and update neighborhood disaster plans.	FIRE	Ongoing	
Program S-6.2C	Website Improvements. Regularly update the Fire Department’s website and social media presence to provide information on disaster preparedness, resources, and links to other sites. Include printed information in City publications such as the Recreation Activities guide.	FIRE	Ongoing	Ongoing in collaboration with readymarin.org and the county emergency portal website.
Program S-6.2D	Outreach to Vulnerable Populations. Identify vulnerable populations (such as non-English speaking residents, frail older adults, young children, and persons with disabilities) that may need assistance in times of disaster. Develop outreach programs that are geared toward these populations, including multi-lingual communications.	FIRE	Ongoing	Ongoing in collaboration with the VOAD and CRT.
Program S-6.2E	Disaster Management Drills. Conduct emergency response drills to test the effectiveness of local procedures, including evacuation and emergency shelter drills in neighborhoods prone to flooding and wildfire.	FIRE	Ongoing	City staff participated in Golden Eagle EOC exercise.
Program S-6.3A	Evacuation-Related Capital Projects. Identify key capital improvements needed to facilitate the orderly evacuation of at-risk areas and the ability of designated assembly points to handle evacuees.	FIRE	Progress	The MWPA has commissioned an Evacuation study in which the City is an active participant.
Program S-6.4A	Evacuation Shelters. Identify locations of evacuation shelters and provide the necessary training and supplies so that these centers can function effectively during and after a disaster. This should include refuge centers for extreme heat events, power failures, and air quality emergencies.	FIRE	Ongoing	

Program S-6.5A	Essential Services Following Disasters. Make provisions to continue essential emergency public services during and after natural disasters and other catastrophes.	FIRE	Ongoing	
Program S-6.5B	Employee Transportation. To ensure adequate safety personnel in an emergency, explore ways to transport first responders from outlying areas when damaged infrastructure prevents them from driving to San Rafael.	FIRE	No Action	
Program S-6.5C	Incentives for Disaster Response and Essential Worker Personnel. Support state legislation and City initiatives that would provide incentives for staff with roles in disaster response to live in San Rafael, so they may be readily available if a disaster should occur.	FIRE		
Program S-6.5D	Rapid Reconstruction Ordinances. Explore model ordinances and best practices to facilitate rapid reconstruction and recovery, including issues such as temporary housing and modular construction. Reconstruction should achieve code compliance, while advancing green building practices where feasible	FIRE, City Attorney, CDD, PW	Progress	Fire plans to facilitate the rapid issuance of fire permits.
Program S-6.6A	Involvement with Marin Emergency Radio Authority. Maintain active involvement with Marin Emergency Radio Authority (MERA) and pursue installation and activation of the MERA radio system.	FIRE	Ongoing	The City continued its role as an active partner.
Program S-6.6B	Emergency Alert Systems. Use emergency alerts, electronic message boards, and other notification systems to warn resident of an active threat such as a flood or wildfire. The use of emergency warning sirens and other types of mass notification alerts also should be considered.	FIRE	Ongoing	Ongoing. Under contract for message boards at key facilities and in the planning process of an LRAD in China Camp.

Program S-6.7A	<p>Emergency Connectors. Maintain the following existing access routes for emergency vehicles:</p> <ul style="list-style-type: none"> a) the existing connection between Freitas Parkway and Fawn Drive. b) the all-weather connections between Freitas and Fawn and between Ridgewood and Fawn. c) The connection between Del Ganado and Butterfield Road in Sleepy Hollow. d) The private portion of Sienna Way in the Dominican area. e) The access drive between Peacock and Biscayne. <p>Consider the need for additional emergency connectors, including the costs, effectiveness, impacts, and potential to use such routes for evacuation in the event of a wildfire.</p>	FIRE	No Action	
Program S-6.7B	<p>Obstruction of Evacuation Routes. Reduce obstacles for emergency vehicles and evacuation routes, including parked cars that constrict emergency vehicle passage.</p>	FIRE	Progress	<p>The San Rafael Safe Parking and Parking Box program will replace the '6 feet from center rule' in select areas of the City with narrow and/or windy roads. After installation the signs, paint, and/or boxes will clearly mark where it is possible to park and still allow emergency vehicles access and resident egress. Installing the boxes and signage provides a nuanced approach that improves public safety while limiting the impact on available parking as much as possible. The initial installation was completed September 2021.</p>
Program S-6.7C	<p>SMART Crossing. Work with SMART to explore the feasibility of an emergency vehicle rail and pedestrian/bicycle crossing at Merrydale Drive (see also Policy NH-4.10).</p>	FIRE	No action	
Program S-6.8A	<p>Facility Evaluations. Regularly evaluate the need to upgrade essential public safety facilities,</p>	FIRE	Ongoing	<p>Fire is in the final phase of the City facilities projects with the reconstruction of stations</p>

	equipment, and technology, and identify funding mechanisms to meet these needs.			54 & 55. Fire is currently challenged with managing the replacement of vehicles due to supply chain limitations.
Program S-6.8B	Energy Storage Plan. Develop an Energy Storage Plan, including microgrids and expanded battery capacity, to improve reliability of the power system following a major disaster (see also Policy CSI-4.13 on energy reliability).	FIRE	No Action	

NOISE ELEMENT

Effectiveness of the Noise Element in attainment of San Rafael's noise goals:

- Goal N-1: Acceptable Noise Levels

PROGRAM	PROGRAM DESCRIPTION	DEPT	STATUS	PROGRESS IN 2021
Program N-1.1A	Residential Noise Standards. Maintain a maximum noise standard of 70 L _{dn} DB for backyards, decks, and common/usable outdoor spaces in residential and mixed use areas. As required by Title 24 insulation requirements, interior noise levels shall not exceed 45 L _{dn} in all habitable rooms in residential units.	CDD	Ongoing	
Program N-1.2A	Acoustical Study Requirements. Require acoustical studies for new single family residential projects within the projected 60 dB L _{dn} noise contour and for multi-family or mixed use projects within the projected 65 dB L _{dn} contour (see Figure 9-2). The studies should include projected noise from additional traffic, noise associated with the project itself, and cumulative noise resulting from other approved projects. Mitigation measures should be identified to ensure that noise levels remain at acceptable levels.	CDD	Ongoing	
Program N-1.2B	Approval Conditions. Establish conditions of approval for activities with the potential to create significant noise conflicts and enforce these	CDD	No Action	

	conditions once projects become operational.			
Program N-1.3A	<p>Site Planning. Where appropriate, require site planning methods that minimize potential noise impacts. By taking advantage of terrain and site dimensions, it may be possible to arrange buildings, parking, and other uses to reduce and possibly eliminate noise conflicts. Site planning techniques include:</p> <ul style="list-style-type: none"> (a) Maximizing the distance between potential noise sources and the receiver. (b) Placing non-sensitive uses such as parking lots, maintenance facilities, and utility areas between the source and receiver. (c) Using non-sensitive uses such as garages to shield noise sensitive areas. (d) Orienting buildings to shield outdoor spaces from noise sources. (e) Incorporating landscaping and berms to absorb sound. 	CDD	No Action	
Program N-1.3B	<p>Architectural Design. Where appropriate, reduce the potential for noise conflicts through the location of noise-sensitive spaces. Bedrooms, for example, should be placed away from freeways. Mechanical and motorized equipment (such as air conditioning units) should be located away from noise-sensitive rooms. Interior courtyards with water features can mask ambient noise and provide more comfortable outdoor spaces.</p>	CDD	Ongoing	
Program N-1.3C	<p>Noise Barriers. Where appropriate, use absorptive noise barriers to reduce noise levels from ground transportation and industrial noise sources. A barrier should provide at least $L_{dn} 5$</p>	PW, CDD	Ongoing	

	dB of noise reduction to achieve a noticeable change in noise levels.			
Program N-1.3D	Noise Reduction through Construction Materials. Where appropriate, reduce noise in interior spaces through insulation and the choice of materials for walls, roofs, ceilings, doors, windows, and other construction materials.	PW, CDD	No Action	
Program N-1.5A	Disclosure Agreements. Where appropriate, require disclosure agreements for residents in mixed use projects advising of potential noise impacts from nearby commercial enterprises, such as restaurants and entertainment venues.	CDD	No Action	
Program N-1.6A	Interagency Coordination. Work with Caltrans, Marin County, the Transportation Authority of Marin, and other agencies to achieve noise reduction along freeways and major arterials in San Rafael. This shall include noise mitigation measures in any redesign plan for the I-580/US 101 interchange.	PW	No Action	
Program N-1.6B	California Vehicle Code. Enforce applicable sections of the California Vehicle Code relating to noise.	Parking Services, PD	Ongoing	
Program N-1.6C	Paving and Transit Improvements. Pursue cost-effective paving technologies to minimize traffic noise and support the use of quieter buses and other mass transit vehicles. Noise reduction should be considered an important benefit as the City and its transit service providers transition to electric vehicles.	PW	No Action	
Program N-1.8A	Quiet Zones. Maintain the Marin County designated "Quiet Zone" along the rail line. The Zone ensures that train horns are not sounded	PD	Ongoing	

	except when trains are leaving the station, or if there is an emergency.			
Program N-1.9A	Noise Ordinance. Maintain and enforce the noise ordinance, which addresses common noise sources such as amplified music, mechanical equipment use, and construction. Updates to the ordinance should be periodically considered in response to new issues (for example, allowing portable generators during power outages).	PD, CDD	Ongoing	In 2021, various city departments, including PD and CDD, continued to enforce the City's Noise Ordinance through the permitting process as well as noise complaints.
Program N-1.9B	Construction Noise. Establish a list of construction best management practices (BMPs) for future projects and incorporate the list into San Rafael Municipal Code Chapter 8.13 (Noise) The City Building Division shall verify that appropriate BMPs are included on demolition, grading, and construction plans prior to the issuance of associated permits.	CDD	Ongoing	
Program N-1.9C	Noise Specifications. Include noise specifications in requests for equipment information and bids for new City equipment and consider this information as part of evaluation of the bids.	PW	Ongoing	
Program N-1.10E	San Rafael Rock Quarry. Seek to minimize noise impacts of the quarry and brickyard operations through cooperative efforts with the County of Marin through its code enforcement and land use entitlement processes.	PW	No Action	
Program N-1.11A	Vibration-Related Conditions of Approval. Adopt Standard conditions of approval in San Rafael Municipal Code Chapter 8.13 (Noise) that apply Federal Transit Administration (FTA) criteria for acceptable levels of groundborne vibration for various building types. These conditions should: (a) reduce the potential for vibration-	CDD, PW	No Action	

	<p>related construction impacts for development projects near sensitive uses such as housing, schools, and historically significant buildings.</p> <p>(b) reduce the potential for operational impacts on existing or potential future sensitive uses such as uses with vibration-sensitive equipment (e.g., microscopes in hospitals and research facilities) or residences.</p> <p>Vibration impacts shall be considered as part of project level environmental evaluation and approval for individual future projects. If vibration levels exceed FTA limits, conditions of approval shall identify construction and operational alternatives that mitigate impacts.</p>			
--	---	--	--	--

MOBILITY ELEMENT

Effectiveness of the Mobility Element in attainment of San Rafael's mobility goals:

- Goal M-1: Regional Leadership in Mobility
- Goal M-2: Improved Transportation Efficiency and Access
- Goal M-3: Cleaner Transportation
- Goal M-4: High Quality, Affordable Public Transit
- Goal M-5: Safe, Attractive Streets that Connect the Community
- Goal M-6: Safe Walking and Cycling
- Goal M-7: Well Managed Parking

PROGRAM	PROGRAM DESCRIPTION	DEPT	STATUS	PROGRESS IN 2021
Program M-1.1A	Participation in Countywide and Regional Transportation Planning. Actively participate in the planning activities of the Transportation Authority of Marin, the Metropolitan Transportation Commission, SMART, and other transportation agencies and support implementation of cost-effective regional plans and programs.	PW	Ongoing	The City participates in TAM's planning activities.
Program M-1.1B	Public Information About Transportation. Provide timely information and opportunities for	PW	Ongoing	Public Works continued to update its website and social media channels to notify

	public input on transportation issues and projects through workshops, neighborhood meetings, social media, staff reports, and other means.			the community of road closures and traffic updates. The City coordinated an in person community event to guide and inform the Canal Based Transportation Plan (CBTP) in FY 2021-22.
Program M-1.2A	Transportation Project Grants. Work with governmental agencies, non-profits and community groups to secure grants for appropriate transportation projects.	PW	Ongoing	The City applied for several transit grants through the Transportation Authority of Marin (TAM), the State of California, and at the Federal level.
Program M-1.3A	US 101/I-580 Connector. Continue to collaborate with TAM, Caltrans, the City of Larkspur, and impacted stakeholders on improvements to the US 101 I-580 interchange and Richmond-San Rafael Bridge, including advocacy for local access improvements to East San Rafael.	PW	Ongoing	The City continued to actively engaged in this regional project.
Program M-1.4A	Transportation Technology. Use the most cost-effective proven technologies available when managing congestion and parking, including transportation information systems and “smart city” improvements.	Parking Services	Ongoing	
Program M-1.4B	Delivery Services. Prepare for the potential impacts of emerging delivery service technology, including drones, on local roads, infrastructure, parking systems, and noise.	PW	No Action	
Program M-1.4C	Autonomous Vehicles. Monitor and manage the effects of autonomous vehicles, personal air vehicles, and connected vehicle technology on transportation needs, road design, and travel behavior. Adjust local transportation programs, infrastructure, and design standards as needed.	PW	No Action	
Program M-2.1A	Complete Streets. Consistent with State “Complete Streets” requirements, maintain street design and engineering standards that plan for the needs of all travelers and minimize conflicts	PW	Ongoing	Applied for CA SB1 complete streets grants.

	between competing modes.			
Program M-2.2A	Collision Data. Collect and analyze data on traffic collisions and use such data to inform decisions about capital improvements, enforcement, and traffic safety programs.	PW	Ongoing	The City maintains all the collision data in a database called SafeRoads.
Program M-2.2B	Street Pattern and Traffic Flow. Support efforts by the City Traffic Engineer to configure or re-configure street patterns to improve traffic flow and turning movements while prioritizing safety.	PW	Progress	The City converted C and D from one-way streets to two ways. Similar plans for B Street.
Program M-2.3A	Cost-Benefit Analysis. Conduct cost-benefit analyses as part of the design process for proposed transportation projects, including the criteria listed above and other factors that may be relevant (see also Policy CSI-5.1 on cost-benefit analysis).	PW	Ongoing	
Program M-2.4A	Intelligent Transportation Systems. Support the use of intelligent transportation systems to improve traffic flow and provide real-time data on traffic conditions so that motorists may travel through the city as efficiently as possible.	PW	Progress	Major investment in downtown traffic signals were completed. Emergency fire and police vehicle preemption deployment in 2022
Program M-2.4B	Reducing Vehicle Idling. Support transportation network improvements to reduce vehicle idling, including synchronized signal timing.	PW	Ongoing	
Program M-2.4C	Roundabouts. Consider the use of roundabouts as an alternative to traffic signals and stops signs. Roundabouts can improve the flow of traffic when they are properly designed and located on streets with low to moderate volumes.	PW	Progress	Several roundabout projects are under consideration.
Program M-2.5A	Traffic Circulation Studies. Traffic impact studies will be required for projects with the potential to increase congestion, create safety hazards, or otherwise impact local circulation	PW	Progress	The City adopted new guidelines for the preparation of Transportation Impact Analysis (TIA) Guidelines in compliance with SB 743.

	<p>conditions. Unless covered by the exceptions in Policy M-2.5, such studies should include projections of future LOS, an assessment of the contribution of the proposed project to increases in congestion, an assessment of projected increases in congestion on greenhouse gas emissions, and an assessment of traffic impact fees related to the project. Measures to maintain adopted service levels may be required as a condition of approval.</p> <p>Projects that are exempt from LOS and/or VMT standards may still be required to perform limited scope traffic and circulation studies to evaluate impacts on traffic conditions or traffic control devices in the immediate area of the proposed project. For projects in Downtown San Rafael, local traffic assessments (LTAs) should evaluate the potential for additional delay or safety hazards at nearby intersections. LTAs should identify necessary road or operational improvements, ingress and egress requirements, and potential site plan changes that reduce delays, conflicts between travel modes, and potential safety hazards.</p> <p>Guidelines for traffic impact studies and Local Traffic Assessments have been developed concurrently with General Plan 2040. The guidelines should be periodically updated to ensure they are achieving their intended purpose and to reflect new data, forecasts, and methodologies.</p>			<p>The City adopted VMT standards in the 2040 General Plan update.</p>
<p>Program M-2.5B</p>	<p>Level of Service (LOS) Exceptions. Exceptions to LOS planning thresholds may be granted where both of the following circumstances apply: a) The improvements necessary to attain the standards would conflict with other land use,</p>	<p>PW</p>	<p>Ongoing</p>	

	<p>environmental, community character, emission reduction, safety, housing, or economic development priorities.</p> <p>b) Based on substantial evidence, the City Council finds that:</p> <ul style="list-style-type: none"> (i) The specific economic, social, technological, and/or other benefits of the project to the community substantially outweigh the project’s impacts on circulation. (ii) All feasible mitigation measures have been required of the project including measures to reduce vehicle delay and measures to reduce Vehicle Miles Traveled (VMT); and (iii) The project is consistent with and advances the Guiding Principles of General Plan 2040, including foundational principles such as maintaining great neighborhoods and a sense of community, and aspirational principles such as improving housing affordability, preparing for climate change, and sustaining a healthy tax base. 			
Program M-2.5C	<p>Traffic Monitoring. Monitor and evaluate traffic conditions throughout San Rafael on an ongoing basis. Based on such evaluations, the City Traffic Engineer may develop recommendations to improve operations, address safety concerns, or modify thresholds. New traffic monitoring technology should be implemented as it becomes available.</p>	PW	Ongoing	Signals are capable of collecting high resolution traffic data for various uses in planning and operations.
Program M-2.6A	<p>Traffic Mitigation Fee Updates. Continue to implement and periodically update local traffic mitigation fees and other requirements to cover development-related traffic and transportation improvements.</p>	PW	Progress	The Traffic Impact Fee was updated by the City Council by Resolution No. 14983 on October 4, 2021. The update was based on a nexus study conducted by Fehr and Peers Consultants. The nexus report justified the

				increase of the trip rate to \$6,909. The City Council directed that this fee be implemented gradually over a five-year period starting in January 2022 and provided for an annual adjustment of the fee according to the Lee Saylor Construction Cost Index.
Program M-2.7A	Update Proposed Circulation Improvements. Regularly update the list of proposed circulation improvements based on traffic data, available funding, and evolving issues and priorities. Incorporate projects into the Capital Improvements Program as appropriate.	PW	Ongoing	
Program M-2.7B	Circulation Improvement Funding. Advocate for Federal, State, and County funding for the transportation projects shown on Table 10-1, as well as other projects that improve mobility in San Rafael. Seek alternative funding sources if traditional sources are unavailable.	PW	Progress	Several grant applications have been submitted for transportation improvements citywide.
Program M-2.8A	Highway Closures. Develop and update contingency plans for highway closures as part of the City's disaster preparedness and emergency response plans.	PW	No Action	
Program M-3.1A	VMT Analysis Guidelines. Develop local guidelines for calculating the projected VMT associated with future development projects and transportation improvements. The guidelines also should cover administration, screening criteria, and appropriate Transportation Demand Management measures and monitoring procedures. All VMT metrics should be reassessed at least once every four years and revised as needed to reflect changing conditions.	PW	Progress	Guidelines were adopted in 2021.
Program M-3.2A	Screening Criteria for VMT Analysis. Adopt and maintain screening criteria for different land uses	PW	Progress	Guidelines were adopted in 2021.

	and project types to determine when a VMT analysis is required as part of the environmental review process. Screening criteria should be revisited over time to ensure that they are appropriate. The criteria should include exemptions for projects with substantial VMT benefits, such as mixed use and infill development in Downtown San Rafael.			
Program M-3.2B	Thresholds for Determining a Significant VMT Impact. Adopt and maintain thresholds to determine if a VMT impact may be considered “significant” under the California Environmental Quality Act (CEQA).	PW	Progress	The City adopted VMT standards in the 2040 General Plan update.
Program M-3.2C	Mitigation Measures for VMT Impacts. Develop and implement mitigation measures that can be applied to projects with potentially significant VMT impacts in order to reduce those impacts to less than significant levels (see Policy M-3.3 and Program M-3.3A).	PW	Progress	Guidelines were adopted in 2021.
Program M-3.2D	Overriding Considerations for Projects with Unavoidable VMT Impacts. Require the adoption of specific overriding consideration findings before approving a project that would result in significant unavoidable impacts on VMT.	PW	Ongoing	
Program M-3.3A	Update Trip Reduction Ordinance. Modify the San Rafael Trip Reduction Ordinance (TRO) to reflect General Plan VMT policies. The amended TRO shall include VMT reduction thresholds, VMT reduction measures and program guidelines, and a VMT trip reduction monitoring process. The TRO shall be updated a minimum of every four years to reflect changes in baseline values, VMT thresholds, VMT reduction measures, and the	PW, City Attorney	Ongoing	

	results of monitoring. The modified TRO shall reflect the process and methodology for conducting VMT analysis described in the City's Transportation Analysis (TA) Guidelines.			
Program M-3.3B	Support for TDM. Work cooperatively with governmental agencies, non-profits, businesses, institutions, schools, and neighborhoods to provide and support TDM programs.	PW	Ongoing	
Program M-3.3C	City TDM Program. Implement a TDM program for City employees, potentially in partnership with other local governments, public agencies, and transit providers. Promote the program as a model for other local employers.	PW	No Action	
Program M-3.3D	Shifting Peak Hour Trips. Support efforts to limit traffic congestion by shifting peak hour trips to non-peak hour, modifying school hours to stagger start and end times, and encouraging flexible work schedules. The long-term impacts of remote work on potential TDM strategies should be considered.	PW	Ongoing	
Program M-3.4A	Telecommuting. Encourage San Rafael employers to implement telecommuting and work-from-home programs that reduce daily peak hour commutes. Also encourage co-working spaces, cafes, short-term office rentals, home offices, improved internet access, and opportunities for residents employed elsewhere to work productively within San Rafael. Consider "lessons learned" during the 2020 COVID-19 pandemic when evaluating policy approaches to telecommuting.	CDD	No Action	
Program M-3.4B	Housing Services. Support and facilitate roommate matching programs, connections	CDD (Housing)	Progress	The City allocated a portion of CDBG public services funding to Covia Foundation –

	<p>between local property managers and major employers, employer housing programs, and other initiatives aimed at helping local workers find housing in San Rafael.</p> <p>See the Economic Vitality Element and EDI Element for policies on workforce development so that residents may gain the skills needed to find employment in San Rafael.</p>			<p>Home Match Marin, which provides a roommate matching service.</p> <p>The City continued to with stakeholders on the 2023 – 2031 Housing Element Update to identify opportunity sites for housing development and specific programs and policies that would address local housing needs, including workforce housing and home matching.</p>
Program M-3.5A	Carpooling and Vanpooling. Support car and vanpooling in San Rafael through local and regional programs and on-line apps that match interested drivers and passengers.	CM (Sustainability),ED	Ongoing	
Program M-3.5B	Shared Mobility. Support efforts to establish and operate car-sharing, bike-sharing, and other services that provide alternatives to driving, particularly in Downtown San Rafael and other transit-served areas.	CM (Sustainability), ED	Ongoing	
Program M-3.5C	Micro-Mobility. Coordinate with “micro-mobility” companies such as shared electric scooter and electric bicycle vendors who seek to provide services in San Rafael.	CM (Sustainability), ED	No Action	
Program M-3.5D	Transportation Network Companies (TNCs). Work with TNCs (Uber, Lyft, etc.) to address issues such as curbside management and maximize the potential benefits of such services.	CM (Sustainability), ED	No Action	
Program M-3.6A	Zero Emission Vehicle (ZEV) Plan. Consistent with the San Rafael Climate Change Action Plan (CCAP), develop and implement a ZEV Plan with a goal of 25% of the passenger vehicles in San Rafael being ZEVs by 2030. As part of the planning process, targets shall be updated to meet or exceed State ZEV goals, and establish reduction targets for 2040 . The ZEV Plan should	CM (Sustainability), ED	No Action	

	provide for additional charging stations, preferential parking for ZEVs, programs that incentivize ZEV use by San Rafael residents, and plans to expand electrical system capacity if needed to meet increased electric vehicle demand.			
Program M-3.6B	<p>Municipal Zero Emission Vehicles. As finances allow, shift the municipal vehicle fleet to ZEVs. Use low-carbon fuels as an interim measure until gasoline-powered City vehicles are replaced.</p> <p>See also Program M-7.9B on electric charging station requirements</p>	PW	No Action	
Program M-4.1A	<p>Transit Advocacy. Support State, County, and regional efforts to sustain and expand Marin County’s transit network. Work with neighborhoods, employers, transit providers, transportation planning agencies and funding agencies to improve and expand transit and paratransit services.</p>	PW	Ongoing	
Program M-4.1B	<p>Evaluating Transit Needs. Support efforts to track, forecast, survey, and respond to changing transit and paratransit needs in order to meet the requirements of specific population groups. Advocate for meaningful public participation in meetings and discussions with transit providers and ensure that the needs of those in the community who are transit-dependent are well represented. Encourage the use of performance measures and regular reporting by transit agencies to ensure services are being delivered as efficiently as possible.</p>	PW	Ongoing	

Program M-4.1C	Partnerships. Encourage partnerships between local transit service providers to avoid redundancy, maximize coverage and efficiency, and improve transfers between transit systems.	CM (Sustainability), ED, PW	Ongoing	
Program M-4.1D	Transit for Tourism. Support efforts to provide effective transit options for visitors to West Marin and other county tourist destinations, in order to reduce regional traffic flow through San Rafael.	CM (Sustainability), ED, PW	No Action	
Program M-4.1E	Transit Information. Encourage the development and dissemination of information to facilitate transit use. This includes real-time, multi-lingual information on bus arrivals, departures, transfers, and routes. In addition, the City should include information on transit access on notices of City meetings and provide links to transit websites from its own website	CM (Sustainability), ED, PW	Progress	Links to transit services have been posted on the City website.
Program M-4.1F	Public Health. Work with transit service providers to effectively respond to service and design challenges associated with rider safety during and after public health emergencies.	PW	No Action	
Program M-4.2A	Regional Bus Service. Support expansion of regional bus service to and from other Bay Area counties, including expanded express bus service along the 101 and 580 corridors, and continued bus and shuttle service to the region's airports.	PW	No Action	
Program M-4.2B	Rail Service. Advocate for reliable long-term funding sources to sustain and enhance North Bay rail service.	PW	No Action	
Program M-4.2C	Ferry and Water Taxi Service. Work with the Golden Gate Bridge Highway and Transportation District and other regional agencies to support improved ferry service, additional ferry terminals,	PW	No Action	

	efficient connections between ferries and other transportation modes, new ferry routes (to Vallejo, the East Bay, San Francisco, and points south), autonomous buses, and other improvements that would increase ferry use and regional transit ridership. Consider the viability of water taxi service to supplement the ferry system and improve local connections.			
Program M-4.3A	Rail Safety. Work with SMART to improve safety measures along the SMART tracks, reduce train noise, and avoid the blockage of intersections by trains.	PW	No Action	
Program M-4.3B	Passenger Pickup and Drop-Off. Work with SMART on plans to improve passenger pick-up and drop-off, connectivity between trains and buses, and provisions for passenger parking (see also Policy M-7.9 on parking for transit users).	PW	No Action	
Program M-4.3C	Arrival Experience. Create a welcoming experience for passengers arriving at the Downtown San Rafael and Civic Center stations, including wayfinding signage, easy transfers, and clearly marked, well-lit pathways to nearby destinations.	PW	No Action	
Program M-4.3D	Service Reliability. Work with SMART to avoid disruptions of service during power outages and provide backup power to sustain operations during and after emergencies.	PW	No Action	
Program M-4.3E	Downtown Crossings. Continue to work with SMART to reduce congestion related to grade-level train crossings in Downtown San Rafael. Encourage SMART to assess the potential cost, as well potential funding sources, to elevate or underground the tracks through downtown.	PW	Ongoing	

Program M-4.4A	Local Bus Service. Support Marin Transit and Golden Gate Transit efforts to improve bus routing, frequency, and equipment, and to keep bus fares affordable.	PW	No Action	
Program M-4.4B	Improved Bus Stops. Support efforts to improve bus stops and shelters to provide a safe and pleasant experience for riders. Allow commercial advertising to fund bus shelter upgrades and maintenance.	PW	No Action	
Program M-4.4C	Local Shuttle Programs. Support efforts to create financially feasible shuttle, jitney, and circulator bus services to connect passengers arriving at the San Rafael Transit Center and SMART stations to their destinations.	CM, ED, PW	Ongoing	
Program M-4.6A	Other Local Transit. Support Dial-A-Ride, taxi, and transportation network company (TNC) services serving San Rafael.	CM, ED, PW	Ongoing	
Program M-4.6B	Paratransit Service. Support continued Whistlestop Wheels service and expanded regional paratransit services where needed	CM, ED, PW	Ongoing	
Program M-4.7A	Transit Center Relocation. Complete the relocation process for the San Rafael Transit Center. Design of the facility should consider the effects on local street congestion and the safety of those walking or bicycling to and from the facility. Continue to work with transit service providers to coordinate schedules, transfers, and routing in a manner that is convenient for San Rafael travelers.	CM, ED, PW	No Action	
Program M-4.7B	First Mile/ Last Mile Trips. Work with TAM, transit agencies, neighborhood groups, and the local business community to improve options for “first mile/last mile” trips connecting regional transit hubs to nearby destinations.	CM, ED, PW	Ongoing	The Public Works Department actively works with TAM.

Program M-4.7C	Implementation of Other Plans. Implement the recommendations of the Downtown Precise Plan, the Downtown Station Area Plan, and the Civic Center Station Area Plan for coordination of transit services and improvement of connections between travel modes.	CDD, PW	Ongoing	
Program M-5.1A	Traffic Calming Program. Maintain a neighborhood traffic calming program under the direction of the City Traffic Engineer and seek funding for its implementation. Ensure neighborhood participation in the development and evaluation of potential traffic calming solutions.	PW	Ongoing	
Program M-5.1B	Emergency Access Considerations. Ensure that road redesign projects, including bicycle and pedestrian improvements, maintain evacuation capacity and emergency vehicle response time, particularly along designated evacuation routes.	FIRE, PW	Ongoing.	Fire ensures that roadways for all new projects conform to the applicable provisions of the California Fire Code.
Program M-5.2A	Landscape Maintenance. Continue to regularly maintain landscaping along roadways, and to encourage attractive drought-tolerant and native plantings.	PW	Ongoing	
Program M-5.3A	East San Rafael Improvements. Consider the potential for new or relocated roads in East San Rafael that would relieve local street congestion, increase efficiency, and improve access between the north and south sides of Interstate 580.	PW	Progress	The Department of Public Works worked on a Priority Development Area (PDA) grant application for 2022.
Program M-5.4A	Interchange Improvements. Work with Caltrans and TAM to ensure that the design of freeway interchange improvements includes measures to relieve local congestion, provide commuter parking, improve pick-up/drop-off parking at bus	PW	Progress	The Department of Public Works actively engaged with TAM on development of the Manuael Freitas offramp improvements.

	stops, and enhance pedestrian and bicycle access and safety. This could include grade-separated pedestrian and bike path crossings where needed.			
Program M-5.5A	School Transportation. Implement measures to improve the safety of students walking, bicycling, or taking the bus to school. Examples include pedestrian crossing enhancements, transit passes or reduced rates for students, locating transit stops near school campuses, supporting increased funding for school buses and crossing guards, and staggering school hours.	PW	Ongoing	
Program M-5.6A	Trucking Routes and Transportation Permits. Continue to designate specific streets as trucking routes and maintain permit requirements for vehicles that exceed weight limits on non-designated routes.	PW	Ongoing	
Program M-5.6B	Quarry Traffic. Continue, and periodically update, measures to address the impacts of quarry-related truck traffic on Point San Pedro Road.	PW	Ongoing	
Program M-6.1A	Bicycle and Pedestrian Master Plan Implementation. Maintain San Rafael's Bicycle and Pedestrian Master Plan (BPMP) and update the Plan as required to ensure eligibility for grant funding. The BPMP should be a guide for investment in pedestrian and bicycle infrastructure, and for programs to make walking and cycling a safer, more convenient way to travel.	PW	Ongoing	
Program M-6.1B	Station Area Plans. Implement the pedestrian and bicycle improvements in the 2012 Downtown Station Area Plan and the 2012 Civic Center Station Area Plan.	PW	No Action	

Program M-6.1C	Canal Community Based Transportation Plan (CBTP). Update the CBTP for the Canal neighborhood, including provisions to improve walking and cycling within the Canal and East San Rafael communities, explore water transportation, and better connect the Canal area to downtown, the waterfront, and the rest of the community.	PW	Progress	The Department of Public Works plans to spearhead a community engagement effort and form a Stakeholder Committee to update the Community Based Transportation Plan (CBTP). The CBTP will be presented to City Council summer of 2022. The City is currently working on adding and enhancing street lights in the Canal. In addition, we have applied for multiple grant funding opportunities.
Program M-6.1D	Funding. Seek grant funding for implementation of the BPMP and other plans proposing bicycle and pedestrian improvements	PW	Ongoing	
Program M-6.2A	Implementation of Safety Measures: Implement pedestrian and bicycle safety measures as described in the 2018 BPMP, including ADA compliant curb ramps, curb extensions in business districts, median refuge islands, active warning beacons, painted bike “boxes” at intersections, and signal phasing adjustments in areas with high bicycle volumes.	PW	Ongoing	
Program M-6.2B	Vision Zero. Consistent with the BPMP, support a “Vision Zero” approach to safety among pedestrians and cyclists, with the goal of eliminating severe injuries and fatalities.	PW	Progress	The Department of Public Works plans to join regional effort to formulate the Vision Zero plan.
Program M-6.2C	Enforcement. Conduct enforcement activities to improve compliance with traffic safety laws, especially around intersections with frequent collisions.	PD	Ongoing	
Program M-6.2D	Safe Routes Programs. Work collaboratively with local schools to implement Safe Routes to School programs. Explore similar programs to promote safe routes to parks, work, services, and transit, as well as safe routes for seniors.	PW	Progress	The Department of Public Works actively engaged with TAM. The City sets aside funds in the operating budget to address immediate needs.

Program M-6.3A	<p>Implementation of Pathway Improvements.: Implement the major pedestrian and bicycle pathway, intersection, and lane improvements included in adopted City plans, including:</p> <ul style="list-style-type: none"> • Restoration of pedestrian paths, stairways, and rights-of-way, particularly in the “inner ring” neighborhoods around downtown • An east-west bikeway across downtown • A north-south greenway and separated bicycle and pedestrian facilities along West Tamalpais Avenue • Improved crossings of the San Rafael Canal, including a potential new crossing east of Grand Avenue • Additional Class I, II, and IV lanes, as identified in the BPMP • Improved signage, pavement markings and sidewalk widening • Closing gaps in the Bay Trail <p>Bike lane improvements to Point San Pedro Road (Cross-Marin Bikeway)</p>	PW	Ongoing	
Program M-7.1A	<p>Shared Parking. Encourage shared parking arrangements that serve private and public users (for example, private office parking lots that are available for nighttime public use).</p>	CDD	Ongoing	
Program M-7.3A	<p>Downtown Parking and Wayfinding Study Recommendations. Implement the technology recommendations of the 2017 Downtown Parking and Wayfinding Study and study the application of these recommendations to other parts of San Rafael.</p>	Parking Services	No Action	
Program M-7.4A	<p>Monitoring Demand. Monitor demand for parking around the Downtown SMART station and San Rafael Transit Center to determine the need</p>	Parking Services	Ongoing	

	to adjust parking time limits and costs, and the need to increase supply.			
Program M-7.4B	Assessment District Expansion. Modify the Downtown Parking Assessment District boundaries to include the areas east to Hetherton and west to E Street. Pursue parking and other transportation-related services and improvements in the expanded area.	Parking Services	No Action	
Program M-7.4C	Private Garages. When new private parking structures are constructed downtown, encourage the inclusion of spaces that are available for public use (at rates to be set by the owner). Consider development agreements and public private partnerships that support such set-asides.	CDD	No Action	
Program M-7.4D	Wayfinding Signage. Improve wayfinding signage for downtown parking. Undertake marketing programs to make drivers and pedestrians more aware of the location of parking and convenience of downtown parking lots and garages.	PW, Parking Services	Ongoing	
Program M-7.4E	Design Standards for Parking Garages. Develop design standards for parking garages to ensure that they maintain architectural integrity, are easy to use, align pedestrians toward their destinations, and can support ancillary activities where they front pedestrian-oriented streets.	CDD, PW	No Action	
Program M-7.5A	Adjustments to Parking Rates. Establish a formal system for setting and periodically re-evaluating parking rates based on performance, costs, best practices, and similar factors. Rates should be based on occupancy data and designed to support fiscal health, as well as the needs of residents, businesses, workers, and visitors. As needed, the City Code should be	Parking Services	No Action	

	modified to establish principles for parking management as well as a process for rates to be reviewed based on specified metrics.			
Program M-7.6A	Adjustments to Parking Standards. Periodically adjust off-street parking requirements to respond to data on parking needs, and trends in vehicle design, car ownership, and travel behavior.	PW	No Action	
Program M-7.6B	Parking Reductions. Allow reduced parking subject to findings that a project will have lower vehicle ownership rates (for example, for senior housing or housing in the Downtown area).	CDD, PW	Ongoing	
Program M-7.7A	Residential Permit Parking. Re-evaluate provisions for residential permit parking to make it easier and less costly to implement such programs.	Parking Services	No Action	
Program M-7.7B	Parking Studies. Periodically conduct neighborhood and business district parking studies. Use these studies as the basis for parking management strategies. See also Policy LU-3.7 on on-street parking in neighborhoods	Parking Services	No Action	
Program M-7.8A	Charging Stations. Install additional chargers in public parking lots and garages for electric vehicles and e-bikes. Consider expanding electric charging requirements for private parking lots and structures.	Parking Services PW	Ongoing	
Program M-7.8B	Parking Standards. Periodically revisit off-street parking standards to include incentives or additional standards for clean air vehicles, bicycles and e-bikes, shared vehicles, and other low-emission travel modes.	PW, CDD	No Action	

Program M-7.9A	Commuter Parking. Regularly evaluate the need for parking around the SMART stations and San Rafael Transit Center, as well as ways to meet that need.	Parking Services	Ongoing	
COMMUNITY SERVICES AND INFRASTRUCTURE ELEMENT				
Effectiveness of the Community Services and Infrastructure Element in attainment of San Rafael’s community services and infrastructure goals:				
<ul style="list-style-type: none"> • Goal CSI-1: Educational Excellence • Goal CSI-2: Modern, Welcoming Libraries that Meet Community Needs • Goal CSI-3: Exceptional Public Safety Services • Goal CSI-4: Reliable, Efficiently Managed Infrastructure • Goal CSI-5: Sound Municipal Financial Practices • Goal M-7: Well Managed Parking 				
PROGRAM	PROGRAM DESCRIPTION	DEPT	STATUS	PROGRESS IN 2021
Program CSI-1.1A	Communication. Maintain regular communications with the School Districts, including periodic joint City Council/School Board meetings, to foster collaboration and address issues of mutual interest.	CM	No Action	
Program CSI-1.1B	Partnerships with Schools. Participate in public and private school initiatives to educate students about local issues and City government.	CM	No Action	
Program CSI-1.1C	Higher Education. Expand partnerships with Dominican University, the College of Marin, and other nearby colleges and universities to support local education and lifelong learning. See Goal EDI-5 for additional guidance on educational programming. See Policy LU-2.7, Policy PROS-2.4, and Policy EDI-5.1 for guidance on child care.	L&R	No Action	
Program CSI-1.2A	Joint Use Agreements. Develop joint use agreements with the School Districts and other local academic institutions to improve community	L&R	No Action	

	access to facilities for recreation, child care, and/or community events.			
Program CSI-1.3A	Internships. Provide City-sponsored internships for working-age students and assist with publicity about other internship opportunities through partnerships with the Marin County Office of Education and others. Encourage and facilitate local businesses and non-profits to provide internships, apprenticeships, mentoring, and vocational programs.	CM	No Action	
Program CSI-1.4A	City Programs and Classes. Continue to offer a variety of City-sponsored leisure, recreation, education, and personal enhancement courses and programs for all age groups. Regularly assess participation and public opinion to determine interest and support.	L&R	Progress	The Library & Recreation Department re-opened in person recreational and educational programs and services.
Program CSI-1.5A	School Construction Projects. Coordinate with school personnel on campus construction, modernization, and improvement projects.	CDD, PW	Ongoing	
Program CS I-1.5B	Long-Range Planning and Development Review. Collaborate with schools on long range planning and development review, including collection of appropriate fees, enrollment projections, and planning for future improvements.	CDD, PW	No Action	
Program CSI-2.1A	New Main Library. Fund, develop, and construct a new Main Library designed to provide adequate space for collection materials, City programs, public meeting rooms and technology, seating for visitors, and services for special user groups such as children and teens. Develop adaptive reuse plans for the historic Carnegie Library as part of library planning.	L&R	Progress	Completed a conceptual design process to explore options for a joint library and community center at Albert Park.

Program CSI-2.2A	Pickleweed and Northgate Libraries. Modernize and expand the Pickleweed and Northgate Libraries so they are adequately equipped to deliver the services needed in the surrounding communities.	L&R	No Action	
Program CSI-2.2B	School Libraries. Consider partnerships with the school district to make high school libraries available to the public.	L&R	No Action	
Program CSI-2.4A	Focused Services. Provide dedicated library programs for children, youth, older adults, and Spanish-speaking residents. Provide other services, such as free internet access and electrical power during an emergency.	L&R	Progress	The Library provided online virtual programs for children, youth, older adults, and Spanish-speaking residents.
Program CSI-2.4B	Literacy Programs. Continue to offer literacy and tutoring programs for English learners, as well as support and training for volunteer tutors.	L&R	Progress	Reformed partnership with Tamalpais Adult School and Bahia Vista Elementary School to offer adult ESL classes for adults two days a week.
Program CSI-3.1A	Police Department Strategic Plan. Develop a Strategic Plan for police services to evaluate trends, establish goals, prioritize future actions, determine budget needs, and align services with other City departments. The Plan should include a proactive response to issues relating to social justice and compassionate law enforcement. Engage the community, including local businesses, in this process.	PD	No Action	
Program CSI-3.1B	Capital Facilities. Complete improvements to essential public safety facilities made possible by voter-approved measures. Conduct periodic evaluations of facility and technology needs in the future to ensure that the Police and Fire Departments are equipped to respond to emergencies and deliver quality services.	CM, City Clerk, PD, FIRE, CDD	Progress	Fire is on track with completing the Facilities projects with Fire Stations 54 & 55 currently in progress.

Program CSI-3.1C	Public Safety Training. Provide and encourage ongoing employee training to ensure public safety staff skills remain current and innovative. Continue to provide training in de-escalation and least harm techniques, as well as mental health and racial bias training.	PD	No Action	
Program CSI-3.1D	Vehicle and Equipment Maintenance. Maintain and upgrade vehicles and equipment as necessary.	PD	Ongoing	
Program CSI-3.2A	Crime Prevention through Environmental Design. Design new public and private development to achieve “eyes on the street,” including site planning, lighting, landscaping, and architectural design features that reduce the potential for crime.	PD	No Action	
Program CSI-3.2B	Emergency Response Time. Use the development review process to identify appropriate measures to reduce fire hazards and ensure emergency response capacity that is consistent with National Fire Protection Association standards.	PD	No Action	
Program CSI-3.3A	Community Safety Programs. Implement community public safety programs such as National Night Out and the Citizens Police Academy to support a safer community and promote positive relationships between law enforcement officials and residents. Implement similar programs promoting fire prevention and preparedness.	PD	Ongoing	
Program CSI-3.3B	Business Outreach. Engage the business community in public safety program development and implementation. This should include increasing awareness of existing programs and developing new initiatives and partnerships to	PD	No Action	

	address property crime and other public safety issues affecting local businesses.			
Program CSI-3.4A	Foot Patrol Services. Maintain and potentially expand foot patrol services. Continue to work with homeless service organizations, mental health professionals, and the business community to create a safe, welcoming environment in Downtown San Rafael and other parts of the city.	PD	No Action	
Program CSI-4.1A	Capital Improvement Programming. Maintain and regularly update a multi-year Capital Improvement Plan (CIP) covering City owned and operated infrastructure and public facilities. Seek the input of other local service providers (MMWD, LGVSD, etc.) when preparing the City's CIP and encourage these agencies to seek City input as they prepare their own CIPs.	PW	No Action	
Program CSI-4.1B	Funding for Maintenance and Capital Costs. Consider ways to improve the reliability of maintenance funding, such as establishing a reserve fund or voter-approved parcel taxes and special assessments. Identify potential funding sources for unmet and anticipated future capital project needs, such as grants, bond measures, and impact fees.	PW	No Action	
Program CSI-4.1C	Community-Supported Services. Consider community-supported (e.g., cooperative) services as an alternative to bring fundamental service upgrades to neighborhoods and managing capital costs.	PW	No Action	
Program CSI-4.2A	Long-Term Planning. Continue to use the CIP to analyze and respond to local capital facility needs.	PW	Ongoing	
Program CSI-4.2B	Engineering Standards. Require new development to comply with the subdivision	PW	Ongoing	

	standards in the San Rafael Municipal Code, as well as relevant Marin County and utility district engineering standards. Where feasible, encourage development to reach beyond current standards and collaborate with the community to innovate and define new best practices.			
Program CSI-4.2C	Impact Fees. Continue to collect impact fees and use other funding mechanisms to ensure that new development pays its fair share of providing/upgrading services associated with that development.	CDD, Finance	Ongoing	
Program CSI-4.3A	Design Review. Require design review for City projects. Provide complementary design review for major projects proposed by other public agencies.	CDD	No Action	
Program CSI-4.3B	CIP Process. Continue to make the City's CIP easily available and to solicit public input in the CIP process, including web-based and social media applications that facilitate community feedback.	PW	No Action	
Program CSI-4.4A	Public Space and Infrastructure. Seek opportunities to improve environmental quality in the design of streets, infrastructure, and public spaces. For example, public space improvements provide an opportunity to retain and treat stormwater through groundwater infiltration and subsurface water storage.	PW	No Action	
Program CSI-4.4B	Reducing Impervious Surfaces. Pursue porous pavement, rain catchment areas, and similar elements that reduce runoff. See also policies and programs under Goal C-4 of the Conservation/Climate Change Element (green	PW	No Action	

	streets, low carbon concrete, cool pavement, etc.)			
Program CSI-4.6A	Guidance Document. Prepare a guidance document for incorporating sea level rise into the City’s capital planning process.	CM (Sustainability), PW	No Action	
Program CSI-4.6B	Coordination with Service Providers. Coordinate with water, sewer, energy, solid waste, and telecommunication service providers to prepare a plan for retrofitting critical infrastructure for rising sea levels, more intense storms, and other climate-related impacts.	CM (Sustainability), PW	No Action	
Program CSI-4.7A	Pavement Management. Continue participation in the Pavement Management Program to assist in prioritizing street resurfacing projects. Adjust prioritization criteria as needed to ensure that pavement condition, traffic safety, equity, and community input are addressed.	PW	Ongoing	
Program CSI-4.7B	Street Sweeping. Continue to maintain a street sweeping program. Work with neighborhoods on ways to improve street sweeping efficiency and to publicize street sweeping programs. Investigate alternative funding sources for street sweeping.	PW	Ongoing	
Program CSI-4.7C	Sidewalk Repair. Continue to implement a cost-sharing program for Sidewalk Repair with residential property owners that is consistent with the State Streets and Highway Code, property owner interest, and funding availability. The success of the program, as well as sidewalk conditions and repair priorities, should be monitored. Potential funding sources and other cost-sharing approaches should be considered to address equity.	PW	Ongoing	
Program CSI-4.7D	Street Lighting Program. Continue efforts to improve street lighting, staying mindful of the	PW	Ongoing	

	<p>need to balance financial, public safety, and environmental objectives.</p> <p>See also Policy C-1.19 and Program C-1.19A on night lighting and dark skies. See Policy C-1.16 on urban forestry and Policy CDP-3.5 on street trees. See Policy EDI-4.2 on equitable maintenance.</p>			
Program CSI-4.8A	Urban Water Management Plan. Support MMWD's efforts to regularly update and implement an Urban Water Management Plan.	PW	Ongoing	
Program CSI-4.8B	Water Supplies. Monitor efforts by the MMWD to implement conservation standards and expand the local water supply to meet long-term needs and potential future drought conditions. If desalination facilities are proposed along the bayfront in the future, ensure adequate review of environmental, design, and economic issues.	PW	No Action	
Program CSI-4.8C:	Water Pressure and Storage. Work with MMWD to ensure that water pressure and storage remains adequate for fire-fighting, and to implement standards for new development that ensure adequate water flow.	PW	No Action	
	See also Policy C-3.8 on water conservation			
Program CSI-4.9A	Coordination of Services. Support efforts by the Las Gallinas Sanitary District, Central Marin Sanitation Agency and San Rafael Sanitation District to maintain high-quality wastewater collection and treatment facilities and implement sustainability programs.	Sanitation	No Action	
Program CSI-4.10A	Replacement of Aging Facilities. Pursue the replacement of older or failing drainage facilities	PW, Sanitation	No Action	

	such as metal pipes and stormwater pumping stations with more durable and resilient materials, or with new structures and pumps.			
Program CSI-4.10B	Silt Removal. Continue to remove accumulated silt from City maintained drainageways, ponds, and creeks subject to tidal siltation such as Mahon and Irwin Creeks. Sediment from stream flow and deposition should be considered a potential resource.	PW	No Action	
Program CSI-4.10C	Sustainable Stormwater Management. Seek funding for projects that restore the natural characteristics and functions of stormwater systems, such as bioswales and conversion of concrete ditches to natural creeks. Such projects should mitigate the effects of urban runoff, reduce flood hazards, and improve water quality and habitat value	PW	No Action	
Program CSI-4.11A	Funding. Utilize federal Army Corps of Engineers funds to survey and plan for Canal dredging. Pursue additional funding for dredging and maintenance, and for levee repair and sea level rise adaptation improvements.	PW	Ongoing	
Program CSI-4.12A	CMSA Capacity Expansion. Support implementation of the CMSA/ MMWD Recycled Water Study recommendations, enabling increased use of recycled water and reduced potable water demand.	PW	No Action	
Program CSI-4.12B	Las Gallinas Expansion Project. Support completion of the Recycled Water Expansion Project and continued expansion of recycled water capacity.	PW	No Action	
Program CSI-4.12C	Sewer Line Replacement. Replace low-lying sewer pipes as needed to reduce saltwater	PW	No Action	

	intrusion, thereby reducing the cost of producing reclaimed water.			
Program CSI-4.13A	Backup Energy Provision. Evaluate backup energy provisions for critical public facilities, mass transit (including rail crossings), and wireless infrastructure and upgrade as needed. Encourage the use of fuel cell, battery storage, and solar generator backups, rather than gasoline-powered generators.	PW	No Action	
Program CSI-4.13B	Microgrids. Encourage further exploration of microgrids, allowing locally-generated renewable energy networks to supplement the electrical distribution system and provide back-up power in the event of an emergency,	PW	No Action	
Program CSI-4.13C	Emergency Power and Communication. Use public facilities as emergency centers for electricity, communication, and cooling in the event of a disaster, extreme heat event, or extended power outage.	PW	No Action	
Program CSI-4.14A	Funding for Undergrounding. Explore funding opportunities and financing mechanisms to accelerate the undergrounding of utilities, including Rule 20A and B funds, private funding, and assessment districts.	PW	No Action	
Program CSI-4.14B	Prioritizing of Undergrounding Projects. Develop a process to prioritize utility undergrounding projects. Among the factors to be considered are aesthetics, visibility, fire hazards, and vulnerability to flooding and sea level rise.	PW	No Action	
Program CSI-4.14C	Public Information. Provide information to the public on the costs of undergrounding projects, and the options for funding.	PW	No Action	

	See the Safety and Resilience Element for additional policies and programs on fire safety and power lines			
Program CSI-4.15A	Technology Improvement Plan. Develop and maintain a multi-year plan for funding and prioritizing major City technology projects.	Digital	No Action	
Program CSI-4.16A	Fiber Optic Infrastructure. Continue to encourage and permit the expansion of fiber optics infrastructure from existing “backbone” conduits to potential “last mile” customers.	PW	No Action	
Program CSI-4.16B	Service Providers. Work with telecommunication service providers to improve access to state-of-the-art systems and services.	PW	No Action	
Program CSI-4.16C	Reliability. Support efforts to “harden” mobile communication infrastructure so it is operational or can be quickly restored during a power outage or emergency, See the Community Design and Preservation Element for policies to mitigate the visual effects of antennae and collocate new telecommunication facilities	PW	No Action	
Program CSI-4.17A	Waste Reduction. Implement waste reduction programs consistent with the San Rafael Climate Change Action Plan and Zero Waste Goal. These include partnerships with Zero Waste Marin, Marin Sanitary Service, and other organizations; requirements for construction and demolition debris recycling; increased monitoring of waste diversion targets; waste audits; and additional infrastructure for removal of recoverable materials from the waste stream.	CM (Sustainability)	No Action	

Program CSI-4.17B	Recycling. Continue recycling programs and expand these programs to increase waste diversion rates for homes, apartments and workplaces.	PW	Ongoing	
Program CSI-4.17C	Construction and Demolition Waste. Continue to implement programs requiring recycling of construction and demolition debris. Encourage the reuse of recycled building materials in future projects.	CDD, PW	Ongoing	
Program CSI-4.17D	Waste Reduction Programs. Continue efforts to reduce electronic waste, refrigerants, and single use plastics; and ensure proper disposal of household hazardous waste. This should include enforcement of City bans on plastic bags and polystyrene foam and potential new programs to reduce microplastics from waterways,	PW	No Action	
Program CSI-4.17E	Community Composting. Implement a mandatory community-scale program for curbside collection, composting, or other low-emission conversion of food and green waste, as well as vegetation cleared through fire prevention efforts. The program shall comply with SB 1383 requirements to divert at least 75% of organic waste from landfills.	PW	No Action	
Program CSI-4.17F	Waste to Energy. Support the Central Marin Sanitation/Marin Sanitary Food to Energy Program and other programs that capture energy from waste processing and disposal.	PW	No Action	
Program CSI-4.17G	Recyclable Waste Receptacles. Support efforts by Marin Sanitary to install waste receptacles for recyclables in areas of heavy pedestrian traffic.	PW	No Action	
Program CSI-4.18A	Recycling Education. Encourage Marin Sanitary to continue its recycling education programs and to expand awareness of “reduce, reuse, and	PW	No Action	

	recycle” principles among all residents and employees. Programs to promote reuse and repair of consumer goods rather than landfill disposal should also be supported.			
Program CSI-5.1A	Cost-Benefit Methodology. Develop guidelines and procedures to more formally incorporate cost-benefit and fiscal impact analysis in the evaluation of new projects and programs.	CM, L&R	No Action	
Program CSI-5.2A	Public Involvement. Continue to involve residents and businesses in the budget process to the extent feasible, through community meetings, focus groups, social media, and other outreach methods. Issues associated with rising pension costs also should be reported in a transparent manner.	CM, Finance	Ongoing	Ongoing annual process around budget adoption.
Program CSI-5.3A	Program Assessment. Continue to provide budget and finance progress reports to the City Council. Continue to use benchmarks and quantifiable metrics, as well as qualitative evaluations, to monitor performance and determine progress in achieving program goals and objectives.	Finance	Ongoing	The Finance Department brings mid-year and annual reports to Council, including the year-end report for FY 2021-22 that was taken to Council on September 19. Finance tracks performance and fiscal outcomes closely.
Program CSI-5.3B	Surveys. Regularly survey residents on their satisfaction with specific City services and programs (see also Program EDI-1.3B).	CM	No Action	
Program CSI-5.4A	Revenue Monitoring. Continue to maintain a revenue monitoring system to assist in trend analysis and revenue forecasting.	Finance	Ongoing	Finance continued to maintain a robust forecast model to track revenues and expenditures and identify any potential challenges.
Program CSI-5.4B	Grants. Actively seek grants and encourage interdepartmental cooperation in preparing grant applications.	CDD, CM	No Action	

Program CSI-5.4C	Cost of Services. Periodically evaluate the cost of providing services and adjust revenue sources accordingly.	Finance	Progress	Staff will bring a Master Fee Schedule update to Council by the end of 2022, which is the result of a multi-year analysis and public outreach process to update citywide fees to meet the cost of delivering services.
Program CSI-5.4D	New Revenue Sources. Consider establishing new revenue sources to adequately fund services and respond to changing conditions, including sources that require voter approval.	Finance, City Clerk	Progress	Staff regularly reviewed and considered new and enhanced revenue opportunities.
Program CSI-5.5A	Funding Strategies for Infrastructure and Services. In cooperation with other jurisdictions, develop funding strategies and joint powers agreements for infrastructure and services that create economies of scale for the contributing parties.	Finance	Progress	Ongoing involvement in Shared Service Agreements and participation in other local partnerships.

ARTS AND CULTURE ELEMENT

Effectiveness of the Arts and Culture Element in attainment of San Rafael's arts and culture goals:

- Goal AC-1: Arts and Culture that Enrich Community Life

PROGRAM	PROGRAM DESCRIPTION	DEPT	STATUS	PROGRESS IN 2021
Program AC-1.1B	Arts Facilities. Support and encourage efforts to improve and sustain local arts facilities, including those operated by government, non-profits, and other organizations, and recognize their role in making San Rafael a regional arts hub.	CM	No Action	
Program AC-1.2A	Falkirk Cultural Center. Promote the Falkirk Cultural Center as a venue to support and foster the arts and celebrate local culture. Seek funding to rehabilitate and improve the mansion and sustain programs through income-producing activities.	CM	No Action	

Program AC-1.1C	Arts and Culture Master Plan. Build on the work done by the County of Marin and San Rafael-based arts organizations to create a San Rafael Arts and Culture Master Plan. All segments of the community, including residents and workers, should be encouraged to participate in this process. The Plan should promote participation of the arts community in civic life, enhance arts programming, promote cultural inclusion, and maximize opportunities for arts events. Potential funding sources for a Master Plan and its implementation should be explored. As part of this process, options for ongoing leadership and arts advocacy should be considered, potentially including an Arts Council, Commission, or similar organization.	CM	No Action	
Program AC-1.2A	City Activities. Continue to provide City-sponsored arts classes and cultural activities, including arts programs at San Rafael's community centers. Programs should be equitably distributed around the city so that they can be accessed by all residents.	CM, L&R	Ongoing	Continued to offer arts classes at all San Rafael Community Centers, including ceramics, watercolor, and a free weekly art program for youth in partnership with DrawBridge. Partnered to produce the City's 33rd annual Dia de los Muertos celebration with expanded activities spanning the Canal neighborhood and downtown San Rafael. Provided space to four different art exhibits open to all, free of charge, at the Falkirk Cultural Center.
Program AC-1.2B	Programs for Diverse Populations. Encourage additional inclusive arts programming for the general public, including persons of all socio-economic means, ages, ethnicities, genders, and abilities. Special emphasis should be placed on programs for youth, children, and older adults.	CM, L&R	Progress	Weekly DrawBridge expressive arts program was offered at the Albert J. Boro Community Center, which is intended for children of domestic violence and homeless shelters/affordable housing as well as youth in general.
Program AC-1.2C	Advocacy for Arts Programming. Advocate for continued arts programming in public schools and other venues.	CM, L&R	No Action	

Program AC-1.2D	Public Information. Work with local arts organizations to improve public awareness of local venues, galleries, exhibits, events, performances, and opportunities to participate in arts and cultural events in the city. Provide links to such information on the City's website and strengthen the website as a resource for the arts community.	CM, L&R	Progress	Worked with downtown businesses (including Art Works and art supply stores), Chamber of Commerce and Downtown Business Improvement District to provide Dia de los Muertos altars in downtown windows in October. Cross promoted events with Downtown BID. Falkirk Cultural Center also worked with Artworks Downtown and local art supply stores to market Art Exhibits and Art Classes.
Program AC-1.3A	Venues. Encourage arts groups, schools, and businesses to conduct programs in City venues. Seek opportunities for the City to use County, institutional, and private space for its arts activities.	CM, L&R	Ongoing	Continually worked with school districts in hosting activities at community centers.
Program AC-1.4A	Equitable Programming. Improve cultural equity and access to arts programming among lower income and non-English speaking residents (for example, through new partnerships, training, outreach strategies, multi-lingual initiatives, and reduced fees for qualifying residents).	CM, L&R	Progress	In 2021, implemented and restructured the City's co-sponsorship application process at the Albert J. Boro Community Center to continue to offer free and reduced cost programming in the Canal community.
Program AC-1.5A	Art in Public Places. Evaluate the feasibility of an Art in Public Places Ordinance (or "percent for art" program) that would establish a funding source and/or mechanism for increasing public art. Strive for solutions that maximize flexibility in the way funds are collected and used.	CM, L&R	No Action	
Program AC-1.5B	Community-Based Outdoor Art Installations. Support participatory public art projects that engage the community, such as murals, 3D art, and street painting. Such projects should foster a greater understanding of local cultures, arts, and history and provide an opportunity to express	CM, L&R	No Action	

	neighborhood identity.			
Program AC-1.6A	Art as a Community Benefit. Recognize space for the arts as a community benefit in municipal code and density bonus programs. Expand incentives for incorporating arts space and arts features in new projects and in vacant and underutilized space.	CM	No Action	
Program AC-1.6B	Reducing Barriers. Amend municipal codes or adopt new policies as needed to facilitate the temporary or interim use of vacant commercial or lobby space for art exhibits, display space, and “pop up” arts and cultural activities.	CM, CDD, City Attorney	No Action	
Program AC-1.6C	Central Performance Spaces. Prioritize creation of central outdoor spaces suitable for community-wide events and performances in Downtown San Rafael, the Canal neighborhood, and in the North San Rafael Town Center (for example, at Northgate Mall). Provide the necessary infrastructure (electric power, etc.) for these spaces to serve their intended purpose.	CM, L&R	No Action	
Program AC-1.7A	Sponsorship of Events. Support special events that provide quality arts, cultural, and enrichment activities in locations throughout the community.	CM, L&R, ED	No Action	
Program AC-1.7B	Art and Technology. Support an expanded and more vibrant arts and cultural presence through technology, including the potential for “virtual” events and media that reach larger, more diverse audiences. See also Policy LU-3.11 and Program EV-2.5C on special events	CM, L&R	Progress	Offered three Art Exhibitions at the Falkirk Cultural Center online to create a virtual experience to reach a wider audience.

Program AC-1.8A	Arts District. Leverage the Downtown San Rafael Arts District designation to encourage, promote, and support arts activities, attract visitors and business patrons, promote equity and inclusivity, and create a more welcoming and exciting downtown environment. Encourage multi-disciplinary art activities and events that showcase local talent and provide opportunities for all residents to experience the arts. Regularly renew the Arts District designation to sustain arts and cultural opportunities.	CM, L&R	Progress	L&R and ED staff provided support for the Downtown San Rafael Arts District (“DSRAD”) to receive funding from the California Arts Council as part of the State’s \$30 million allocation to support the Cultural Arts Districts of California.
Program AC-1.8B	Cultural Tourism. Promote cultural tourism (for example, visits to the Frank Lloyd Wright-designed Civic Center or the Mission San Rafael Arcangel) as a way to support and sustain the local arts community and hospitality industry. Partnerships with the Marin Convention and Visitors Bureau should be encouraged.	CM, ED	No Action	
Program AC-1.9A	Communication. Support ongoing communication with and among local arts organizations to address and resolve issues of concern, including pandemic recovery.	CM	No Action	
Program AC-1.9B	Engagement in Community Actions. Recognize the arts community as important stakeholders in local community actions and economic development strategies. Support artist engagement in planning and governance.	CM, ED	No Action	
Program AC-1.9C	Showcasing Local Artists. Consider artist in residence programs, poet laureates, City-sponsored lunch concerts and similar events showcasing the work of local artists and performers.	CM	No Action	

Program AC-1.9D	Reducing Costs. Explore opportunities to create more affordable space for artistic production, including live-work and studio spaces, public cultural facilities, and affordable performance space. Remove barriers to reusing vacant or underutilized commercial space for this purpose.	CM, CDD	No Action	
Program AC-1.9E	Volunteers. Provide opportunities for volunteers in art, cultural, and literary events.	CM	No Action	
Program AC-1.10A	Non-Profit, Private and Community Efforts. Support the efforts of non-profit, private, and community organizations to apply for grants, raise funds, develop arts endowments, and promote community and business investment in art, cultural, and literary activities. This support could include funding, volunteers, staffing, coordination, providing space and materials, and similar collaborative efforts.	CM	No Action	
Program AC-1.10B	New Funding Sources. Explore potential new funding sources or funding relief mechanisms such as set-asides from transient occupancy taxes, sales taxes, or parking revenues; tax credits and property tax abatements; and corporate and foundation support.	CM, ED	No Action	

ECONOMIC VITALITY ELEMENT

Effectiveness of the Economic Vitality Element in attainment of San Rafael's economic vitality goals:

- Goal EV-1: A Healthy and Resilient Economy
- Goal EV-2: A Diverse and Balanced Business Mix
- Goal EV-3: Distinctive Business Areas

PROGRAM	PROGRAM DESCRIPTION	DEPT	STATUS	PROGRESS IN 2021
Program EV-1.1A	Education About the Local Economy. Continue to promote a business-friendly climate by educating decision-makers and the public about the inter-relationship of community life and	ED	Ongoing	

	economic vitality. This should include data on the local economy, including indicators of San Rafael's economic health, disseminated through the City newsletter, City website, social media, staff reports, and other means.			
Program EV-1.1B	Economic and Fiscal Impacts. Continue to evaluate economic and fiscal impacts in reports to the Planning Commission and City Council.	CDD	Ongoing	
Program EV-1.1C	Pandemic Recovery. Develop and implement prudent and economically viable measures to recover losses in City revenue resulting from the COVID-19 pandemic. See also Policy EV-1.7 on the importance of workforce housing to the local economy	Finance	Progress	The City experienced lower losses of revenue than initially anticipated as a result of stronger sales tax receipts and Federal and State aid.
Program EV-1.2B	Equitable Economic Development Strategy (EEDS). Collaboratively develop an EEDS that identifies the economic sectors the City seeks to grow, the mechanisms for attracting these sectors to San Rafael, the areas of the city earmarked for growth, and target estimates for wage levels and business volumes. The Strategy should engage residents, businesses, thought leaders, and community groups and be designed to address locally identified needs, challenges, and priorities. Potential partners for preparing the EEDS should be identified so that the work fully leverages current research, local resources, and expertise.	ED	Progress	Engaged an Economic Development Strategic Plan consultant to prepare the City's first Economic Development Strategic Plan that is expected to be completed in 2023.
Program EV-1.3A	Chamber of Commerce and Business Improvement District. Sustain partnerships with the Chamber of Commerce, the Downtown Business Improvement District, and other business organizations to improve the business climate and support local businesses.	ED	Ongoing	

Program EV-1.3B	Relationships with the Real Estate Community. Engage the local commercial and residential real estate brokerage and development community in identifying and resolving barriers to doing business in San Rafael and keeping City staff informed of business trends and changes. This engagement should occur on a sustained basis, through regular communication and events.	ED	Ongoing	
Program EV-1.3C	Marin County Economic Forum. Work with the Marin County Economic Forum to analyze business trends, improve the economic health of the region, and encourage businesses vitality and profitability in San Rafael.	ED	No Action	
Program EV-1.3D	Communications with Residents. Regularly communicate with residents on economic issues. Maintain consistent and accessible contact through, for example, meetings with neighborhood associations, the City website, and community workshops.	ED	Ongoing	
Program EV-1.3E	Minority Business Outreach. Work with local minority-owned businesses, business organizations, and non-profits to encourage business success and support job training and career advancement opportunities.	ED	Progress	Worked with Marin Small Business Development Center to market minority-owned small business grant funding opportunities.
Program EV-1.3F	Housing Production Partnerships Continue to foster strong working relationships with Marin Builders Association, the Marin Association of Realtors, commercial property owners, and local non-profit housing developers to reinforce the development of workforce housing, housing for lower-income residents, and opportunities to convert vacant commercial property to housing (see also Policies EV-1.8 and EV-1.9).	CDD (Housing), ED	Progress	Staff continued to build and maintain relationships, including through representation of non-profit and for-profit developers on the City's 2023-2031 Housing Element Working Group, which launched in late 2021. Additionally, the City has identified vacant commercial properties and included them in the draft list of housing opportunity sites for the 2023-2031 Housing Element.

	See Goal EDI-5 for additional policies and programs on increasing economic opportunities for lower income residents			
Program EV-1.4A	Development Opportunities. Provide site location assistance to the real estate community and prospective businesses by maintaining an inventory of vacant and underutilized sites in the City, including vacant buildings. Inventory data should include allowable uses and intensity, site availability, and the potential for preferential tax treatment and other incentives due to Opportunity Zone or similar designations.	ED	No Action	
Program EV-1.4B	Permit and Technical Assistance. Provide advocacy services to assist local businesses in the permitting and development processes. Seek opportunities to innovate with technology to help improve service delivery. Simplify and streamline the permit process wherever feasible.	CDD	No Action	
Program EV-1.4C	Small Business Support. Partner with the Marin Small Business Development Center and other organizations to provide small business advisory and training opportunities including business plan development, marketing and social media, human resources strategies, and access to capital/investment.	ED	Progress	Worked with Marin Small Business Development Center to market minority-owned small business grant funding opportunities.
Program EV-1.4D	Business Incubation. Encourage business mentoring, education, and incubation programs that could be undertaken in cooperation with public, institutional and/or private sector partners (for example, Marin Builder's Exchange, College of Marin Career Education, etc.).	ED	No Action	

Program EV-1.4E	Business Recognition. Support recognition programs for exemplary businesses, such as annual awards programs.	ED	No Action	
Program EV-1.5A	Industry Clusters and Supply Chains. Identify desired industries and develop economic development programs to attract these types of businesses. Encourage supply chains for such industries and encourage business-to-business relationships.	ED	No Action	
Program EV-1.7A	Media Relations. Generate media coverage that communicates a positive image of San Rafael and increases recognition of the city as a great place to do business. Implement social media strategies that reinforce this message.	ED	Ongoing	
Program EV-1.7B	Competitive Edge. Market San Rafael's competitive edge relative to other Marin cities and mid-sized Bay Area cities. San Rafael's branding should highlight the City's reputation as the business, civic, cultural, dining, and entertainment hub of Marin County. See also Policy CDP-5.10 on historic preservation as an economic development strategy.	ED	Ongoing	
Program EV-1.8A	Benefits of Workforce Housing. Work with local partners to educate residents on the benefits of workforce housing to the community.	CDD (Housing)	No Action	
Program EV-1.8B	Public Agency Partnerships. Work with local school districts and other agencies to explore opportunities to build housing for teachers, public safety employees, and other essential service employees on public land.	CDD (Housing), CM, ED, PW,	No Action	

Program EV-1.9A	Workforce Development Programs. Support the efforts of businesses, labor organizations, non-profits, schools, and the public sector to provide job training and placement services. Consider opportunities for these initiatives to support other City goals, such as reducing homelessness (e.g., Downtown Streets Team.), building housing (e.g., Education to Career Construction Program) and improving wildlife habitat (e.g., California Conservation Corps, etc.).	CDD (Housing), ED	Ongoing	
Program EV-1.9B	Mentoring Programs. Continue to participate in mentoring, apprenticeship, and internship programs, including participation in programs run by other agencies and organizations.	ED	No Action	
Program EV-1.9C	English as a Second Language. Continue to support community wide efforts to provide English as a Second Language (ESL) training, citizenship, and other educational programs for the San Rafael workforce. See Goal EDI-5 for additional policies and actions on workforce development	ED	Ongoing	
Program EV-1.10A	Green Economy. Support the creation of environmentally beneficial jobs and businesses.	ED, CM (Sustainability)	No Action	
Program EV-1.10B	Green Business Practices. Coordinate with Marin County, environmental organizations and the Chamber of Commerce to promote greener business practices and participation in the County's Green Business Program.	ED, CM (Sustainability)	No Action	
Program EV-1.10C	CCAP Implementation. Work with local business to help achieve the goals of the 2030 Climate Change Action Plan (CCAP), including a shift toward renewable energy, reduced waste, increased composting, and low-carbon	ED, CM (Sustainability)	No Action	

	transportation. The potential costs, as well as the potential savings or other benefits, of CCAP measures on businesses should be important considerations as programs are implemented.			
Program EV-1.11A	Business Engagement. Actively engage the business community in disaster preparedness planning and recovery.	ED, FIRE	Ongoing	Ongoing via PDEP (Public Disaster Education and Preparedness) and the EMBR program.
Program EV-1.11B	Education on State Regulations. Provide information and outreach to businesses on new (and potential) State mandates and regulations, particularly those related to climate change. Explore ways to mitigate cost impacts based on consultation with local businesses and organizations. See the Community Services Element for policies and programs on microgrids and electrical reliability, and the Safety Element for policies on resilience to climate change and sea level rise.	CM (Sustainability)	No Action	
Program EV-1.12A	Innovation Working Group. Convene an economic development and innovation working group to identify new business opportunities and prospects for innovation and diversification.	ED	No Action	
Program EV-2.1A	Retail Evaluations. Periodically evaluate the performance of the City’s retailers. Use the data to help improve retail performance or assist centers with attracting other compatible uses.	ED	No Action	
Program EV-2.2A	Local Shopping Campaigns. Support campaigns to “Shop Locally” and raise awareness about the benefits of supporting local businesses rather than purchasing on-line.	ED	Ongoing	
Program EV-2.2B	Event Promotion. Continue to promote events that bring people to Downtown, Northgate and	ED	Ongoing	

	other community commercial centers to support local businesses.			
Program EV-2.2C	Local Preference. Where other factors (such as price) are equal, the City should give preference to purchasing goods and services from both local vendors and minority-owned businesses.	CM, ED	No Action	
Program EV-2.2D	Day and Evening Visitors. In the Downtown and North San Rafael Town Center areas, attract a variety of retail businesses to encourage patronage during both day and evening hours.	ED	No Action	
Program EV-2.3A	Industrial Zoning. Maintain zoning for industrial areas to prevent a loss of industrial businesses (see also Program LU-2.4A on industrial zoning).	CDD	Ongoing	
Program EV-2.4A	Responding to Workplace Trends. Work with local office building owners, managers and tenants to respond to changing workplace design requirements (including those related to public health) and to adapt to trends such as increased telecommuting and co-working.	ED	Ongoing	
Program EV-2.5A	Tourism Strategies. Explore strategies to enhance local tourism, improve hotel and conference facilities, attract destination restaurants and stores, and support tourism programs of the Chamber, Downtown Business Improvement District, and Marin County Visitors Bureau.	ED	Ongoing	
Program EV-2.5B	Downtown Arts District. Support the Downtown Cultural Arts District through marketing, programs, and partnerships (see also Program AC-1.8A).	ED	Ongoing	

Program EV-2.5C	Special Events. Encourage special events and festivals that draw visitors to San Rafael, showcase its vibrant arts and cultural scene, and have net positive effects on local businesses and City revenues. Work with local retailers to ensure they can remain open and easily accessible when these events take place (see also Policies AC-1.7 and LU-3.11).	ED	Ongoing	
Program EV-2.5D	Transient Occupancy Taxes (TOT). Explore ways to increase economic development program funding through TOT revenues. See the Land Use Element for policies on home occupations. See the Mobility Element for policies on telecommuting, flextime, and other strategies to reduce peak hour commuting. See the Arts and Culture Element for additional discussion of the arts and entertainment sector.	ED	No Action	
Program EV-2.7A	Civic Center Modernization. Support County efforts to update the Marin County Civic Center and expand its capacity to host conferences and special events.	ED, L&R	No Action	
Program EV-2.7B	Higher Education Partnerships. Cultivate relationships with Dominican University and other Bay Area institutions of higher learning to facilitate local economic development. Consider opportunities for Dominican to increase its visibility in the community, including occupying underutilized space in Downtown or Northgate Town Center buildings.	ED	Ongoing	
Program EV-3.1A	Zoning Regulations. Ensure that zoning and development regulations for each business area support their success and contribution to the City's economy.	CDD, ED	Ongoing	

Program EV-3.1B	Quality of Life Programs. Implement and support programs to improve the safety, security, cleanliness, and convenience of San Rafael's business districts so that they are places where customers want to shop, dine, and visit. Providing a comfortable, enjoyable experience for residents, workers, and visitors is an important part of remaining competitive.	ED	Ongoing	
Program EV-3.2A	Business Improvement Districts. Support the use of BIDs to improve services to business districts and provide a funding source for localized improvements.	ED	Ongoing	
Program EV-3.2B	Public Private Partnerships. Encourage public/private partnerships as one means of revitalizing deteriorated and underdeveloped area (see also Policy CSI-5.6).	ED	No Action	
Program EV-3.2C	Business Assistance Programs. Explore the feasibility of programs to assist local businesses with property improvements, such as landscaping, signage, façade improvements, and design assistance.	ED	No Action	
Program EV-3.6A	Business/Neighbor Collaboration. Seek innovative ways for businesses and their residential neighbors to work together toward a mutual vision that is beneficial to the community.	ED	Ongoing	
Program EV-3.8A	Pre-Submittal Process. Improve the efficiency of the development review process by updating neighborhood notification and meeting procedures and improving the pre-submittal process to identify initial concerns and encourage higher quality applications.	CDD	Ongoing	

EQUITY, DIVERSITY, AND INCLUSION ELEMENT

Effectiveness of the Equity, Diversity, and Inclusion Element in attainment of San Rafael’s equity, diversity, and inclusion goals:

- Goal EDI-1: Authentic and Inclusive Public Participation
- Goal EDI-2: Healthy Communities and Environmental Justice
- Goal EDI-3: Housing Stability
- Goal EDI-4: Equitable Service Delivery
- Goal EDI-5: Access to Education and Economic Opportunity
- Goal EDI-6: An Age-Friendly Community

PROGRAM	PROGRAM DESCRIPTION	DEPT	STATUS	PROGRESS IN 2021
Program EDI-1.1A	Training and Education. Provide training and education on issues of equity and inclusion for City staff, Boards and Commissions, and advisory groups. This should include information about best practices in inclusive civic leadership.	HR	Ongoing	
Program EDI-1.1B	Equity Plan. Prepare a citywide Equity Strategic Plan or similar document that provides guidance on ways to incorporate equity into City practices and procedures. Metrics to measure progress, including goals for public participation, should be developed and monitored after Plan adoption.	HR	No Action	
Program EDI-1.1C	Community Dialogue on Race and Equity. Provide opportunities for ongoing community dialogue on issues of race and equity, including anti-racism education and sanctioned space for public expression.	HR	No Action	
Program EDI-1.2A	Community Stakeholders. Actively provide engagement opportunities for all residents through outreach programs specifically aimed at those who are under-represented in public processes, such as immigrant communities, people of color, youth, and younger families. Use creative and community-driven methods for reaching under-represented groups, such as markets, churches, home visits, school events, cultural activities, and informal social networks.	CM	No Action	

Program EDI-1.2B	San Rafael Website. Use the City’s website and social media presence to improve participation in City government and increase access to City information and documents.	CM	Ongoing	
Program EDI-1.2C	Scheduling of Meetings. Schedule public meetings and workshops at times and locations convenient to community members. Where feasible, provide child care, food, and other services to make meeting attendance easier.	CM, CDD, PW, L&R	No Action	
Program EDI-1.2D	District Elections. Optimize the opportunity for district-based elections to increase resident participation in local government, particularly among Latino residents (for example, by considering Commission appointments by District).	City Clerk, CM	No Action	
Program EDI-1.2E	CEAP Update. Update the 2015 San Rafael Community Engagement Action Plan (CEAP) to implement General Plan 2040 EDI policies and programs.	CM	No Action	
Program EDI-1.3A	Removing Language Barriers. Ensure that Latino and other non-English-speaking populations may actively participate in local decision-making through such methods as bilingual notices, translation of meeting materials, the use of accessible (non-jargon) and culturally competent language, Spanish language meetings, new platforms for commenting (such as Facebook and Zoom), and having interpreters at public meetings.	CM, Digital	Progress	The City has started using Alboom for translation of materials including the Spanish version of Snapshot.
Program EDI-1.3B	Surveys. Regularly use multilingual, culturally appropriate surveys, focus groups, and other outreach methods to solicit input from under-represented communities. When funding is available, outsource survey work to community	CM, CDD, PW, L&R	No Action	

	organizations with engagement grants or stipends for participation (see also Program CSI-5.3B and PROS-2.2B on surveys).			
Program EDI-1.3C	Regularly Scheduled Community Meetings. Convene regularly scheduled meetings with businesses and residents in lower income areas to address local priorities, report out on program implementation, and support shared leadership and decision-making.	CM, CDD, PW, L&R, ED	No Action	
Program EDI-1.4A	Advocacy Programs. Support training, education, and advocacy programs by local institutions and social service providers to address the issues facing San Rafael's lower income, immigrant, older adult, and LGBTQ populations, as well as others who have historically faced discrimination or have special needs.	CM, L&R	No Action	
Program EDI-1.4B	Collaborations. Collaborate with local community-based organizations to develop and implement strategies to engage under-represented groups or populations with unique issues.	CM, CDD, PW, L&R	No Action	
Program EDI-1.5A	Board and Commission Diversity. Monitor the composition of City Boards and Commissions, making efforts to provide representation that mirrors the city. When filling vacancies, focus recruitment and outreach efforts on under-represented populations.	CM	No Action	
Program EDI-1.5B	Public Input. Encourage public input at Board, Commission, and Committee meetings. Clearly identify issues, actions, and ways to comment, and provide information early enough to allow meaningful participation.	CM, CDD, PW, L&R	No Action	

Program EDI-1.6A	Youth-Focused Outreach. Work with local school districts, schools, youth and student groups, colleges, universities, and community-based organizations to increase youth involvement in local government and public processes. This could include school “clubs” organized around topics of interest. Youth engagement should be inclusive and reflective of San Rafael’s demographics (see also Program EDI-5.2A on “Buddy” programs).	CM, L&R	No Action	
Program EDI-2.1A	Pedestrian and Bicycle Improvements. Implement pedestrian and bicycle improvements, as described in the General Plan Land Use and Mobility Elements and the San Rafael Bicycle and Pedestrian Master Plan. This should include improved safety features, streetscape and landscape improvements, and other improvements that make it safer, easier, and more comfortable to be physically active in San Rafael, particularly in neighborhoods with less access to these features today.	PW	No Action	
Program EDI-2.1B	Public Health as an Evaluation Metric. Consider public health data such as rates of asthma, heart disease, and obesity when prioritizing capital improvements such as bike lanes, new parks, and sidewalk improvements. See also Goals M-5 and M-6 on connected, pedestrian-friendly streets	PW	No Action	
Program EDI-2.2A	Increasing Usable Public Space. Pursue opportunities for additional programmed public outdoor space, with a priority on higher density neighborhoods. Consider the use of City-owned vacant lots or rights-of-way as improved open space.	PW	No Action	

Program EDI-2.3A	HEAL Campaign. Participate in the Marin Countywide Healthy Eating Active Living (HEAL) campaign, supporting actions that transform the physical environment to improve health, well-being, and physical activity.	CM, L&R	No Action	
Program EDI-2.3B	Health Fairs. Encourage multilingual community health fairs and other events that raise awareness of public health among all residents. Demonstrate best practices for public health and wellness at City-sponsored activities, such as serving healthy foods and encouraging walking and bicycling to the event.	CM, L&R	No Action	
Program EDI-2.3C	Municipal Code Review. Periodically evaluate City codes and ordinances for their impact on health, including provisions for tobacco, vaping, and smoke-free multi-family housing; standards for indoor air quality; and HVAC systems able to sustain safe living conditions during wildfires, power outages, and extreme weather events.	CM, L&R, CDD, FIRE, PW, PD	Progress	The City is working on 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.
Program EDI-2.4A	Local Health Care Facilities. Support the development of easily accessed health care and medical facilities in the city, including access to mental health services.	CDD	No Action	
Program EDI-2.5A	Reducing Exposure to Hazards. As appropriate, utilize conditional use permit requirements for businesses adjacent to residential neighborhoods to reduce resident exposure to noise, odor, smoke, vibration, and other potentially harmful impacts. Work with business owners to encourage responsiveness when these issues arise.	CDD, PW	Ongoing	In 2019, Planning, Building, Public Works and Fire evaluated all conditional use permits for noise, odor, smoke, vibration, and other potentially harmful impacts through requesting information such as specification sheets and ensuring that they meet the standards as prescribe in the San Rafael Municipal Code. When the City received complaints regarding any hazards; Code Enforcement, Fire, and/or PD was

				dispatched immediately to address any concerns or issues.
Program EDI-2.5B	Reducing Indoor Air Pollution. Support the distribution of bilingual information on indoor air pollution hazards to vulnerable populations, including lower income renters. Respond to complaints about smoke and odors in multi-family projects and facilitate remediation.	CDD (Code Enforcement)	No Action	
Program EDI-2.5C	Environmental Hazard Data. Maintain data on environmental hazards, such as soil and groundwater contamination and the vulnerability of the population to such hazards, using sources such as Cal Enviroscreen. See the Safety Element for policies and programs to (a) require health risk assessments for new development near freeways and (b) reduce exposure to hazardous materials, including contaminated sites and new uses handling hazardous substances. See the Conservation and Climate Change Element for policies to improve air quality, and the Mobility Element for policies to encourage cleaner fuel vehicles.	CM (Sustainability), Digital	No Action	
Program EDI-2.6A	Greening Priorities. Prioritize City-sponsored urban greening and tree planting projects in residential areas that currently have lower rates of tree cover, higher residential densities, and limited access to open space (for example, the Canal area and Montecito).	CM (Sustainability)	No Action	
Program EDI-.8A	Incentives. Explore incentives for small local markets to offer healthier food options for nearby residents.	ED	No Action	
Program EDI-2.9A	Obstacles to Food Production. Review, and revise as needed, San Rafael's zoning regulations and codes to identify and remove barriers to	CDD	Progress	The Planning Division plans to evaluate all code sections in the San Rafael Municipal Code in 2022 to ensure that urban

	urban gardening and small-scale food production in residential neighborhoods.			gardening and small-scale food production is a permitted use in residential districts.
Program EDI-3.1A	Anti-Displacement Strategies. Evaluate anti-displacement strategies in future plans or programs that could result in the direct removal of affordable housing units, the displacement of tenants, or economic hardships due to rapid rent increases.	CDD (Housing)	Progress	In March 2021, the City adopted an ordinance that requires owners of property located in the opportunity zone to pay relocation assistance if evicting tenants for renovation. The City continued its mandatory mediation program for rent increases greater than 5%. The City released a Notice of Funding Availability in 2021 and in early 2022 reserved funding through its Affordable Housing Trust Fund for a project to convert existing units in the Canal neighborhood to permanently affordable.
Program EDI-3.1B	Renter Protection Measures. Continue to explore and promote measures to protect San Rafael renters and facilitate positive communication between landlords and tenants.	CDD (Housing), City Attorney	Progress	On July 17, 2019, the City Council adopted the San Rafael's Rental Housing Dispute Ordinance. The Ordinance allows for a Tenant or Landlord to request a mediation for rent increases greater than 5% during a 12-month period. This would facilitate positive communication between landlords and tenants. The City continued to offer this program in 2021 through the District Attorney's Office.
Program EDI-3.1C	Climate-Related Displacement. Consider measures to address the potential for loss or displacement of affordable or lower cost housing in the City's climate change adaptation planning.	CDD (Housing), CM (Sustainability)	No Action	
Program EDI-3.4A	Healthy Homes. Support programs and regulations that support healthier homes, including the abatement of toxic hazards such as lead and mold, the use of non-toxic materials and finishes, and design features that improve ventilation and indoor air quality.	CDD	No Action	

Program EDI-3.5A	Code Enforcement. Provide effective code enforcement efforts in all neighborhoods to abate unsafe or unsanitary conditions. Ensure that the abatement of violations does not increase housing cost burdens or result in displacement of lower-income households.	CDD (Code Enforcement)	Ongoing	
Program EDI-3.5B	Rental Inspections. Continue the Periodic Housing Inspection Program and Residential Building Record (RBR) inspections to ensure the safety and habitability of all housing units.	CDD (Code Enforcement)	Ongoing	
Program EDI-3.6A	Incentives for Family Housing. Consider density bonuses and other incentives for three-bedroom affordable rental units in new construction to meet the need for housing suitable for larger families and extended households.	CDD	No Action	
Program EDI-3.7A	Temporary Housing for At Risk Groups. Work with community-based organizations to develop and support temporary housing solutions for lower-income immigrants, older adults, and other at-risk groups during and after an emergency.	CDD (Housing)	Progress	As part of COVID-19 response, City staff and CBOs assisted households in applying for Emergency Rental Assistance through Marin County. The City distributed information in English and Spanish to raise awareness of the temporary eviction moratorium.
Program EDI-4.1A	Equity Metrics. Use benchmarks and indicators such as household income, the presence of children and older adults, and past investment patterns, to inform decisions about the location of future public investments.	ED, CM	No Action	
Program EDI-4.2A	Nuisance Reporting Systems. Support programs that allow residents and businesses to easily report incidences of illegal dumping, roadside garbage and litter, vandalism, graffiti, noise, smoke and fumes, and other nuisances. Maintain data on calls, responses, and follow-up activities.	Digital	Progress	In 2019, the City was using 311 as a resident request system however the contract with CP Connect will be sunsetting on April 20, 2022. The vendor is offering to migrate the City to an alternative solution, SeeClickFix. In order to guarantee the success of a new 311 implementation for San Rafael, Digital is partnering with

				departments to determine their needs around resident request and complaint tracking.
Program EDI-4.2B	Security and Safety Improvements. Pursue public safety improvements, including street lighting, security cameras, better wayfinding signage, and improved sidewalk conditions, with a focus on neighborhoods with higher levels of need and fewer available resources.	PW, PD	Ongoing	
Program EDI-4.3A	Neighborhood Safety Partnerships. Encourage partnerships between lower-income residents and local police to address law enforcement concerns, including organized events such as neighborhood walks and police “walking the beat” to create personal relationships and learn about community issues.	PD	No Action	
Program EDI-4.4A	Mobile Health Care. Facilitate the use of public buildings such as libraries and community centers for “pop up” health services and other activities that promote wellness.	L&R	Worked with health partners to offer COVID testing and vaccine clinics as well as blood drives at the Albert J Boro and San Rafael Community Centers.	
Program EDI-4.5A	Food Assistance Programs. Support resident access to food assistance programs, including local food banks and food stamp programs. Encourage the acceptance of food subsidy vouchers at retail food outlets throughout San Rafael.	ED	No Action	
Program EDI-4.5B	Reduced Cost Meals. Encourage free and reduced cost meal programs for those with the greatest needs, including low income children, seniors, and persons experiencing homelessness.	L&R, CM (Homelessness)	Progress	Offered COVID friendly, free, drive up meals for older adults weekly at the Albert J. Boro Community Center. Continue to host weekly SF/Marin Food Bank distribution in the Center’s parking lot.

Program EDI-4.6A	Connecting Social Service Providers. Increase awareness of social service and mental health programs by improving communication between residents and service providers, facilitating communication among the service providers themselves, and providing more opportunity for interaction between residents and city leaders.	CM	No Action	
Program EDI-4.6B	Collaborative Service Model. Encourage and support collaborative efforts to address local health care and social service needs, including partnerships with community-based organizations and service providers, partnerships with the County of Marin and other Marin cities, and interdepartmental efforts within the City of San Rafael.	CM	No Action	
Program EDI-4.7A	Transit Improvements. Work with Marin Transit, SMART, and GGBHTD to collect and analyze data on the workplace location of San Rafael's transit-dependent population so that transit routes and schedules are responsive to needs, and optimally serve those without cars.	PW	No Action	
Program EDI-4.7B	Bicycle and Pedestrian Improvements. Prioritize pedestrian and bicycle improvements in areas where the concentration of pedestrians and bicycles is highest, and where residents have fewer resources and options to travel. Improve access to bicycles, helmets, and related equipment for lower income families.	PW	No Action	
Program EDI-5.1A	Business Partnerships. Support partnerships with local employers to make child care more affordable and accessible for low-wage workers. Quantify the potential benefits to employers to help make these services available.	ED	No Action	

Program EDI-5.2A	Buddy Programs. Collaborate with the school districts to develop “buddy” or “host” programs enabling San Rafael families to provide social, cultural, and academic support to English learners and new students from other countries.	L&R	No Action	
Program EDI-5.2B	Cultural Competency. Ensure that the City uses culturally appropriate strategies and messaging when providing information to students and parents regarding extra-curricular activities.	L&R, CM	No Action	
Program EDI-5.3A	Financial Aid. Raise student and family awareness of opportunities for grants, scholarships, internships, and programs that provide financial assistance for education and career development.	L&R	Progress	Recreation Division restructured its Recreation Scholarship Program in 2021 and are more widely advertising it to the San Rafael residents.
Program EDI-5.4A	Youth Employment. Encourage youth training and employment programs, partnerships with the private sector and community-based organizations, and similar measures to improve career opportunities for younger San Rafael residents.	L&R, ED, CM	No Action	
Program 5.6A	Measuring Workforce Contributions. Develop data to quantify the contribution of San Rafael’s low- and moderate-income workforce to the local and regional economies. Use this data to develop responsive economic development policies and programs and increase the safety net for critical low-income workers.	ED	No Action	
Program EDI-5.7A	Business Assistance. Explore opportunities to assist San Rafael’s small businesses and entrepreneurs, including minority-owned businesses. This should include partnerships with the Hispanic Chamber of Commerce and similar organizations.	ED	Progress	Worked with Marin Small Business Development Center with outreach to minority-owned small businesses to obtain grant funding.

Program EDI-5.7B	Hiring Incentives. Support incentives for contractors and builders to hire local workers, with a focus on increasing business opportunities for lower-income tradespersons.	ED	No Action	
Program EDI-5.8A	Opportunity Zone. Continue to evaluate the potential benefits of the designation of the Core Canal Census Tract as an “opportunity zone” by the State of California, including possible funding for transit, affordable housing, and capital improvements. Activities related to the Opportunity Zone designation should include specific provisions to minimize the displacement of residents and businesses.	CDD, PW	No Action	
Program EDI-5.9A	Cooperatives. Encourage cooperate ownership of assets such as housing, vacant land, local energy systems, and incubator business space as a way to reduce business operating costs.	ED	No Action	
Program EDI-5.9B	Community Benefit. Recognize below market space for community-based organizations as a community benefit that triggers eligibility for density or height bonuses in new development.	CDD	No Action	
Program EDI-5.10A	Access to On-Line Learning and Work. Support efforts to provide all students with access to on-line learning and the capacity to work remotely. Work with local service providers to improve access for lower income households, especially households with children.	ED, L&R	No Action	
Program EDI-6.1A	Age Friendly Plan. Prepare an Age-Friendly Strategic Plan for San Rafael that identifies specific and culturally responsive actions to ensure that older adults may thrive in the community. Periodically monitor progress on Plan	L&R, PW, FIRE PD, CDD	Progress	In 2020, the San Rafael Age-Friendly Task Force completed the planning phase, assessment and the Age Friendly San Rafael Strategic Action Plan. The outreach effort included conducting ageism training -

	implementation, consistent with WHO Age-Friendly Global Network guidelines.			"Reframing Aging " with the FrameWorks Institute, key informant interviews and a community survey in English and Spanish. On March 15, 2021, San Rafael City Council formally accepted the Age-Friendly Strategic Plan. City staff continue to meet regularly with the Age-Friendly Task Force.
Program EDI-6.2A	Aging in Place. Continue to support programs and services that assist older adults with home modifications that facilitate aging in place. Support home sharing programs that pair empty nesters with rental seekers.	L&R, CDD (Housing)	Ongoing	The City allocated a portion of CDBG public services funding to Covia Foundation – Home Match Marin, which provides a roommate matching service mainly used by older adults. Benefits of the program include providing a means for older residents to remain in their homes and to supplement incomes, while avoiding isolation.
Program EDI-6.2B	Affordable Housing Options for Older Adults. Encourage the construction of affordable senior housing, and accessory dwelling units that provide more affordable alternatives for older adults. Also, support programs that provide direct and indirect assistance for older renters.	CDD (Housing)	Progress	The City released a Notice of Funding Availability in 2021 and in early 2022 funded a project through its Affordable Housing Trust Fund that will provide 66 affordable studio and one-bedroom apartments for adults age 62 and older. The bottom two floors of the building will contain the Vivalon Healthy Aging Campus, which will provide support services, activities, and wellness, as well as a central meeting place for older adults, as a means of extending independent living and supporting quality of life for aging adults in the community. The City revised its Accessory Dwelling Unit ordinance in 2021 to comply with state law. Since the passage of state laws streamlining ADU development, the City has seen a substantial increase in ADU construction.
Program EDI-6.3A	On-Demand Transportation Services. Improve on-demand transportation options for older adults, including volunteer driver programs and programs pairing new student drivers with seniors.	CM	No Action	

Program EDI-6.3B	Universal Access. Incorporate principles of universal access in the design of public facilities, sidewalks, and outdoor spaces and buildings. Reduce risks associated with falling and improve lighting and sidewalk conditions in areas where hazards may exist.	PW, CDD	Ongoing	
Program EDI-6.4A	Access to Resources. Improve access to community programs and resources for older adults, including increased on-line services and technology training and partnerships with Marin County In-Home Supportive Services.	CM, Digital	Progress	There is a plan to conduct usability testing with Age Friendly San Rafael in the rollout of new services.
Program EDI-6.5A	Outreach and Education. Engage older adults in focused disaster preparedness outreach and education, emergency and shelter-in-place drills, wildfire prevention programs, and evacuation plans. Focus on older adults with the greatest needs, including in-home support.	FIRE, L&R	Ongoing	Fire has provided multiple trainings to partners such as Vivalon, and collaborated with Age Friendly to do outreach at Dining Under the Lights.
Program EDI-6.6A	Inclusion and Participation Initiatives. Provide opportunities for social connections, including discounted or free community events, intergenerational programs (for example, pairings of students and older adults), mental health services, multicultural programs, and working with organizations such as Marin Villages to engage and empower older adults.	L&R	No Action	



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Community Development

Prepared by: Leslie Mendez,
Planning Manager

City Manager Approval: _____

TOPIC: ON-CALL AND ENVIRONMENTAL PLANNING CONSULTING SERVICES AGREEMENT

SUBJECT: RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES WITH M-GROUP FOR ON-CALL CONTRACT PLANNING AND ENVIRONMENTAL CONSULTING SERVICES IN AN AMOUNT NOT TO EXCEED \$100,000

RECOMMENDATION:

Adopt the resolution (Attachment 1) approving and authorizing the City Manager to execute an agreement for Professional Services with M-Group for on-call contract planning and environmental consulting services in an amount not to exceed \$100,000.

BACKGROUND:

On [November 2, 2020](#) the City Council approved a resolution authorizing the City Manager to execute a Professional Services Agreement with M-Group for on-call planning and environmental consultant services to assist in filling the short-term gap that had been created by the loss of two full-time planners. Although the Community Development Department (CDD) is currently fully staffed, the construction industry remains active and Planning continues to experience a high volume of submittals for land use development projects and use permits. During calendar year 2022 to date, the Planning Division has received over 150 new land use entitlement applications. In addition to the myriad lower profile development applications, there are numerous larger commercial (e.g., San Rafael Inn), residential (e.g., 1515 4th Street Apartments), and mixed-use (Northgate Mall) development applications pending. Because of the complexity and amount of time involved in analyzing land use and environmental review applications, CDD continues to need assistance from land use and environmental consulting firms to provide guidance on the CEQA process and to prepare the necessary land use and environmental documents.

ANALYSIS:

M-Group has consistently demonstrated that they have staff with the ability and flexibility to deliver high quality services as on-call land use and environmental planners, and the firm has been instrumental in moving development forward through the City's entitlement phase. As such, M-Group has been assigned

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

project management to complex development projects—[Ross Street Terrace Development](#) and the recently entitled [88 Vivian Multi-Family Development](#)—and has stepped in as critical support by providing zoning counter staffing assistance, and processing minor land use permits as well as environmental document preparation and review.

Staff is, therefore, seeking to extend the on-call planning and environmental consulting services from M-Group through December 2023, with a total contract amount not to exceed \$100,000. This will cover existing commitments to counter staffing and project management, as well as allow staff to request assistance from the firm as needed on a project-by-project basis. The CDD Director will review and approve each individual project scope of work and cost estimates, as they are needed. Copies of the Professional Services Agreement along with associated cost estimates are attached.

FISCAL IMPACT:

The total amount of the not-to-exceed agreement is \$100,000. Approximately half of this contract sum will be covered by project applicants, and approximately half, if needed, is appropriated as part of the Fiscal Year 2021-22 budget for CDD (General Fund) and additional costs will be included in the FY 2023-24 budget process if needed.

OPTIONS:

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

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

RECOMMENDED ACTION:

Adopt the resolution approving and authorizing the City Manager to execute an agreement for Professional Services with M-Group for on-call contract planning and environmental consulting services in an amount not to exceed \$100,000.

ATTACHMENTS:

1. Resolution
2. Professional Services Agreement with:
 - a. Exhibit 1: M-Group Proposal for Planning Staff Support
 - b. Exhibit 2: M-Group 2022 Rate Sheet

RESOLUTION NO.

RESOLUTION OF THE SAN RAFAEL CITY COUNCIL APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES WITH M-GROUP FOR ON-CALL CONTRACT PLANNING AND ENVIRONMENTAL CONSULTING SERVICES IN AN AMOUNT NOT TO EXCEED \$100,000

(Term of Agreement: through December 31, 2023)

WHEREAS, the San Rafael Planning Division is committed to providing timely and effective planning services to the public; and

WHEREAS, due to on-going high volume of development application submittals, the City's Planning Division has a need for on-call professional planning and environmental services to supplement existing staffing through temporary assignment of projects on an as-needed on-call basis; and

WHEREAS, M-Group is a professional planning firm that has provided on-call planning services to the City in the past and has submitted a proposal to provide on-call contract planning services in a sum not to exceed \$100,000, which includes the option of using journey level planners as well as experienced contract planners that can be used on a project-by-project basis, as further detailed in the staff report for this resolution; and

WHEREAS, funds have already been appropriated in the FY 22-23 CDD budget process to cover the contract amount; and

WHEREAS, staff has determined that M-Group proposes a unique on-call approach to contract planning services which would provide the most qualified contract planner at the appropriate level, thus providing a cost-effective staffing solution; and

WHEREAS, M-Group has demonstrated through its statement of qualifications and prior work on other similar projects that it would be able to take on the duties required to assist the Planning Division staff;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Rafael does hereby approve and authorize the City Manager to execute, on behalf of the City of San Rafael, an Agreement for Professional Planning Services with M-Group, 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 3rd day of October 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

Lindsay Lara, City Clerk

**AGREEMENT FOR PROFESSIONAL SERVICES
FOR ON-CALL CONTRACT PLANNING AND ENVIRONMENTAL REVIEW
SERVICES**

This Agreement is made and entered into this _____ day of _____, 2022, by and between the CITY OF SAN RAFAEL (hereinafter "**CITY**"), and METROPOLITAN PLANNING GROUP, a California Corporation, doing business as the "M-GROUP" (hereinafter "**CONSULTANT**").

RECITALS

WHEREAS, the San Rafael Planning Division is committed to providing timely and effective planning services to the public; and

WHEREAS, given the current workload of **CITY** staff, the **CITY** has determined that the Planning Division is faced with a temporary gap in services and that on-call professional planning and environmental services are needed for the temporary assignment of projects on an as-needed, on-call basis; and

WHEREAS, at the **CITY'S** request, the **CONSULTANT** has submitted a proposal dated April 4, 2022 to provide on-call professional planning and environmental planning services to the **CITY**, and said proposal is attached to this Agreement marked "Exhibit 1" and incorporated herein by reference; and

WHEREAS, **CONSULTANT** has demonstrated through its statement of qualifications and prior work for the **CITY**, as well as other Cities, on other similar projects that it would be able to take on the responsibilities as a Contract Planner for the **CITY**.

AGREEMENT

NOW, THEREFORE, the parties hereby agree as follows:

1. **PROJECT COORDINATION.**

A. **CITY'S Project Manager.** Leslie Mendez, Planning 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**. Heather Hines, Principal of M-Group, 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 contract planning services to fill a temporary vacancy and on-call as needed in the Planning Division with the duties as described in Exhibit 1.

3. DUTIES OF CITY.

CITY shall pay the compensation as provided in Paragraph 4 and shall provide **CONSULTANT** with a work space and materials and information reasonably necessary for **CONSULTANT** to perform the services required by this Agreement.

4. COMPENSATION.

CONSULTANT shall perform duties and bill for services on a “time and material” basis, at the hourly billing rates presented in **CONSULTANT’S** 2022 Rate Sheet attached as “Exhibit 2” hereto, up to a total not-to-exceed amount of \$100,000. **CONSULTANT** may make a cost-of-living adjustment to its hourly rates in Exhibit 2 once during the Term of this Agreement, but not prior to May 1, 2023, and only after 30 days’ written notice to **CITY**. In no event shall the cost-of-living adjustment exceed the percentage increase over the previous year of the San Francisco-Oakland-Hayward Price Index for All Urban Consumers (“CPI”).

CONSULTANT work hours shall be based on the number of hours needed to manage project workload or deadlines for that week. Hours billed shall not include **CONSULTANT** travel time.

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 begin on the date first set forth above and end on December 31, 2023. Upon mutual agreement of the parties, and subject to the approval of the City Manager the term of this Agreement may be extended for an additional period of up to one (1) year.

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 **CONSULTANT** and any and all of **CONSULTANT'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) 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 noncontributory" 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. Where the services to be provided by **CONSULTANT** under this Agreement are design professional services to be performed by a design professional as that term is defined under Civil Code Section 2782.8, then, to the extent permitted by law including without limitation, Civil Code sections 2782, 2782.6 and 2782.8, **CONSULTANT** shall indemnify and hold harmless the **CITY** and its officers, officials, and employees (collectively **City Indemnitees**) from and against damages, liabilities or costs (including incidental damages. Court costs, reasonable attorney's fees as may be determined by the Court, litigation expenses and fees of expert witnesses incurred in connection therewith and costs of investigation) to the extent they are caused by the negligence, recklessness, or willful misconduct of **CONSULTANT**, or any subconsultants, or subcontractor or anyone directly or indirectly employed by them, or anyone for whom they are legally liable (collectively Liabilities). Such obligation to hold harmless and indemnify any indemnity shall not apply to the extent that such Liabilities are caused in part by the negligence or willful misconduct of such City Indemnitee.

C. 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: Leslie Mendez, Planning Manager
City of San Rafael
1400 Fifth Ave.
San Rafael, CA 94915-1560

TO CONSULTANT's Project Director: Heather Hines
M-Group
51 E. Campbell Ave #1247
Campbell, CA 95009

16. INDEPENDENT CONTRACTOR.

For the purposes, and for the duration, of this Agreement, **CONSULTANT**, its officers, agents and employees shall act in the capacity of an Independent Contractor, 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 Contractor 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 by electronic signature and 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: Heather Bradley

Name: Heather Bradley

Title: Principal & Treasurer

ATTEST:

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

LINDSAY LARA, City Clerk

By: G. Bradley

Name: Geoff Bradley

Title: Principal & President

APPROVED AS TO FORM:

ROBERT F. EPSTEIN, City Attorney



April 10, 2022

Leslie Mendez
Planning Manager
City of San Rafael
1400 5th Street
San Rafael, CA 94901

RE: M-Group Proposal for Planning Staff Support

Leslie,

I am pleased to prepare this letter proposal to renew M-Group's contract with the City of San Rafael. We pride ourselves on ongoing work with our clients to prepare quality work product with flexibility to respond to each jurisdiction's changing needs and timelines. M-Group has provided staffing assistance to the City of San Rafael since 2014 and our team looks forward to continuing that work with you and your staff.

This contract is intended to augment and extend our current contract for staffing support with greater flexibility to assign the best available staff members to respond most efficiently to the City's needs. Under this contract, M-Group will provide professional planning services for development and environmental review projects assigned by the City. More specifically, these services will generally consist of, but not be limited to, the following:

- Review development project materials and environmental technical studies as needed
- Writing of reports, correspondence, findings, and conditions of approval
- Attend meetings with applicants and City staff
- Complete research and make recommendations
- Conduct site inspections
- Attend and presentation at public meetings such as Design Review Board, Planning Commission, and City Council
- Complete building plan check review for approved entitlements
- Review and tracking of associated Mitigation Monitoring
- Building Permit inspections as needed for approved entitlement projects

M-Group will also provide on call environmental review services for project level environmental review. A separate project level budget may be required at the direction of staff for more complex environmental review assignments to ensure full cost recovery capture. These services may include, but are not limited to, the following:

- Expanded justifications for categorical and statutory exemptions
- Consistency analysis

- Initial Studies
- Negative Declarations and Mitigated Negative Declarations
- Environmental Impact Reports
- Project management of environmental analysis
- Peer review of environmental documents and technical studies

Additionally, M-Group may provide professional planning services to assist the City with advanced planning and special projects as requested by the City. These services may include, but are not limited to, the following:

- City initiated zoning updates
- Annual Housing Element Report
- Affordable housing agreements
- Environmental review of City projects
- Public outreach efforts on advanced planning and policy issues

This contract will extend through December 2023. M-Group's 2022 hourly rates are attached and rates will be charged based on the position assigned to a specific project under agreement with the City. These rates shall be subject to annual escalation based on changes in M-Group's firmwide rate schedule.

Please let me know if there is anything additional needed at this time. I look forward to continuing to work together.

Sincerely,



HEATHER HINES
Principal
hhines@m-group.us
707.318.6208

M-GROUP

2022 RATE SHEET

M-GROUP STAFF	HOURLY RATE
Admin Analyst Planning Tech	\$85
Assistant Planner Assistant Urban Designer Social Media Coordinator	\$100
Associate Planner Associate Urban Designer GIS Mapping Services	\$130
Environmental Planner Historic Preservation Specialist Public Art Specialist	\$145
Senior Planner Senior Urban Designer Senior Environmental Planner Project Manager	\$155
Principal Planner Principal Environmental Planner Principal Policy Planner Director of Urban Design	\$175
Principal	\$220 - \$270

* Hourly rates are subject to annual adjustment.

* Sub-consultants include a 10% administration fee

City of San Rafael
In Recognition of

NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH
2022

WHEREAS, October 2022 marks the 77th anniversary of National Disability Employment Awareness Month; and

WHEREAS, the purpose of National Disability Employment Awareness Month is to educate about disability employment issues and celebrate the many and varied contributions of America's workers with disabilities; and

WHEREAS, the history of National Disability Employment Awareness Month traces back to 1945 when Congress enacted a law declaring the first week in October each year "National Employ the Physically Handicapped Week;" and

WHEREAS, in 1962, the word "physically" was removed to acknowledge the employment needs and contributions of individuals with all types of disabilities; and

WHEREAS, in 1988, Congress expanded the week to a month and changed the name to National Disability Employment Awareness Month; and

WHEREAS, workplaces welcoming of the talents of all people, including people with disabilities, are a critical part of our efforts to build an inclusive community and strong economy; and

WHEREAS, the City of San Rafael is committed to cultivating an inclusive community that increases access and opportunities to all, including individuals with disabilities.

NOW, THEREFORE, I, Kate Colin, Mayor of San Rafael, do hereby proclaim October 3, 2022 through October 31, 2022 as National Disability Employment Awareness Month in the City of San Rafael and urge its residents to join in observing and recognizing the accomplishments of individuals with disabilities.



Kate Colin
Mayor



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

Prepared by: April Miller,
Director of Public Works

City Manager Approval: 

TOPIC: SAN RAFAEL FIRE DEPARTMENT FLEET REPLACEMENT FY 2022-23

SUBJECT: RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO PURCHASE THREE (3) FIRE DEPARTMENT VEHICLES FOR REPLACEMENT, IN AN AMOUNT NOT TO EXCEED \$998,000

RECOMMENDATION: Adopt a resolution approving and authorizing the City Manager to purchase three (3) vehicles of various makes and models to replace outdated vehicles in the Fire Department’s fleet, in an amount not to exceed \$998,000.

BACKGROUND: In accordance with the attached Fleet Management Policy and Procedures, Department of Public Works staff has identified three vehicles in the Fire Department that it recommends for replacement in FY 2022-23. These recommendations are based on vehicle age and mileage, emissions compliance, and operational efficiency. It is important to note that due to global supply chain issues, delays are expected for the FY 22-23 replacements. Vehicle maintenance staff have been required to perform larger repairs on older vehicles to meet the City’s operational needs. It is imperative that the vehicle orders are placed in a timely manner when the ordering window is open and the option to purchase vehicles “off the lot” is available.

The replacement recommendations for the Fire Department vehicles are based on operational need and vehicle procurement lead time. Chart 1 below shows the vehicle number, recommended replacement and associated cost.

Table 1- Fire Department Replacement Recommendations

Vehicle Number	Recommended Replacement	Associated Cost (includes upfitting and contingency)
26-02	Equivalent Fire Engine	\$870,000
14-08	Ford F-150	\$58,000
139-96	Ford Lighting EV	\$70,000
Total		\$998,000

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

Engine:

In the past, the Department used 15 years of front-line service plus 5 years reserve service as the replacement schedule for engines. More recently, the City has moved away from set timelines and instead evaluated vehicles on their actual condition.

While our front-line fleet is still inside the parameters of this goal, our reserve fleet consists of 2002 and 2003 Engines which are coming up on the 20-year mark. The reserve engines are critical for use as spares when the front-line apparatus is down for repairs or deployed to out-of-county responses. They are also used for training on a regular basis for our recruit academies and for continued in-service training to keep front-line apparatuses in a ready state.

The continued usage and age of these vehicles has led to increased maintenance and repair time as components wear out. Older parts take longer to locate, exacerbated by shortages, leading to additional downtime. Additionally, call volumes continue to increase, and front-line engines require more maintenance and downtime, making the reserve fleet that much more critical.

Our reserve fleet is also not California Air Resources Board (CARB) compliant as they do not have Diesel Particular filters (required 2007), or Selective Catalytic Reduction (required 2010). The phase-out of these older engines aligns with the City's goal of having a fleet that produces less greenhouse gas emissions.

While this request might be a little earlier than we would typically make, industry supply and economic trends in vehicle production have created long lead times. Current estimates for engines ordered today are a two-year delivery time. This long lead time requires the City to be proactive in engine replacement to ensure maximum response readiness in the near future. Additionally, the cost of engines has risen by 10% in the last year and will increase another 6% on November 1, 2022. Purchasing now even though delivery will be in two years will lock in the lower price.

Trucks:

Pickup trucks are used by Battalion Chiefs and personnel to respond to incidents and areas that large vehicles cannot access, like fire trails. In an effort to prioritize ambulances and engines, the department has been running with no backup pickup trucks within the fleet. This has put additional strain on maintenance staff as they attempt to find time to repair and maintain these trucks without pulling them out of service. Given this, the department is requesting two replacement pickups.

The first would be the department's first EV (Electric Vehicle) pickup, a Ford Lighting that would be assigned to the Deputy Fire Chief. The department already uses the City's first EV passenger vehicle for fire prevention inspections. The truck would save the City roughly \$3,000 in fuel per year and would be one of the first electric trucks in the Bay Area put into fire operational service. This is possible since the Deputy Chief does not respond to out of county calls and thus is not limited by the lack of charging infrastructure in remote locations of the state. The department looks forward to using this EV and learning from it to hopefully move the entire pickup fleet to EVs in the near future. In an effort to look forward and be as efficient as possible, the department will procure a white model so that once the battery has less range and no longer meets the Fire Department's operational needs, it may be used by other departments.

The second truck would replace an older utility vehicle, but more importantly would serve as a backup command staff truck in the event that any of the current trucks needs repair or are placed out of commission. This will ensure that there is some redundancy in the department's

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 3

fleet while also phasing out an older, less fuel-efficient model. The City has historically purchased three-quarter ton vehicles for this use, but in an effort to downsize and be more environmentally conscious and economical, will be using a half ton. Replacing this older vehicle with one that can be used by the on-duty Deputy or Battalion Chief greatly increases preparedness and the ability for the department to ensure maximum operation readiness.

FISCAL IMPACT: These expenditures have been planned and there are sufficient funds available in the Vehicle Replacement Fund #600 to purchase three vehicles for an amount not to exceed \$998,000.

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

1. Adopt a resolution approving and authorizing the City Manager to purchase three vehicles to replace aging vehicles for the Fire Department's vehicle fleet.
2. Do not adopt a resolution and provide further direction to staff.

ATTACHMENT:

1. Resolution
2. Fleet Management Policy and Procedures

RESOLUTION NO.

RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO PURCHASE THREE (3) FIRE DEPARTMENT VEHICLES FOR REPLACEMENT, IN AN AMOUNT NOT TO EXCEED \$998,000

WHEREAS, the San Rafael Fire Department has three vehicles that require replacement;
and

WHEREAS, based on information presented in the accompanying staff report and vehicle mileages, the Department of Public Works recommends the purchase of three new vehicles; and

WHEREAS, the City has determined that replacing aging fleet vehicles with various electric and hybrid vehicles is the most cost-effective, long-term option; and

WHEREAS, these expenditures have been planned and there are sufficient funds available in the Vehicle Replacement Fund (Fund #600) to purchase these vehicles.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN RAFAEL that the City Council hereby approves and authorizes the City Manager to purchase three (3) vehicles for an amount not to exceed \$998,000.

I, **LINDSAY LARA**, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the Council of said City on the 3rd day of October 2022, by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Lindsay Lara, City Clerk



CITY OF SAN RAFAEL POLICIES AND PROCEDURES

Policy No.	
Subject:	Fleet Management Policy
Resolution No.	
Issue Date:	September 6, 2012
Revision Date:	
Prepared By	Richard Landis
Approved By:	<i>Nancy Marshall</i>

FLEET MANAGEMENT POLICY AND PROCEDURES

PURPOSE: The City of San Rafael establishes this policy to govern the management of the City's vehicle fleet.

SCOPE: The acquisition, outfitting and replacement of all City vehicles.

DEFINITIONS: "City vehicle" shall include all automobiles, trucks, motorcycles, or any other equipment registered with the Department of Motor Vehicles and owned, leased, or rented by the City. "Fleet Manager" shall be the Director of Public Works or his/her designee.

POLICY:

General Provisions

Fleet Manager

The role of the Fleet Manager is to advise the City Manager and City Council on matters relating to the City's vehicle fleet. The Fleet Manager shall communicate with all department directors regarding vehicle needs and submit timely reports to the City Manager. The Fleet Manager is committed to the following principles:

1. The size and nature of the City's fleet is governed primarily by need and function, i.e., the number of vehicles should be no greater than what is necessary to provide public services in an efficient manner. Each vehicle within the fleet should be minimally specified to fulfill its intended function, providing operators with a comfortable and modestly-appointed vehicle with which to deliver services in a cost-effective manner.
2. Vehicles should be selected with a strong preference for fuel efficiency and hybrid and alternative fuel technology. The City will strive to reduce the negative impact of its fleet upon the environment by reducing greenhouse gas emissions.
3. Vehicles with the lowest long-term maintenance and repair costs and occupant safety are preferable.

Department Budgeting for Additional Vehicle Acquisition

Before a department determines the need to add a vehicle to its inventory, it shall first check with the Fleet Manager and the Finance Department to determine whether an existing vehicle is available elsewhere in the fleet that may meet the department's needs. If none is available, the requesting

department shall submit a vehicle addition request to the Fleet Manager with the following information:

- The purpose for which the vehicle is needed
- The type of vehicle requested and the total estimated purchase price
- The estimated total cost of any special auxiliary equipment or equipment packages above what might be considered standard equipment. The cost of adding a new vehicle to the fleet shall be paid by the requesting department. Internal service charges to that department's budget shall be established at the time of vehicle purchase to ensure adequate future funding for the vehicle's eventual replacement.

Vehicle Acquisition

All departments shall submit vehicle purchase requests to the Fleet Manager. The Fleet Manager will consider requests, consult with the Finance Department to ensure that there are sufficient funds for the new vehicle request, and review vehicle specifications for conformance with the provisions and intent of the Fleet Policies and Procedures. All vehicle purchases shall be administered by the Fleet Manager and shall comply with bidding procedures, when applicable, to ensure competitive pricing. Invoices for new vehicle purchases and equipment installation shall be administered by the Fleet Manager with pre-approved departmental account codes established to meet the invoice totals.

Vehicle Replacement Funding

Funding for vehicle acquisition and supplemental equipment shall be established through monthly internal service charges to the department operating the vehicle, over the projected useable life of that vehicle. An annual inflation factor is applied to the department's internal service charge to account for anticipated increases in future vehicle costs.

Vehicle Replacement Schedule

City vehicles are eligible for replacement on the basis of the following established useable life recommendations:

Vehicle Description	Useable Life
Sedans, SUV's, vans, light and medium duty trucks (up to 8,600 gross vehicle weight)	10 years
Heavy duty trucks (over 8,600 gross vehicle weight)	15 years
Police patrol/traffic vehicles	5 years
Police unmarked vehicles	8 years
Police motorcycles	4 years
Parking enforcement buggies	5 years
Fire command vehicles	7 years
Fire pumper engines	15 years
Fire ladder trucks	20 years
Ambulances	5 years

Off-road maintenance and construction equipment shall be replaced when economically or operationally justified. When a vehicle in this group approaches the end of its anticipated life cycle, a cost/benefit analysis shall be performed to justify vehicle replacement.

These useable life standards are for vehicle replacement financial estimating purposes only. When a vehicle reaches the end of its established useable life and the department operating the vehicle requests replacement, each vehicle shall be assessed by the Fleet Manager and Vehicle Maintenance Division to determine if replacement is justified, given general vehicle condition, mileage, maintenance and repair history, safety considerations, etc. Extension of the useable life of any vehicle shall be at the discretion of the Fleet Manager and the requesting department. Likewise, a department may request a vehicle replacement prior to the end of its established useable life. The Fleet Manager shall review all such requests in consultation with the Finance Department and Vehicle Maintenance Division. Requests for early replacement shall be accompanied by a thorough justification, including objective criteria supporting the request. The cost of early replacement, if any, shall be borne by the requesting department.

If a department determines that an assigned vehicle is no longer needed, the vehicle shall be returned to the Vehicle Maintenance Division for re-allocation within the fleet or disposition as surplus.

Disposition of Surplus Vehicles

All vehicles accepted by the Vehicle Maintenance Division for replacement or permanent elimination from the fleet shall be consigned to public auction with the City's designated auction service. Departments shall deliver vehicles being replaced to the Vehicle Maintenance Division prior to accepting the new replacement vehicle.

Maintenance and Repair of Vehicles

Preventive and Routine Maintenance and Repairs

The Vehicle Maintenance Division shall notify departments of upcoming scheduled maintenance for vehicles operated by that department and will schedule the date and anticipated duration of the scheduled maintenance. If possible, the department operating the vehicle shall deliver it to the Vehicle Maintenance Division. If necessary, Vehicle Maintenance will pick up the vehicle at its customary parking location and return it when scheduled maintenance is complete.

Unscheduled Repairs

In the event a vehicle requires immediate or unscheduled repair during normal work hours, operators should call the Vehicle Maintenance Division (458-5345), or take the vehicle to the Public Works facility at 111 Morphew Street for assessment. If the vehicle cannot be operated or is unsafe to operate, the driver should call the Vehicle Maintenance Division for road service, towing, or advice. After normal working hours, vehicle operators should call the non-emergency Police Department dispatch number (485-3000) for towing or road assistance. Vehicle operators must notify their supervisors, as well as the Fleet Maintenance Division, in the event of a vehicle failure.

Reimbursement for Personal Expense for City Vehicle Repair

Certain emergencies may occur during non-working hours that can be easily remedied at a service station (for example, a flat tire or radiator hose). Department Directors whose employees routinely work outside of normal working hours shall develop appropriate policies governing the authority of vehicle operators to affect emergency repairs during non-working hours with the intended goal of delivering uninterrupted public service. These departmental policies shall be forwarded to the Fleet Manager for reference.



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Library & Recreation

Prepared by: Craig Veramay,
Assistant Library & Recreation
Director

City Manager Approval: _____

TOPIC: PROPOSED FEES FOR PILOT FALL/WINTER AQUATICS PROGRAM

SUBJECT: RESOLUTION APPROVING FEES FOR PILOT FALL/WINTER AQUATICS PROGRAM AT THE TERRA LINDA COMMUNITY POOL

RECOMMENDATION:

Adopt a resolution approving fees for a pilot fall/winter aquatics program at the Terra Linda Community Pool.

BACKGROUND:

Typically, the Terra Linda Community Pool closes in mid-September. The pool has a growing group of committed lap swimmers that have often expressed a desire for the pool to open earlier in the season and to continue later in the year. The Library and Recreation Department wants to ensure recreation amenities are available and accessible to community members to the greatest extent possible. However, historically, the City has been limited in the aquatics season length by the cost of keeping the pools open during colder months for fewer users as well as significant challenges in finding sufficient staffing to operate in the off-season. Additionally, in the Spring and Fall months, the City often must reduce pool hours due to weather-related impacts.

ANALYSIS:

In the past year, staff have been working hard to recruit and develop aquatics staff capacity. Staff have recently assessed that extending fall operations are feasible this season, as the City has been successful in recruiting aquatics staff with more availability throughout the year. Staff propose to operate the pool on a pilot program basis, offering the programs shown in Table 1 below, through at least October 30, 2022. As the pilot program progresses, staff will also evaluate the feasibility of keeping the pool open longer.

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

Table 1: Proposed Terra Linda Pool Fall / Winter Schedule

Program Area	Day of Week	Times
Lap Swim	Sunday	8:30am-11:30am
	Monday, Tuesday, Thursday	6:30am-1:30pm
	Wednesday	6:30am-9:45am, and 11am-1:30pm
Water Gym	Wednesday	10am-10:45am
Group Rentals	Monday-Thursday	8:30am-10:30am, 6pm-8pm

In order to ensure that operations during this time period are financially sustainable, staff recommend adopting new pilot fall/winter aquatics program drop-in fees to trial this extended swim season. Staff completed a cost analysis and fee comparison in order to develop proposed drop-in fees that better recapture operating expenses during the winter season. Table 2 shows a comparison of the City’s current and proposed rates, alongside other Marin pools that offer public lap swim during the shoulder season. Staff are recommending increasing the drop-in fee to the proposed rates to align with neighboring agencies and to better recover the added expense of operating the pool during the shoulder season.

Table 2: Fee Comparison: Fall / Winter Drop-In Swim Fees

Program Type	Unit of Measure	Standard (Summer) Terra Linda Pool Fees (Res/Non)	Proposed Fall/Winter Terra Linda Pool Fees (Res/Non)	Marin JCC Fall Fees	Mill Valley Fall Fees
Lap Swim (Adult)	Per visit (drop-in)	\$7/\$11	\$11/\$14	\$15 w/member; \$30 general public	\$11
Lap Swim (Senior)	Per visit (drop-in)	\$5/\$7	\$8/\$11	\$15 w/member; \$25 general public	\$8
Lap Swim (Youth)	Per visit (drop-in)	\$5/\$7	\$8/\$11	\$5 w/member; \$5 general public	\$8
Lane Fee for Local Swim Teams - standard practice	Per Lane Per Hour	\$6/\$7	\$12/\$14	NA	NA
Lane Fee for Local Swim Teams - swim meets or practices for novice swimmers	Per Lane Per Hour	\$9/\$10	\$16/\$18	NA	NA

Lane Fee for Commercial Groups	Per Lane Per Hour	\$15/\$19	\$25/\$30	NA	NA
--------------------------------	-------------------	-----------	-----------	----	----

Table 3 shows the estimated revenue and expenses if the City approves the new fees, as compared to the baseline costs that the City absorbs when the pool is closed for the season.

Table 3: Terra Linda Pool Fall/Winter Pilot Program – Weekly Revenue and Expense Projections*	
Revenue	\$4,176
Expenses	\$3,971
Projected Net Revenue	\$205
<i>*Note: These figures represent the weekly estimated revenue and expenses associated with fall/winter programs and include direct revenue and direct personnel (lifeguards, cashiers), chemicals, utilities, supplies, and equipment. These figures exclude fixed overhead operating and administrative overhead expenses.</i>	

If approved, the proposed fees would go into effect on October 4, 2022. Standard fees would resume April 1, 2023. At the conclusion of the pilot program, staff intend to evaluate program performance by studying operational impact, fiscal impact, and facility use. Depending on the outcome of that analysis, staff may make recommendations to City Council at a future date to amend the Master Fee Schedule to adopt winter season aquatics fees permanently or consider alternatives.

FISCAL IMPACT:

Operating expenses during the fall season are projected to be higher than those in the summer due to changes in weather and facility use patterns. Staff also project that attendance will be lower than during the summer months and are planning to offer reduced operating hours during the fall season.

Staff project that the new fees will generate adequate revenue to cover the added cost of operating the pool during the fall/winter season, resulting in a small weekly net revenue for the program period, as shown in Table 3.

OPTIONS:

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

1. Adopt a resolution approving fees for a pilot fall/winter aquatics program at the Terra Linda Community Pool.
2. Do not adopt the resolution and provide further direction to staff.

RECOMMENDED ACTION:

Adopt a resolution approving fees for a pilot fall/winter aquatics program at the Terra Linda Community Pool.

ATTACHMENTS:

1. Resolution
 - a. Exhibit 1: Pilot Fall/Winter Aquatics Fees
2. Current Recreation Master Fee Schedule

RESOLUTION NO.

RESOLUTION APPROVING FEES FOR PILOT FALL/WINTER AQUATICS PROGRAM AT THE TERRA LINDA COMMUNITY POOL

WHEREAS, the City of San Rafael has conducted an analysis of its services, the costs reasonably borne, the beneficiaries of those services, comparable fees charged by like agencies, and the revenues produced by those paying fees or any charges for special services; and

WHEREAS, the City wishes to comply with both the letter and spirit of Article XIII B of the California Constitution and limit the growth of taxes; and

WHEREAS, the City has a policy of recovering costs reasonably borne of providing special services of voluntary and/or limited nature, such that general taxes are not diverted from general services of a broad nature, and thereby utilized to subsidize unfairly and inequitably such special services; and

WHEREAS, the Library, Recreation, and Childcare fees are structured in a manner that is consistent with the City policy; and

WHEREAS, the Library and Recreation Department wishes to develop new fall/winter pilot program aquatics fees based on the current costs reasonably borne and in alignment with market rates and best practices for fall/winter programming; and

WHEREAS, a fee comparison was prepared and proposed fees are determined to be in compliance with all of the requirements of California Government Code and other applicable laws.

NOW, THEREFORE BE IT RESOLVED, that the City Council hereby approves fees for pilot fall/winter aquatics programs for the Terra Linda Community Pool as outlined in Exhibit 1 to this resolution, and directs the Library and Recreation Department to apply the fees and the Finance Department to collect the fees. The fees shall go into effect on October 4, 2022. Standard fees will resume April 1, 2023.

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 3rd day of October 2022, by the following vote, to wit:

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

Lindsay Lara, City Clerk

EXHIBIT 1: FEES FOR PILOT FALL/WINTER AQUATICS PROGRAM

Standard Aquatics Fees (Spring/Summer) (Effective April 1-September 30)			Fall/Winter Pilot Program Fees (Effective October 1-March 31)	
Fee Category	Resident Fees	Non-Resident Fees	Resident Fees	Non-Resident Fee
Pool Season Passes				
Memorial Day - Labor Day Passes	Memorial Day - Labor Day Passes Adult Pass (18-61): \$140/\$160 Youth Pass (ages 1-17): \$100/\$120 Senior Pass (ages 62+): \$100/\$120 Under 1: No Charge		NA	
Daily Admission Drop-in (Lap & Rec Swim)				
Adult (18 - 61 years)	\$7	\$10	\$11	\$14
Youth (1 - 17 years) & Seniors (62+ years)	\$5	\$8	\$8	\$11
Under 1 year old	Free	Free	Free	Free
Punch Pass (15 admissions)				
Adult Punch Pass (15 admissions - Lap & Rec Swim)	\$91	\$130	NA	
Youth & Senior Punch Pass (15 admissions - Lap & Rec Swim)	\$65	\$104	NA	

Pool Area Rentals				
Rental of Terra Linda Community Pool facility	\$120/hr 2 hr. min. Residents/SR Non-Profits (includes 2 lifeguards)	\$150/hr 2 hr. min. Non-Residents & Outside Non-Profits; \$200/hr Commercial (includes 2 lifeguards)	NA	NA
Lifeguard fee	For groups >50, \$25/hr per additional Lifeguard; 1 Lifeguard per 25 additional swimmers required	For groups >50, \$25/hr per additional Lifeguard; 1 Lifeguard per 25 additional swimmers required	NA	NA
Water Inflatable Fee	\$40/hr	\$50/hr	NA	NA
Picnic Tables (2 hr minimum, attendees will be charged at Resident rates for pool entry)	\$42/hr	\$48/hr	NA	NA
Indoor Party Room (3 hr block, includes 30 entries)	\$350	\$385	NA	NA
Lane Fees (per lane, per hour)				
Lane Fee for Local Swim Teams - standard practice	\$6	\$7	\$12	\$14
Lane Fee for Local Swim Teams - swim meets or practices for novice swimmers	\$9	\$10	\$16	\$18
Lane Fee for Commercial Groups	\$15	\$19	\$25	\$30
Swim Lessons (per lesson)				
Group Lessons - 30 minute	\$15	\$18	NA	NA
Group Lessons - 40 minute	\$17	\$20	NA	NA
Private Lessons - 30 minute	\$35	\$40	NA	NA
Private Lessons - Additional Child	\$15	\$18	NA	NA

Recreation Fee Schedule		
Recreation Facilities Reservation Fees		
Fee Category	Resident Fees	Non-Resident Fees
San Rafael Community Center		
Auditorium		
Non-profit organizations	\$90/hr, 4 hr min Sat & Sun	\$100/hr, 4 hr min Sat & Sun
Private use & non-profit fundraising events	\$110/hr, 4 hr min Sat & Sun	\$120/hr, 4 hr min Sat & Sun
Commercial groups	\$130/hr, 4 hr min Sat & Sun	\$140/hr, 4 hr min Sat & Sun
Clubroom, Lounge		
Non-profit organizations	\$30/room/hr	\$35/room/hr
Private use & non-profit fundraising events	\$40/room/hr	\$45/room/hr
Commercial groups	\$55/room/hr	\$60/room/hr
Kitchen with Facility Rental		
Non-profit organizations	\$120/flat	\$130/flat
Private use & non-profit fundraising events	\$150/flat	\$160/flat
Commercial groups	\$180/flat	\$190/flat
Lonatese Garden (fees apply if not in conjunction with Auditorium Rental)		
Non-profit organizations	\$25/hr	\$30/hr
Private use & non-profit fundraising events	\$35/hr	\$40/hr
Commercial groups	\$45/hr	\$50/hr
Miscellaneous Fees		
Refundable reservation/damage deposit for San Rafael Auditorium	\$1,000	\$1,000
Refundable reservation/damage deposit for San Rafael Clubrooms	\$100 per/room	\$100 per/room
Staff attendant fee	\$25/hr	\$25/hr

Recreation Fee Schedule		
Recreation Facilities Reservation Fees		
Fee Category	Resident Fees	Non-Resident Fees
Albert J Boro Community Center		
Auditorium		
Non-profit organizations	\$45/hr, 4 hr min Sat & Sun	\$50/hr, 4 hr min Sat & Sun
Private use & non-profit fundraising events	\$55/hr, 4 hr min Sat & Sun	\$120/hr, 4 hr min Sat & Sun
Commercial groups	\$130/hr, 4 hr min Sat & Sun	\$140/hr, 4 hr min Sat & Sun
Gymnasium		
Non-profit organizations	\$40/hr, 4 hr min Sat & Sun	\$45/hr, 4 hr min Sat & Sun
Private use & non-profit fundraising events	\$50/hr, 4 hr min Sat & Sun	\$55/hr, 4 hr min Sat & Sun
Commercial groups	\$75/hr, 4 hr min Sat & Sun	\$80/hr, 4 hr min Sat & Sun
Classroom		
Non-profit organizations	\$15/room/hr	\$18/room/hr
Private use & non-profit fundraising events	\$20/room/hr	\$45/room/hr
Commercial groups	\$55/room/hr	\$60/room/hr
Kitchen with Facility Rental		
Non-profit organizations	\$60/flat	\$65/flat
Private use & non-profit fundraising events	\$75/flat	\$160/flat
Commercial groups	\$180/flat	\$190/flat
Miscellaneous Fees		
Refundable reservation/damage deposit for Boro Auditorium/Gym	\$500 for non-profit organizations and private use & non-profit fundraising events; \$1,000 for commercial groups	\$500 for non-profit organizations; \$1,000 for private use & non-profit fundraising events and commercial groups
Refundable reservation/damage deposit for Boro Classrooms	\$100 per/room	\$100 per/room
Staff attendant fee	\$25/hr	\$25/hr

Recreation Fee Schedule		
Recreation Facilities Reservation Fees		
Fee Category	Resident Fees	Non-Resident Fees
Terra Linda Community Center		
Clubroom		
Non-profit organizations	\$30/room/hr	\$35/room/hr
Private use & non-profit fundraising events	\$40/room/hr	\$45/room/hr
Commercial groups	\$55/room/hr	\$60/room/hr
Kitchen		
Non-profit organizations	\$50/flat	\$70/flat
Private use & non-profit fundraising events	\$60/flat	\$80/flat
Commercial groups	\$70/flat	\$90/flat
Miscellaneous Fees		
Refundable reservation/damage deposit for Terra Linda Clubrooms	\$100 per room	\$100 per room
Staff attendant fee	\$25/hr	\$25/hr

Recreation Fee Schedule		
Falkirk Reservation Fees		
Fee Category	Resident Fees	Non-Resident Fees
Falkirk Cultural Center		
Monday - Thursday		
Non-profit organizations	\$100/hr 2 hr minimum	\$120/hr 2 hr minimum
Private use & non-profit fundraising	\$150/hr 2 hr minimum	\$170/hr 2 hr minimum
Commercial groups	\$200/hr 2 hr minimum	\$220/hr 2 hr minimum
Refundable reservation/damage deposit	\$1,000	\$1,000
Fridays and Sundays		
Non-profit organizations	\$900 for 6 hr	\$1,020 for 6 hr
Private use & non-profit fundraising	\$1,350 for 6 hr	\$1,470 for 6 hr
Commercial groups	\$1,800 for 6 hr	\$1,920 for 6 hr
Refundable reservation/damage deposit	\$1,000	\$1,000
Saturdays		
Non-profit organizations	\$1,500 for 10 hr	\$1,700 for 10 hr
Private use & non-profit fundraising	\$2,250 for 10 hr	\$2,450 for 10 hr
Commercial groups	\$3,000 for 10 hr	\$3,200 for 10 hr
Refundable reservation/damage deposit	\$1,000	\$1,000
Friday - Sunday Additional Hours		
Non-profit organizations	\$150/hr	\$170/hr
Private use & non-profit fundraising	\$225/hr	\$245/hr
Commercial groups	\$300/hr	\$320/hr

Recreation Fee Schedule		
Aquatics Fees		
Fee Category	Resident Fees	Non-Resident Fees
Pool Season Passes		
Memorial Day - Labor Day Passes	Memorial Day - Labor Day Passes Adult Pass (18-61): \$140/\$160 Youth Pass (ages 1-17): \$100/\$120 Senior Pass (ages 62+): \$100/\$120 Under 1: No Charge	
Daily Admission Drop-in (Lap & Rec Swim)		
Adult (18 - 61 years)	\$7	\$10
Youth (1 - 17 years) & Seniors (62+ years)	\$5	\$8
Under 1 year old	Free	Free
Punch Pass (15 admissions)		
Adult Punch Pass (15 admissions - Lap & Rec Swim)	\$91	\$130
Youth & Senior Punch Pass (15 admissions - Lap & Rec Swim)	\$65	\$104
Pool Area Rentals		
Rental of Terra Linda Community Pool facility	\$120/hr 2 hr. min. Residents/SR Non-Profits (includes 2 lifeguards)	\$150/hr 2 hr. min. Non-Residents & Outside Non-Profits; \$200/hr Commercial (includes 2 lifeguards)
Lifeguard fee	For groups >50, \$25/hr per additional Lifeguard; 1 Lifeguard per 25 additional swimmers required	For groups >50, \$25/hr per additional Lifeguard; 1 Lifeguard per 25 additional swimmers required
Water Inflatable Fee	\$40/hr	\$50/hr
Picnic Tables (2 hr minimum, attendees will be charged at Resident rates for pool entry)	\$42/hr	\$48/hr
Indoor Party Room (3 hr block, includes 30 entries)	\$350	\$385

Recreation Fee Schedule		
Aquatics Fees		
Fee Category	Resident Fees	Non-Resident Fees
Lane Fee		
Lane Fee for Local Swim Teams - standard practice	\$6/lane/hr	\$7/lane/hr
Lane Fee for Local Swim Teams - swim meets or practices for novice swimmers	\$9/lane/hr	\$10/lane/hr
Lane Fee for Commercial Groups	\$15/lane/hr	\$19/lane/hr
Swim Lessons		
Group Lessons - 30 minute	\$15 per lesson	\$18 per lesson
Group Lessons - 40 minute	\$17 per lesson	\$20 per lesson
Private Lessons - 30 minute	\$35 per lesson	\$40 per lesson
Private Lessons - Additional Child	\$15 per additional child per lesson	\$18 per additional child per lesson

Recreation Fee Schedule		
Park & Field Fees		
Fee Category	Resident Fees	Non-Resident Fees
Athletic Field Fees - effective 1/1/2022		
Albert Park Stadium All Field		
Non-profit organizations	\$45/hr	\$50/hr
Private use & non-profit fundraising	\$55/hr	\$60/hr
Commercial groups	\$65/hr	\$70/hr
Game Field Prep	\$30 flat fee	\$35 flat fee
Refundable reservation/damage deposit	\$300	\$300
Lights (evening uses)	\$42/hr	\$42/hr
Pickleweed Field (per soccer field)		
Non-profit organizations	\$20/hr	\$25/hr
Private use & non-profit fundraising	\$30/hr	\$35/hr
Commercial groups	\$40/hr	\$45/hr
Refundable reservation/damage deposit	\$300	\$300
Bernard Hoffman Field		
Non-profit organizations	\$20/hr	\$25/hr
Private use & non-profit fundraising	\$30/hr	\$35/hr
Commercial groups	\$40/hr	\$45/hr
Refundable reservation/damage deposit	\$100	\$100
Victor Jones Field		
Non-profit organizations	\$20/hr	\$25/hr
Private use & non-profit fundraising	\$30/hr	\$35/hr
Commercial groups	\$40/hr	\$45/hr
Refundable reservation/damage deposit	\$100	\$100

Recreation Fee Schedule		
Park & Field Fees		
Fee Category	Resident Fees	Non-Resident Fees
Park Facilities Fees		
Redwood Grove - Gerstle Park Picnic Area (3hr min)		
Non-profit organizations	\$30/hr	\$35/hr
Private use & non-profit fundraising	\$40/hr	\$45/hr
Commercial groups	\$50/hr	\$55/hr
Pickleweed Park Picnic Area (3hr min)		
Non-profit organizations	\$15/hr	\$18/hr
Private use & non-profit fundraising	\$20/hr	\$45/hr
Commercial groups	\$50/hr	\$55/hr
Small Group Picnic Areas (Gerstle Park 1 & 2; Sun Valley, Victor Jones - Upper & Lower; Terra Linda; Santa Margarita; Frietas) (3hr min)		
Non-profit organizations	\$20/hr	\$25/hr
Private use & non-profit fundraising	\$30/hr	\$35/hr
Commercial groups	\$40/hr	\$45/hr
Turf/Black Top Areas		
Non-profit organizations	\$20/hr	\$25/hr
Private use & non-profit fundraising	\$30/hr	\$35/hr
Commercial groups	\$40/hr	\$45/hr
Park Rental for Special Event - Use of a full park for a special event; will create list of parks where this is allowed. (Daily Rate - additional facility attendant of trash pick up fees may be applied)		
Non-profit organizations	\$500/day	\$600/day
Private use & non-profit fundraising	\$600/day	\$700/day
Commercial groups	\$700/day	\$800/day
Staff attendant fee	\$25/hr	\$25/hr

Recreation Fee Schedule		
Park & Field Fees		
Fee Category	Resident Fees	Non-Resident Fees
Tennis Court Fees		
Tennis Courts (Leagues/Tournament Play)		
Non-profit organizations	\$15 court/hr	\$20 court/hr
Private use & non-profit fundraising	\$20 court/hr	\$25 court/hr
Commercial groups	\$25 court/hr	\$30 court/hr
Lights (evening uses)	\$20/hr	\$20/hr
Tennis Keys		
Tennis keys - Adult (18+ years)	\$50/yr	\$75/yr
Tennis keys - Youth (under 18)		
Tennis keys - seniors (60 and over)		
Community Garden - effective 1/1/2022		
Community Garden annual fee (Terra Linda)		
Full Plot = 450' sq. ft.	\$133	N/A
Half-Plot = 225' sq. ft.	\$67	N/A
Community Garden annual fee (Canal)		
Full Plot = 50' sq. ft.	\$75	\$90
Half-Plot = 25' sq. ft.	\$38	\$45

Recreation Fee Schedule	
Misc. Fees	
Fee Category	
Banners	San Rafael-Based Non-Profits
Banner Hanging - Vertical Banners	\$60 per banner
Banner Hanging - Horizontal Banners	\$360 per banner

Agenda Item 5.a – Special Presentation from Marc Brown on the Marin
Wildfire Prevention Authority

**City of San Rafael
In Recognition of
Fire Prevention Week 2022**

WHEREAS, Historically, one week every October is known as Fire Prevention Week and is intended to help raise awareness to the risks of building fires; and

WHEREAS, this year, Fire Prevention Week will be held from Sunday October 9 to Saturday October 15; and

WHEREAS, Fire Prevention Week was started by the National Fire Protection Association in 1922 to commemorate the Great Chicago Fire of 1871; and

WHEREAS, the Great Chicago Fire burned between October 8th to October 10th. It killed over 300 residents and destroyed over 17,000 buildings with damages totaling \$4.484 billion in today's dollars; and

WHEREAS, Fire Prevention Week is the longest running public health observance in our country; and

WHEREAS, Fire Prevention Week teaches children and adults how to stay safe in the event of fire; and

WHEREAS, residential fires are a leading cause of injury and death and can affect anyone regardless of age, gender, race, orientation, income level, religion or background; and

WHEREAS, this year's fire prevention theme is, *Fire won't wait. Plan your escape* with an emphasis of having a home fire escape plan as well as knowing at least two ways out of the house; and

WHEREAS, all primary level schools in San Rafael have been notified of Fire Prevention Week, offering our support, and how to access fire safety materials that can be shared with students.

NOW, THEREFORE, I, Kate Colin, Mayor of San Rafael, do hereby proclaim the week of October 9 through October 15, 2022 as Fire Prevention Week and in doing so, urge all residents and community members to have and practice a home fire escape plan.



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

Kate Colin
Mayor



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

Prepared by: April Miller, Director of Public Works

City Manager Approval: _____

TOPIC: "STREETARIES" OUTDOOR EATING AREAS STANDARDS AND FEES

1. **ADOPTION OF ORDINANCE 2016 - AN ORDINANCE ADDING CHAPTER 11.70 ("STREETARIES" OUTDOOR EATING AREAS) TO TITLE 11 (PUBLIC WORKS) OF THE SAN RAFAEL MUNICIPAL CODE; AMENDING SECTION 14.16.277 OF CHAPTER 14.16 (SITE USE AND REGULATIONS), SECTION 14.17.110 OF CHAPTER 14.17 (PERFORMANCE STANDARDS), SECTION 14.05.020 OF CHAPTER 14.05 (COMMERCIAL AND OFFICE DISTRICTS), SECTION 14.06.020 OF CHAPTER 14.06 (INDUSTRIAL DISTRICTS) AND SECTION 14.08.020 OF CHAPTER 14.08 (MARINE DISTRICT) OF TITLE 14 (ZONING) OF THE SAN RAFAEL MUNICIPAL CODE; AND AMENDING TABLE 2.3.070.A (USE TABLE) OF CHAPTER 9 (DOWNTOWN FORM-BASED CODE) OF THE DOWNTOWN SAN RAFAEL PRECISE PLAN RELATING TO OUTDOOR EATING AREAS IN THE PUBLIC RIGHT-OF-WAY**

2. **RESOLUTION APPROVING THE STREETARY PROGRAM DESIGN AND DEVELOPMENT STANDARDS AND FEES UNDER THE STREETARIES ORDINANCE, CHAPTER 11.70 OF THE SAN RAFAEL MUNICIPAL CODE**

RECOMMENDED ACTION: Adoption of Ordinance 2016 and adopt a resolution approving the Streetary Program Design and Development Standards ("Standards") and fees under Chapter 11.70 of the San Rafael Municipal Code ("SRMC") – "Streetaries" Outdoor Eating Areas.

BACKGROUND: Outdoor dining on sidewalks and in the public right of way was authorized by the City Council in April 2000 through adoption of [Ordinance 1751](#), codified at SRMC Section [14.16.277](#), *Use of City Sidewalks and Rights-of-Way for Outdoor Eating Areas*. In 2015, the City Council adopted [Resolution 13995](#), establishing a 3-year pilot program to expand the Outdoor Dining Program to include parklets in the streets. [In 2018](#), the City Council authorized the on-street dining to continue under the same limitations. Prior to the COVID-19 pandemic, three (3) merchants received approval to operate outdoor dining parklets in parking spaces.

To help local businesses during the COVID-19 emergency, on June 1, 2020, the City Council adopted [Resolution 14809](#) to streamline the use of City sidewalks and on-street parking spaces for business activities of restaurants and retail businesses. Twenty-nine (29) merchants utilized the streamlined program. These temporary Outdoor Dining Program permits are valid through November 30, 2022.

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2

Since early 2022 a collaborative team from Public Works, Community Development, Parking Services, Economic Development, Fire, Police, and the City Manager's and City Attorney's Offices worked to create a program beginning December 1, 2022, for the continuance of the Outdoor Dining Program that sets clear and fair rules, parameters, and processes to ensure a positive impact on the City's economic vitality. The Draft Streetary Program Guidelines and fees were presented to the City Council on [June 21, 2022](#). After the approval of the draft guidelines, city staff outreached to all of the existing Streetary owners to share the guidelines and schedule. Based on the draft Guidelines, staff drafted and proposed to the City Council a new Ordinance that would implement the standards as envisioned in the draft Guidelines.

On [September 19, 2022](#), the City Council introduced a new ordinance adding Chapter 11.70 - "Streetaries" Outdoor Eating Areas to Title 11 (Public Works) of the SRMC, and staff recommends adoption of the ordinance (Attachment 1). The Ordinance, if adopted, will govern Streetaries in the public right-of-way, including without limitation, Streetary Encroachment Permits issued by the Director of Public Works, types of fees associated with the program, location requirements for streetaries, design and development standards, and procedures for enforcement, and appeal.

This proposed Resolution establishes fees for the program under Section 11.70.040 of the SRMC and the design and development standards for the program under Section 11.70.070 of the SRMC, which require separate resolution of the City Council as follows:

11.70.040 - Fees.

Each permit application shall be accompanied by a permit application fee. Prior to permit issuance, the permittee shall pay an annual encroachment lease fee and a one-time, refundable deposit. Fees shall be in amounts established by separate resolution of the City Council.

11.70.070 - Design and development standards.

The city council shall, by separate resolution, adopt design and development standards regulating the form, design, safety and maintenance of streetaries. The director may, from time to time, make minor modifications to the design and development standards.

ANALYSIS: The goal of the program is to maintain the economic vitalization gained by the existing streetaries while strengthening safety standards, creating consistent design aesthetic, and ensuring fairness in the way that the public right-of-way is being used.

Proposed Fee Amounts

Three fees are required under the SRMC Section 11.70.040: 1) application fee, 2) annual encroachment lease fee, and 3) one-time refundable deposit.

Based on input from existing Streetary owners, several expressed hardships for the amount of fees due as early as December 1, 2022. There have been requests that the city provide waivers, discounts, or payment plans to assist with the fees.

Table 1 presents staff recommendations for the fees and timeline for when they would go into effect. The fee amounts may be changed from time-to-time by subsequent resolutions of the City Council.

Fee	Amount	Timeline
Application fee	\$2,000 (one time)	Fee waived until December 31, 2023
Annual Encroachment Lease fee	\$3,600 per parking space	Fee waived until June 1, 2023. Between June 1, 2023 and May 30, 2024: Fee discount of 50% applies. Between June 1, 2024 and May 30, 2025: Fee discount of 25% applies. Beginning June 1, 2025: 100% of fee applies (no discounts or waivers)
Deposit	\$2,000 (one time)	Fee due prior to the start of construction for new streetaries or before application is accepted for existing streetaries.
Other: Building permit fee	Dependent on value of improvements – in City Master Fee Schedule	Fee due before receiving building permit.

Proposed Design and Development Standards

The SRMC Section 11.70.070 requires the City Council to adopt design and development standards regulating the form, design, safety and maintenance of streetaries. The Director of Public Works may, from time to time, make minor modifications to the standards.

Attachment 2 presents the Guidelines and Design and Development Standards (“Standards”) for the Streetary Program. This document incorporates provisions of the ordinance and sets forth specific form, design, safety, and maintenance requirements. The document provides specific location and setback criteria for streetaries from the ordinance, including required setback distances from the adjacent travel lane and parking spaces. In addition, it provides design criteria (i.e. materials, dimensions, accessibility, safety) for key elements of the streetaries. Minimum traffic safety protection measures (e.g., wheel stops, vertical delineators) are also included in the Standards. Operational standards, insurance requirements, and the streetary encroachment permit application process are also outlined in the document.

With the new ordinance in effect, the Director of Public Works will have the authority to accept and process applications from existing businesses intending to make modifications to existing structures and continue participating in the streetary program, as well as applications from businesses that wish to operate new streetaries. All existing streetaries, including those permitted before and during the COVID-19 emergency authorization, will be subject to the new ordinance and Standards.

Under the Ordinance Sections 11.70.080(C)-(D), the Director of Public Works is permitted to grant exceptions or minor modifications to the standards set forth in the Ordinance if the Director determines that the streetary will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or injurious to property and improvements in the neighborhood. Accordingly, the Director of Public Works will work with the existing streetaries on a case-by-case basis to consider minor modifications to the standards, as appropriate.

Based on initial assessments of the existing streetaries, the majority of the existing 25 streetaries would need significant to moderate modifications to meet the requirements of the ordinance and Standards. Existing streetary issues include location non-conformance, neglect, accessibility non-compliance, lack of cleaning, and traffic safety concerns. In order for the streetary permittees to bring their streetaries into compliance, it will take time. City staff will work with each interested

restaurant owner through the permitting process. In order to allow for flexibility with the new program starting December 1st, staff will allow streetaries deemed by public works staff to be substantially compliant with the guidelines by December 1, 2022 to remain in operation as they become in full compliance by March 15, 2023. The city anticipates 8 to 10 of the existing streetaries being in substantial compliance by the December 1 deadline.

For operators who would like to remove the streetaries and not participate in the new program, staff intends to offer support to remove the streetary before December 1, 2022. The City would remove the streetary and absorb the cost of removal. This program would be implemented by staff, within the City Manager's existing programmatic authority, without further City Council action.

ENVIRONMENTAL DETERMINATION: The proposed ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Sections 15304 (Class 4), 15305 (Class 5) and 15183, as summarized in the [September 19, 2022 Staff Report](#).

Additionally, at their September 13, 2022 meeting, the Planning Commission adopted a resolution finding that the proposed amendments to the SRMC and Downtown Precise Plan are consistent with the San Rafael General Plan 2040 Goal EV-1: A Healthy and Resilient Economy because the program would streamline the permitting process, strengthen public safety standards, create a consistent design aesthetic, and ensure equity in the use of the public right of way.

OUTREACH: City staff across several departments have engaged the community and key stakeholders throughout this year. These efforts are summarized below:

- **February 2022 to present:** Monthly updates with Economic Development (ED) subcommittee (includes Chamber of Commerce & Downtown Business Improvement District leadership)
- **April 2022:** ED subcommittee task force was created to review draft guidelines including a streetary owner
- **May 2022:** Staff met with a few streetary owners to review guidelines
- **June 21, 2022:** City Council Informational Report and approved draft guidelines
- **July-Aug 2022:** Mailed letter and sent emails with draft guidelines and revised program.
- **Aug-Sept 2022:** Email, phone calls, and visited with interested streetary owners.
- **Sept 2022:** Emailed and dropped off one-page fact sheet to highlight dates, fees, and guidelines
- **Sept 19, 2022:** Public hearing on proposed Ordinance.

FISCAL IMPACT: As businesses continue to try to recover from the pandemic, staff have received several requests from existing Streetary owners to have a staggered approach to implementing fees for the streetaries.

The application fee of \$2,000, which is proposed to be waived for the first year, is calculated at cost recovery levels for the staff time to review the application, site, and determine compliance. While this fee is waived, staff time which is paid through the General Fund will be affected. Staff will be working on this program instead of potential other work assignments that could be cost recoverable. Assuming 10 streetaries participate in the program starting December 1, 2022, this assumes a total cost to the General Fund of \$20,000 in staff time.

The deposit fee will be held by the City and, if needed, pay for streetary removal and reinstatement of the public right of way to its original condition. Any remaining portion of the deposit will be refunded upon streetary removal or change of operator.

The annual encroachment lease fee of \$3,600 per parking space was calculated on the basis of average annual revenue from parking meters downtown in 2019, which was prior to the anomalies in parking behavior during the COVID pandemic. The parking services fund has already been working at a loss in meter fees since the temporary program was implemented, so staff is proposing a transition over the next 2.5 years until full parking meter fees are recovered. This fee does not include any cost recovery for staff time to administer the permit, inspect the streetaries, and review and manage compliance. Assuming 10 streetaries each with two parking stalls participate in the program starting December 1, 2022, there would be a revenue loss to the Parking Fund of \$36,000 for the first 6 months, another \$36,000 for the following 12 months, and \$18,000 for the subsequent 12 months. Over the 2.5-year transition period for these 10 streetaries it would be a total estimated parking revenue loss of \$90,000.

Staff recommend transferring funds from the General Fund to the Parking Fund #501 using COVID relief funds to support operations of the Parking Division while the fee waiver is in effect. The exact amount of the transfer will depend on the annual number of streetaries and parking spaces in use.

For businesses who do not opt to participate in the new streetaries program and would like help from the City to remove their existing streetary, the cost to the City of removal of each streetary is estimated at \$1,500. This fee includes the cost of maintenance staff time to remove and dispose of the streetary. After recent discussions with streetary operators, we anticipate 12 streetaries to choose this option of early removal. A total estimated cost of \$18,000 would be absorbed by the Department of Public Works operating budget.

OPTIONS:

1. Adopt Ordinance 2016 and adopt the resolution approving the Streetary Program Standards and fees.
2. Adopt the resolution as amended approving the Streetary Program Standards and fees.
3. Do not adopt the resolution and provide alternative direction to staff.

RECOMMENDED ACTION:

1. Adopt Ordinance 2016: An Ordinance Adding Chapter 11.70 (“Streetaries” Outdoor Eating Areas) to Title 11 (Public Works) of the San Rafael Municipal Code; Amending Section 14.16.277 of Chapter 14.16 (Site Use and Regulations), Section 14.17.110 of Chapter 14.17 (Performance Standards), Section 14.05.020 of Chapter 14.05 (Commercial and Office Districts), Section 14.06.020 of Chapter 14.06 (Industrial Districts) and Section 14.08.020 of Chapter 14.08 (Marine District) of Title 14 (Zoning) of the San Rafael Municipal Code; and Amending Table 2.3.070.A (Use Table) of Chapter 9 (Downtown Form-Based Code) of the Downtown San Rafael Precise Plan Relating to Outdoor Eating Areas in the Public Right-of-Way
2. Adopt a resolution approving the Streetary Program Design and Development Standards (“Standards”) and fees under Chapter 11.70 of the San Rafael Municipal Code (“SRMC”) – “Streetaries” Outdoor Eating Areas.

ATTACHMENTS:

1. Ordinance 2016 and Summary Ordinance
2. Proposed Resolution for Streetary Program Standards and fees
3. Streetary Program Design and Development Standards

ORDINANCE NO. 2016

AN ORDINANCE OF THE CITY OF SAN RAFAEL ADDING CHAPTER 11.70 (“STREETARIES” OUTDOOR EATING AREAS) TO TITLE 11 (PUBLIC WORKS) OF THE SAN RAFAEL MUNICIPAL CODE; AMENDING SECTION 14.16.277 OF CHAPTER 14.16 (SITE USE AND REGULATIONS), SECTION 14.17.110 OF CHAPTER 14.17 (PERFORMANCE STANDARDS), SECTION 14.05.020 OF CHAPTER 14.05 (COMMERCIAL AND OFFICE DISTRICTS), SECTION 14.06.020 OF CHAPTER 14.06 (INDUSTRIAL DISTRICTS) AND SECTION 14.08.020 OF CHAPTER 14.08 (MARINE DISTRICT) OF TITLE 14 (ZONING) OF THE SAN RAFAEL MUNICIPAL CODE; AND AMENDING TABLE 2.3.070.A (USE TABLE) OF CHAPTER 9 (DOWNTOWN FORM-BASED CODE) OF THE DOWNTOWN SAN RAFAEL PRECISE PLAN RELATING TO OUTDOOR EATING AREAS IN THE PUBLIC RIGHT-OF-WAY

WHEREAS, the City Council has determined that outdoor eating areas within certain of the City’s rights-of-way provide economic vitality to the City and businesses, create community gathering spaces, contribute to the enjoyment of public spaces, and increase opportunities for more enjoyable pedestrian travel in the City; and

WHEREAS, the City Council desires to permit outdoor eating areas within parking spaces of the public right-of-way – known as “Streetaries” – through Streetary Encroachment Permits; and

WHEREAS, outdoor dining in the public right-of-way was authorized by the City Council in April 2000, through adoption of [Ordinance 1751](#), codified at San Rafael Municipal Code (“SRMC”) Section [14.16.277](#), *Use of City Sidewalks and Rights-of-Way for Outdoor Eating Areas*, by authorizing the Community Development Director to license outdoor dining in “sidewalks and other rights-of-way” under certain conditions and subject to performance standards under [Section 14.17.110\(C\)](#), *Outdoor Eating Areas Proposed in Conjunction with Food Service Establishments*; and

WHEREAS, on August 17, 2015, the City Council adopted [Resolution 13995](#), establishing a 3-year pilot program to expand the outdoor dining program to include parklets in the streets, which provided a process for businesses to use parking spaces for outdoor dining purposes; and

WHEREAS, on December 3, 2018, the City Council authorized the on-street dining program to continue under the same limitations and three (3) merchants participated in the pilot program; and

WHEREAS, on June 1, 2020, to help local businesses during the Covid-19 emergency, the City Council adopted [Resolution 14809](#) authorizing the City Manager, at their discretion, to streamline the approval of permits or other entitlements for use of City sidewalks and on-street parking spaces for business activities of restaurants and retail businesses, waive or reduce application fees, and close portions of designated City

streets up to two evenings per week in order to facilitate outdoor dining and allow dining establishments to continue to operate when indoor dining was not allowed during the Covid-19 emergency; and

WHEREAS, twenty-nine (29) additional merchants participated in the streamlined program, thereby maintaining economic stability during challenging Covid-19 pandemic restrictions; and

WHEREAS, Temporary Outdoor Dining Program permits approved under the streamlined process are valid through November 30, 2022; and

WHEREAS, the City Council desires to transition pre-existing Streetaries that were established prior to and during the Covid-19 pandemic into new Streetary Encroachment Permits when current permits expire on November 30, 2022; and

WHEREAS, [on June 21, 2022](#), staff presented Draft Streetary Guidelines to the City Council with staff's recommendations for design and development standards, operational standards, fees, and other related requirements for new Streetary Encroachment Permits that would apply after current permits expire on November 30, 2022; and

WHEREAS, the City Council has determined that the Director of Public Works should be the City's designated representative to issue Streetary Encroachment Permits because of their locations within the City's streets and parking spaces; and

WHEREAS, the City Council aims to balance the desire for outdoor dining in the public right-of-way with adequate public parking and pedestrian and bicycle access; and

WHEREAS, pursuant to Vehicle Code section 22507(a), cities may, by ordinance or resolution, restrict or otherwise remove parking from city streets during all or certain hours of the day; and

WHEREAS, the proposed Ordinance to add Chapter 11.70 ("Streetaries" Outdoor Eating Areas) to Title 11 (Public Works) and amend corresponding sections of Title 14 (Zoning) of the SRMC and Chapter 9 of the Downtown Precise Plan relating to outdoor eating areas in the public right-of-way through Streetary Encroachment Permits qualify for the exemptions set forth in CEQA Guidelines sections 15304 and 15305 and statutory exemption section 15183; and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 13, 2022, at which time it reviewed the proposed amendments to Title 14 (Zoning) of the SRMC and Chapter 9 of the Downtown Precise Plan, considered all public comments on the revisions and related CEQA exemptions, and recommended the proposed ordinance; and

WHEREAS, the City Council held a duly noticed public hearing on September 19, 2022, considered all public comments on the revisions and related CEQA exemptions,

and determined that the amendments are consistent with the General Plan and that the revisions would be internally consistent with all other provisions of the SRMC.

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

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

Division 2. **Addition of Chapter 11.70 to the San Rafael Municipal Code.**

Chapter 11.70 – “Streetaries” Outdoor Eating Areas is hereby adopted and made a part of Title 11 (“Public Works”) of the San Rafael Municipal Code as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

Division 3. **Amendments of Section 14.16.277 of Chapter 14.16 (Site Use and Regulations), Section 14.17.110 of Chapter 14.17 (Performance Standards), Section 14.05.020 of Chapter 14.05 (Commercial and Office Districts), Section 14.06.020 of Chapter 14.06 (Industrial Districts) and Section 14.08.020 of Chapter 14.08 (Marine District) of Title 14 (Zoning) of the City of San Rafael Municipal Code.**

Section 1. **Amendment of Section 14.16.277 of the San Rafael Municipal Code.**

Section 14.16.277 (“Use of city sidewalks and rights-of-way for outdoor eating areas”) of Chapter 14.16 (“Site and Use Regulations”) of Division IV (“Regulations Applying in All or Several Districts”) of Title 14 (“Zoning”) of the City of San Rafael Municipal Code is hereby amended as set forth below. Deletions are in ~~strikethrough~~, and additions are in underline.

14.16.277 Use of city sidewalks ~~and rights-of-way~~ for outdoor eating areas.

A. Applicability. This section applies to the use of city sidewalks located within the public right-of-way for outdoor eating areas. Any outdoor eating area located within or using parking spaces within the public right-of-way shall not be subject to the provisions of this section, but shall be regulated as provided in Chapter 11.70 of Title 11.

~~A.B.~~ Notwithstanding any other provisions of this title, the use of city sidewalks ~~or other city rights-of-way~~ for outdoor eating areas is prohibited without a license agreement between the adjacent food service establishment and the city, which license agreement shall be in lieu of any environmental design review permit, use permit, administrative use permit, encroachment permit or other permit required for use of the city sidewalk ~~or right-of-way~~ for such purpose.

~~B.C.~~ Such license agreements shall be in a form approved by the city attorney, and shall include the applicable standards provided in Section 14.17.110(C), indemnification of the city, and liability insurance naming the city as an additional insured in an

amount not less than one million dollars (\$1,000,000.00) and in a form as approved by the city's risk manager.

~~G.D.~~ Such license agreement also shall be subject to such regulations hereafter deemed necessary by the community development director to protect the public health, safety, and welfare, and as approved by resolution of the city council.

~~D.E.~~ Such license agreements may be approved by the community development director and may be revoked at the pleasure of the city council.

~~E.F.~~ The placement of outdoor seating area barriers shall allow a minimum six-foot (6') wide clear pathway for sidewalks located within the public rights-of-way.

~~F.G.~~ In lieu of the aforementioned license agreement, the city council may enter into a lease agreement between the adjacent food service establishment at a rate and term to be determined by the city council, and as approved by resolution of the city council.

(Ord. 1751 § 6, 2000).

Section 2. Amendment of Section 14.17.110 of the San Rafael Municipal Code.

Subsection B (“Applicability”) of Section 14.17.110 (“Outdoor eating areas proposed in conjunction with food service establishments”) of Chapter 14.17 (“Performance Standards”) of Division IV (“Regulations Applying in All or Several Districts”) of Title 14 (“Zoning”) of the City of San Rafael Municipal Code is hereby amended as set forth below. Deletions are in ~~striketrough~~, and additions are in underline.

14.17.110 Outdoor eating areas proposed in conjunction with food service establishments.

B. Applicability.

1. This section applies to outdoor eating areas proposed in conjunction with food service establishments, with the exception of outdoor eating areas within parking spaces within the public right-of-way. Any outdoor eating area located within or using parking spaces within the public right-of-way shall not be subject to the provisions of this section, but shall be regulated as provided in Chapter 11.70 of Title 11.
2. Performance standards for outdoor eating areas proposed in conjunction with restaurants or other food service establishments shall apply in any zoning district where food service establishments are permitted uses (as of right or by conditional use permit). Compliance with performance standards for outdoor eating areas shall be reviewed through an administrative use permit and administrative environmental and design review permit process for any existing food service establishment. In cases where the restaurant or food service establishment is being proposed as a new use and is subject to a conditional use

permit in the zoning district in which it is located, the performance standards shall be incorporated into the required use permit. Notwithstanding the foregoing, any outdoor eating area located on city sidewalks ~~or rights-of-way~~ shall not be subject to the administrative use permit or use permit process, but shall be regulated as provided in Section 14.16.277.

(Ord. 1751 §§ 4, 5, 2000; Ord. 1663 § 1 (part), 1994; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 61, 6-21-2010)

Section 3. Amendment of Section 14.05.020 of the San Rafael Municipal Code.

Table 14.05.020 of Section 14.05.020 (“Land Use Regulations (GC, NC, O, C/O, R/O, FBWC)”) of Chapter 14.05 (“Commercial and Office Districts”) of Division II (“Base District Regulations”) of Title 14 (“Zoning”) of the City of San Rafael Municipal Code is hereby amended as set forth below. Deletions are in ~~striketrough~~, and additions are in underline. Unless indicated below, no other cells or rows within Table 14.05.020 shall be modified by this amendment.

Table 14.05.020

Type of Land Use	GC	NC	O	C/O	R/O	FBWC*	Additional Use Regulations
Commercial Uses							
Outdoor eating areas	A*	A*	A*	A*	A*	A*	For outdoor eating areas on private property see Section 14.17.110 standards. For outdoor seating areas located on city sidewalks or rights-of-way , see Section 14.16.277 standards. <u>For outdoor eating areas on parking spaces within the public right-of-way, see Chapter 11.70 – “Streetaries” Outdoor Eating Areas.</u>

Section 4. Amendment of Section 14.06.020 of the San Rafael Municipal Code.

Table 14.06.020 of Section 14.06.020 (“Land Use Regulations (I, LI/O, CCI/O, LMU)”) of Chapter 14.06 (“Industrial Districts (I, LI/O, CCI/O, LMU)”) of Division II (“Base District Regulations”) of Title 14 (“Zoning”) of the City of San Rafael Municipal Code is

hereby amended as set forth below. Deletions are in ~~strike through~~, and additions are in underline. Unless indicated below, no other cells or rows within Table 14.06.020 shall be modified by this amendment.

Table 14.06.020

Types of Land Use	I	LI /O	CCI /O	LM U	Additional Use Regulations
Commercial Uses					
Outdoor eating areas	A	A	A	A	For outdoor eating areas on private property, see Section 14.17.110 standards. For outdoor seating areas located on city sidewalks- or rights-of-way , see Section 14.16.277 standards. <u>For outdoor eating areas on parking spaces within the public right-of-way, see Chapter 11.70 – “Streetaries” Outdoor Eating Areas.</u>

Section 5. Amendment of Section 14.08.020 of the San Rafael Municipal Code.

Table 14.08.020 of Section 14.08.020 (“Land Use Regulations (M)”) of Chapter 14.08 (“Marine District”) of Division II (“Base District Regulations”) of Title 14 (“Zoning”) of the City of San Rafael Municipal Code is hereby amended as set forth below. Deletions are in ~~strike through~~, and additions are in underline. Unless indicated below, no other cells or rows within Table 14.08.020 shall be modified by this amendment.

Table 14.08.020

Type of Land Use	M	Additional Use Regulations
Commercial		
Outdoor eating areas	A	For outdoor eating areas on private property, see Section 14.17.110 standards. For outdoor seating areas located on city sidewalks- or rights-of-way , see Section 14.16.277 standards. <u>For outdoor eating areas on parking spaces within the public right-of-way, see Chapter 11.70 – “Streetaries” Outdoor Eating Areas.</u>

Division 4. Amendment of Table 2.3.070.A of the Downtown San Rafael Precise Plan.

Footnote 17 of Table 2.3.070.A (“Use Table”) of Article 2 (“Downtown Form-Based Zones”) of Chapter 9 (“Downtown Form-Based Code”) of the August 2021, Downtown San Rafael Precise Plan is hereby amended as set forth below. Deletions are in ~~strike through~~, and additions are in underline. Unless indicated below, no other cells, rows or footnotes within Table 2.3.070.A shall be modified by this amendment.

¹⁷ For outdoor eating areas on private property, see SRMC Section 14.17.110 (Outdoor Eating Areas Proposed in Conjunction with Food Service Establishments) standards. For outdoor seating areas located on city sidewalks ~~or rights-of-way~~, see SRMC Section 14.16.277 (Use Of City Sidewalks ~~and Rights-of-way~~ for Outdoor Eating Areas) standards. For outdoor eating areas on parking spaces within the public right-of-way, see SRMC Chapter 11.70 (“Streetaries” Outdoor Eating Areas).

Division 5. Compliance with California Environmental Quality Act (CEQA).

The City Council finds that this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Sections 15304 (Class 4), 15305 (Class 5) and 15183.

Class 4 categorical exemptions (Minor Alterations to Land) consist of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes, including “minor temporary uses of land having negligible or no permanent effects on the environment . . .” (CEQA Guideline § 15304(e).) This Ordinance will involve the temporary, non-permanent use of land; all uses authorized pursuant to this ordinance would involve temporary, non-permanent improvements in the public right-of-way including temporary structures, tables and seating.

Class 5 categorical exemptions (Minor Alterations in Land Use Limitations) covers projects that consist of minor alterations in land use limitation in areas with an average slope of less than 20%, which do not result in any changes in land use or density including but not limited to issuance of minor encroachment permits. (CEQA Guideline § 15305.) This Ordinance will result in the issuance of permits for use and encroachment into the public right-of-way.

Section 15183 provides that when a proposed project is consistent with a General Plan or community plan for which an Environmental Impact Report (EIR) was certified, subsequent environmental review may only be required to examine “project-specific significant effects, which are peculiar to the project or its site.” On July 19, 2021, the City Council approved a resolution certifying the EIR that was prepared to analyze the environmental impacts of the City’s General Plan 2040 and Downtown Precise Plan. The City Council adopted both Plans as well as a statement of overriding considerations on August 2, 2021. As the conversion of on-street parking for use as outdoor dining is part

of a strategy identified in the Downtown Precise Plan for creating civic spaces in infill conditions, this Ordinance is consistent with the Downtown Precise Plan and associated EIR. The project is therefore, exempt from CEQA pursuant to section 15183 of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the adoption of this Ordinance or its implementation would have a significant effect on the environment.

The proposed Ordinance is consistent with these exemptions, because the requested action will not result in a direct or reasonably foreseeable change in the environment and because there is no possibility that the activity in question may have a significant effect on the environment.

Division 6. Severability.

The City Council hereby declares every section, paragraph, sentence, clause, and phrase of this Ordinance is severable. If any section, paragraph, sentence, clause, or phrase of this Ordinance is for any reason found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses, or phrases.

Division 7. Publication; Effective Date.

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the Council meeting at which it is adopted.

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

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk, a certified copy of the full text of this Ordinance along with the names of those Councilmembers voting for or against the Ordinance.

THE FOREGOING ORDINANCE was first read and introduced at a regular meeting of the San Rafael City Council on the 19th day of September 2022, and was passed and adopted at a regular meeting of the San Rafael City Council on the 3rd day of October 2022 by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

KATE COLIN, Mayor

Attest:

LINDSAY LARA, City Clerk

Exhibit A

Chapter 11.70 – “STREETARIES” OUTDOOR EATING AREAS

11.70.010 - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning set forth below. Unless in direct conflict with terms defined herein, other words and phrases shall be interpreted as defined in the Streets and Highways Code:

- A. “Outdoor eating area” shall have the same meaning as set forth in Section 14.03.030 of Title 14.
- B. “Parking spaces within the public right-of-way” shall mean the designated on-street or off-street area where parking of vehicles does not violate any posted parking restriction and the use of the space does not interfere with the safety nor the passage of persons and vehicles.
- C. “Permittee” shall mean the permit holder of a valid streetary encroachment permit issued by the city.
- D. “Streetary” or “streetaries” shall mean an outdoor eating area that operates within and uses parking spaces within the public right-of-way directly adjacent to the food service establishment street frontage. Outdoor eating areas operating within or using sidewalks within the public right-of-way are not covered under this chapter and are subject to the applicable standards under Section 14.16.277 of Title 14.

11.70.020 - Permit required.

Any person desiring to erect, construct, place or maintain an encroachment upon any existing parking spaces within the public right-of-way for a streetary must first obtain an annual streetary encroachment permit pursuant to this chapter. Each applicant for an annual streetary encroachment permit shall comply with the requirements of this chapter, any other applicable laws, and any regulations and policies adopted pursuant to this chapter.

Permits shall only be issued to applicants with a valid business license issued by the city to operate a food service establishment directly adjacent to the parking spaces within the right-of-way for which a streetary encroachment permit is sought.

All persons operating and/or maintaining a streetary as of the effective date of this ordinance shall be required to obtain a streetary encroachment permit and pay applicable fees no later than December 1, 2022. Failure to obtain a streetary encroachment permit within this time period shall constitute a violation of this chapter and may subject the current streetary operator to closure and/or enforcement pursuant to this chapter.

11.70.030 - Permit application.

The director of public works (the "director") shall establish an application form for an annual streetary encroachment permit, including any application materials deemed necessary to enable complete review of the application. The application shall be accompanied by a permit application fee required under Section 11.70.040.

The director shall transmit a copy of each application for an annual streetary encroachment permit to the director of community development (the "planning director"). The planning director shall review the application for compliance with all applicable design and development standards.

11.70.040 - Fees.

Each permit application shall be accompanied by a permit application fee. Prior to permit issuance, the permittee shall pay an annual encroachment lease fee and a one-time, refundable deposit. Fees shall be in amounts established by separate resolution of the City Council.

11.70.050 - Where permitted.

- A. Streetaries are permitted in existing parking spaces within the right-of-way in all commercial districts.
- B. Streetaries are only permitted in the parking spaces within the right-of-way directly adjacent to the food service establishment street frontage.
- C. Notwithstanding subsection A, above, streetaries shall not be permitted along streets with (1) peak hour parking restrictions or (2) speeds limits greater than 25 miles per hour.
- D. Notwithstanding subsection A, above, streetaries shall not be permitted in parking spaces that (1) are ADA designated, (2) are adjacent to curbs designated for no parking (red curb), passenger loading zones (white curb), commercial loading zones (yellow curb), limited parking zones (green) and/or any other colored curb zones with restrictions, (3) would block or obstruct any fire hydrant, fire department sprinkler or standpipe hose, or other public safety infrastructure, (4) would obstruct utility access panels, manhole covers, storm drains, street valves, or any other type of utility assets, or (5) would obstruct any bicycle facility.

11.70.060 - Location criteria.

- A. Maximum parking stalls. A maximum of two parallel parking spaces shall be used for each streetary.
- B. Parking sufficiency. Seventy percent (70%) of on-street parking on any three-block average (the streetary location's block and one block in either direction) must remain available for vehicles at any given time. The director may make an exception if the entrance to a public parking garage or lot is within 300 feet of the streetary location.
- C. Adjacency to storefront. Streetaries may only be permitted in parking spaces within the right-of-way that are directly in front of the permittee's food service

establishment business. If a food service establishment fronts more than one but less than two parking spaces and fronts more than fifty percent (50%) of the second parking space, the permittee is eligible to apply for two parking spaces for use as a streetary.

- D. Travel lane setback. Streetaries shall have an eighteen inch (18") minimum setback from the travel lane measured from the parking striping adjacent to the travel lane. In cases where no striping exists, the maximum length of the streetary measured from the face of the curb shall be determined by the director or their designee.
- E. Side setback. Streetaries shall have a two-foot minimum side setback to each wheel stop located at each end of the parking space.
- F. Utilities. A minimum clearance of four feet (4') from either side of utility access panels, manhole covers, storm drains, street valves, or any other type of utility assets will be required to allow for maintenance access. Streetaries proposed under overhead utility lines shall meet the minimum vertical distance requirements as established by the California Public Utility Commission. Streetaries that block the outlet of a sidewalk underdrain shall ensure the outlet is functional and flowing. Permittees shall take a thorough inventory of utility access covers in the proposed streetary area by checking under parked cars. Permittees shall provide for access to any city or public utility company that may have underground conduits beneath the constructed streetary. Access to utilities may require that a permittee temporarily remove all or a portion of the constructed streetary. Permittees shall be responsible for the cost of removing, re-installing and restoring any damage to the streetary.

11.70.070 - Design and development standards.

The city council shall, by separate resolution, adopt design and development standards regulating the form, design, safety and maintenance of streetaries. The director may, from time to time, make minor modifications to the design and development standards.

11.70.080 - Criteria for issuance.

- A. The director, in acting upon any application for a streetary encroachment permit, shall either approve, approve with conditions or deny the issuance of a permit based on the following principles and standards:
 - 1. That the applicant has paid all fees required under Section 11.70.040;
 - 2. That the proposed use of the parking spaces within the public right-of-way is in compliance with all applicable provisions of this chapter;
 - 3. That the proposed use of the parking spaces in the public right-of way is so arranged as to ensure the protection of public health, safety and general welfare, and prevent interference with users of the sidewalks, streets and holders of other permits; and

4. That the proposed use will properly comply with the provisions and development standards prescribed in this chapter, or as prescribed by the director and/or planning director.
- B. The streetary encroachment permit may be subject to additional conditions where the city has documented any violation of this chapter, other applicable laws and regulations, or the streetary is detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood.
 - C. Deviations from adopted standards for proposed streetaries. Where the director determines that (1) a strict application of standards set forth in this chapter cannot be met by a proposed streetary, and (2) the streetary, as proposed, will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or injurious to property and improvements in the neighborhood, the director may grant exceptions or minor modifications to the standards set forth in this chapter.
 - D. Deviations from adopted standards for existing streetaries. For existing streetaries operating as of the effective date of this ordinance, where the director determines that the streetary will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or injurious to property and improvements in the neighborhood, the director may grant exceptions or minor modifications to the standards set forth in this chapter.

11.70.090 - Limited to food service establishments.

All permits issued pursuant to this chapter shall be limited to streetaries established in conjunction with and abutting food service establishments.

11.70.100- Operational standards.

- A. No live entertainment or amplified music. No live entertainment or amplified music shall be permitted in streetaries established pursuant to this chapter without first obtaining all required permits including but not limited to those issued pursuant to Section 8.13.060 of Title 8.
- B. No outdoor food preparation, flames, heating. Outdoor food preparation, food heating mechanisms, cooking and open flames, hotpots, candles, open flames, and barbecues shall not be permitted in streetaries.
- C. Alcohol service. Alcohol service shall be permitted subject to the acquisition of all required local and State permits and licenses.
- D. Noise and disruptive behavior. Permittees shall be responsible for ensuring their patrons minimize noise and disruptive behavior while using their streetary space.
- E. Site maintenance. Streetaries shall be maintained free of litter, refuse and debris. The area shall be scrubbed and mopped daily by the permittee to remove any food or drink stains. Such cleaning shall be in accordance with the City's Storm Water

Management and Discharge Control Program, which prohibits any discharge other than rainwater into the storm water drainage system.

- F. ADA compliance. Streetary seating areas must, at all times, comply with all requirements of the Americans with Disabilities Act (ADA) and provide sufficient clearance and walkway space to allow safe access and egress. For multi-level streetaries, a minimum of one level of ADA access shall be required.
- G. Hours of operation. The streetary shall adhere to the same approved hours of operation as the associated food service establishment business, with the following limitations:
 - 1. For streetaries that are within 150-foot horizontal or vertical distance from residences: Streetaries shall not commence operations prior to 7 a.m. on Saturdays, Sundays, and holidays; Streetaries shall not commence operations prior to 6 a.m. Monday through Friday; Streetaries shall not operate after 10 p.m. on Fridays and Saturdays; Streetaries shall not operate after 9 p.m. Sunday through Thursday and holidays. For purposes of this section, "holidays" shall have the same meaning as set forth in chapter 8.13 (Noise) of title 8.
- H. Insufficient usage. Streetaries must demonstrate adequate usage in order to contribute to the economic vitality of the city. The city requires these streetaries to be set up and readily available for use during the operational hours of the food service establishment associated with the streetary, except in inclement weather and subject to the hours of operation limitations under subsection G. The city has the right to notify any streetary permittee in writing of insufficient usage and invoke the enforcement procedures set forth in this chapter.

11.70.110 - Indemnification and insurance.

As a condition of the issuance of an annual streetary encroachment permit, the permittee shall defend, indemnify and hold harmless the City of San Rafael and shall present, along with each application or renewal application for an annual permit, evidence of liability insurance in a form acceptable to the director.

11.70.120 – Enforcement.

- A. Any person who violates this chapter shall be guilty of a misdemeanor and may be subject to any and all enforcement proceedings or remedies, including the imposition of penalties as authorized by law. The provisions of this chapter are cumulative to any other remedies authorized by law. Any streetary may be subject to inspection by the city on an annual basis or as needed to ensure compliance with this chapter and permits issued pursuant to this chapter.
- B. The city retains the right to revoke a streetary encroachment permit at any time where a violation of this chapter has occurred and/or revocation is necessary to protect the public interest, health, safety and/or welfare of the community. If the director believes that a permittee is in violation of this chapter, the director may issue a notice of violation to the permittee. The notice of violation shall be served

on the permittee, either in person or by first class mail. The notice shall indicate that the permit is subject to termination unless, within 30 days of service of the notice of violation, the violation is corrected or a hearing pursuant to this chapter is requested in writing. If the director or his designee determines that a permittee will not be able to continue to meet the requirements of this chapter because of a proposed public highway right-of-way improvement, the director or their designee shall notify the permittee, either in person or by first class mail, that the permit will be terminated within 30 days of service of the notice of termination.

11.70.130 – Appeals.

Any person aggrieved by the director's action on a streetary encroachment permit application or revocation may appeal by submitting a written appeal to the city manager, along with any applicable appeal fee as provided in the city's master fee schedule, within fifteen (15) days of the date on which the permit was issued or on which the application was denied or on which the permit was revoked. The city manager, or his designee, shall hold a hearing on the appeal within thirty (30) days of receipt of the appeal, and shall give the applicant and the appellant at least ten (10) days' written notice of the time of the hearing. The decision by the city manager or his designee on the appeal shall be final.

SUMMARY OF ORDINANCE NO. 2016

AN ORDINANCE OF THE CITY OF SAN RAFAEL ADDING CHAPTER 11.70 (“STREETARIES” OUTDOOR EATING AREAS) TO TITLE 11 (PUBLIC WORKS) OF THE SAN RAFAEL MUNICIPAL CODE; AMENDING SECTION 14.16.277 OF CHAPTER 14.16 (SITE USE AND REGULATIONS), SECTION 14.17.110 OF CHAPTER 14.17 (PERFORMANCE STANDARDS), SECTION 14.05.020 OF CHAPTER 14.05 (COMMERCIAL AND OFFICE DISTRICTS), SECTION 14.06.020 OF CHAPTER 14.06 (INDUSTRIAL DISTRICTS) AND SECTION 14.08.020 OF CHAPTER 14.08 (MARINE DISTRICT) OF TITLE 14 (ZONING) OF THE SAN RAFAEL MUNICIPAL CODE; AND AMENDING TABLE 2.3.070.A (USE TABLE) OF CHAPTER 9 (DOWNTOWN FORM-BASED CODE) OF THE DOWNTOWN SAN RAFAEL PRECISE PLAN RELATING TO OUTDOOR EATING AREAS IN THE PUBLIC RIGHT-OF-WAY

This Summary concerns a proposed ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 2016, which will amend the San Rafael Municipal Code to establish regulations for “Streetaries:” outdoor dining in on-street parking spaces.

Ordinance No. 2016 is scheduled for adoption by the San Rafael City Council at its regular meeting of October 3, 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

To help local businesses maintain economic stability during the COVID-19 emergency, on June 1, 2020, the City Council authorized the expansion of an existing pilot program and the streamlined approval of permits for temporary use of City sidewalks and on-street parking spaces (“Streetaries”) for business activities of restaurants and retail businesses. Temporary Outdoor Dining Program permits approved under the COVID-19 emergency streamlined process are valid through the end of November 2022. To allow the continuation of the Outdoor Dining Program with established parameters and processes for application, design criteria, operation and maintenance standards, the San Rafael City Council is adopting a new chapter (“Streetaries” Outdoor Eating Areas) to Title 11 (Public Works) of the San Rafael Municipal Code as well as making conforming text amendments to both the Zoning Ordinance and the Downtown Precise Plan to delete references to on-street dining and reference the new Chapter 11.70.

Copies of the Ordinance are also available for public review by contacting the City Clerk’s office by email to city.clerk@cityofsanrafael.org. You may also contact April Miller, Public Works Director, at 415-485-3355 or april.miller@cityofsanrafael.org for information.

/s/ Lindsay Lara
LINDSAY LARA
San Rafael City Clerk
Dated: 09/23/2022

RESOLUTION NO.

RESOLUTION APPROVING THE STREETARY PROGRAM DESIGN AND DEVELOPMENT STANDARDS AND FEES UNDER THE STREETARIES ORDINANCE, CHAPTER 11.70 OF THE SAN RAFAEL MUNICIPAL CODE.

WHEREAS, on September 19, 2022, the City Council introduced a new ordinance adding Chapter 11.70 “Streetaries” Outdoor Eating Areas to Title 11 (Public Works) of the San Rafael Municipal Code (SRMC); and

WHEREAS, on October 3, 2022, the City Council adopted the new “Streetaries” Ordinance; and

WHEREAS, under the newly-enacted Section 11.70.070 of the SRMC – Design and development standards, “The city council shall, by separate resolution, adopt design and development standards regulating the form, design, safety and maintenance of streetaries. The director may, from time to time, make minor modifications to the design and development standards.”; and

WHEREAS, under the newly-enacted Section 11.70.040 of the SRMC – Fees, “Each permit application shall be accompanied by a permit application fee. Prior to permit issuance, the permittee shall pay an annual encroachment lease fee and a one-time, refundable deposit. Fees shall be in amounts established by separate resolution of the City Council.”; and

WHEREAS, the City Council wishes to establish safe and aesthetic design standards and a fee schedule with consideration of the need to revive the challenged dining industry; and

WHEREAS, the City Council recognizes the economic challenges facing local businesses, particularly restaurants, and wishes to support the streetaries as they transition into the new program established by the Streetaries ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL

RESOLVES as follows:

1. The Streetary Program Design and Development Standards attached to the Staff Report accompanying this Resolution are hereby adopted as the design and development standards regulating the form, design, safety and maintenance of streetaries, in accordance with Section 11.70.070 of the SRMC.
2. The following fees for the Streetary Program are hereby established, in accordance with Section 11.70.040 of the SRMC:

Fee	Amount	Timeline
Application fee	\$2,000 (one time)	Fee waived until December 31, 2023
Annual Encroachment Lease fee	\$3,600 per parking space	Fee waived until June 1, 2023. Between June 1, 2023 and May 30, 2024: Fee discount of 50% applies. Between June 1, 2024 and May 30, 2025: Fee discount of 25% applies. Beginning June 1, 2025: 100% of fee applies (no discounts or waivers)
Deposit	\$2,000 (one time)	Fee due prior to the start of construction for new streetaries or before application is accepted for existing streetaries.

3. Staff are directed to add the Streetary Program fees to the City of San Rafael Master Fee Schedule.
4. Funds will be transferred from the General Fund to the Parking Fund #501 using American Rescue Plan Act (ARPA) funds to compensate for lost revenue from the fee waivers through FY 2024-25. Transfers will be calculated annually based on the number of parking spaces utilized by streetaries.

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 3rd of October 2022 by the following vote, to wit:

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

LINDSAY LARA, City Clerk

**CITY OF SAN RAFAEL
STREETARY PROGRAM
GUIDELINES AND DESIGN AND DEVELOPMENT STANDARDS
("STANDARDS")**

THESE STANDARDS MUST BE READ IN CONJUNCTION WITH SAN RAFAEL MUNICIPAL CODE (SRMC), CHAPTER 11.70 - "STREETARIES" OUTDOOR EATING AREAS.

BUSINESSES SEEKING TO ESTABLISH OUTDOOR DINING STRUCTURES IN PARKING SPACES WITHIN THE PUBLIC RIGHT-OF-WAY MUST COMPLY WITH THESE STANDARDS.

I. "STREETARIES" OUTDOOR EATING AREAS ORDINANCE

On October 3, 2022, the City of San Rafael City Council adopted Ordinance No. _____, adding a new chapter 11.70 to the San Rafael Municipal Code ("SRMC"), titled "Streetaries" Outdoor Eating Areas, regulating outdoor eating areas in parking spaces within the public right-of-way. All streetaries operating, or applying to operate, in parking spaces within the public right-of-way must obtain a Streetary Encroachment Permit, and comply with the ordinance and design and development standards set forth in these "Standards".

As defined in the ordinance, "Streetary" or "streetaries" shall mean an outdoor eating area that operates within and uses parking spaces within the public right-of-way directly adjacent to the food service establishment street frontage.

Outdoor eating areas operating within or using sidewalks within the public right-of-way are not covered under Chapter 11.70 or these Standards, and are subject to the applicable standards under Section 14.16.277 of Title 14 of the SRMC.

I. LOCATION AND SETBACK CRITERIA

All streetaries must comply with requirements as outlined Chapter 11.70 of the San Rafael Municipal Code.

A. Streetary Location Criteria

Peak Hour Restrictions/Speed Limits Greater than 25 mph

SRMC 11.70.050(C): Streetaries shall not be permitted along streets with (1) peak hour parking restrictions or (2) speeds limits greater than 25 miles per hour.

Maximum Parking Stalls

SRMC 11.70.060(A): Maximum parking stalls. A maximum of two parallel parking spaces shall be used for each streetary.

Parking Sufficiency

SRMC 11.70.060(B): Parking sufficiency. Seventy percent (70%) of on-street parking on any three-block average (the streetary location's block and one block in either direction) must remain available for vehicles at any given time. The director may make an exception if the entrance to a public parking garage or lot is within 300 feet of the streetary location.

Adjacency to Storefront

SRMC 11.70.050(B): Streetaries are only permitted in the parking spaces within the right-of-way directly adjacent to the food service establishment street frontage.

SRMC 11.70.060(C): Adjacency to storefront. Streetaries may only be permitted in parking spaces within the right-of-way that are directly in front of the permittee's food service establishment business. If a food service establishment fronts more than one but less than two parking spaces and fronts more than fifty percent (50%) of the second parking space, the permittee is eligible to apply for two parking spaces for use as a streetary.

Adjacency to Storefront - Shared Streetaries

A streetary shared by two businesses shall not exceed the frontage for the combined businesses.

Adjacency to Storefront Exception - Existing Streetaries

Existing streetaries operating as of the effective date of the Streetary Ordinance will be permitted to continue to operate at their existing location, *provided* that all of the following conditions are met: i) the Streetary in its current condition is in substantial compliance with the Ordinance and Standards; ii) the Streetary does not require a new Building Permit; iii) the Streetary does not require and is not proposing significant modifications; iv) some portion of the Streetary is directly in front of the permittee's food service establishment business; v) the Streetary does not use more than two parking spaces (or the maximum allowable for shared streetaries); and vi) pursuant to SRMC 11.70.080(D), the Director of Public Works has determined that the Streetary will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or injurious to property and improvements in the neighborhood. This exception only applies to granting exceptions to the "adjacency to storefront" requirements under *SRMC 11.70.050(B) and SRMC 11.70.060(C)* and no other standards.

B. Streetary Setback Criteria

Required Streetary Buffers – Travel Lane Setbacks

SRMC 11.70.060(D): Travel lane setback. Streetaries shall have an eighteen inch (18") minimum setback from the travel lane measured from the parking striping adjacent to the travel lane. In cases where no striping exists, the maximum length of the streetary measured from the face of the curb shall be determined by the director or their designee.

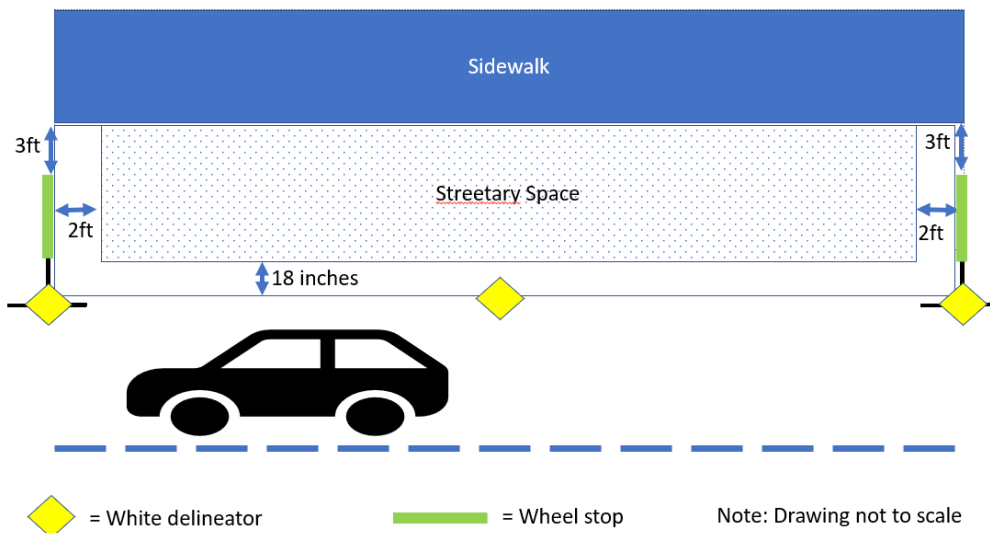
See [Figure 1](#).

Required Streetary Buffers – Side Setbacks

SRMC 11.70.060(E): Side setback. Streetaries shall have a two-foot minimum side setback to each wheel stop located at each end of the parking space.

See [Figure 1](#).

[Figure 1](#): Required Streetary Buffers and Traffic Safety Requirements.



Corner Locations

Streetaries located adjacent to intersection crosswalks shall provide a minimum 30-foot setback from the nearest crosswalk. Storefronts located at corner locations may only have a streetary on one street.

Fronting Driveways

Streetaries may not obstruct driveways, ADA ramps, or entrances to City-owned parking facilities.

C. Other Location Criteria

Utilities

SRMC 11.70.050(D): Streetaries shall not be permitted in parking spaces that would obstruct utility access panels, manhole covers, storm drains, street valves, or any other type of utility assets.

SRMC 11.70.060(F): Utilities. A minimum clearance of four feet (4') from either side of utility access panels, manhole covers, storm drains, street valves, or any other type of utility assets will be required to allow for maintenance access. Streetaries proposed under overhead utility lines shall meet the minimum vertical distance requirements as established by the California Public Utility Commission. Streetaries that block the outlet of a sidewalk underdrain shall ensure the outlet is functional and flowing. Permittees shall

take a thorough inventory of utility access covers in the proposed streetary area by checking under parked cars. Permittees shall provide for access to any city or public utility company that may have underground conduits beneath the constructed streetary. Access to utilities may require that a permittee temporarily remove all or a portion of the constructed streetary. Permittees shall be responsible for the cost of removing, re-installing and restoring any damage to the streetary.

ADA-Designated Spaces

SRMC 11.70.050(D): Streetaries shall not be permitted in parking spaces that are ADA designated.

Colored Curb Zones with Restrictions

SRMC 11.70.050(D): Streetaries shall not be permitted in parking spaces that are adjacent to curbs designated for no parking (red curb), passenger loading zones (white curb), commercial loading zones (yellow curb), limited parking zones (green) and/or any other colored curb zones with restrictions.

Bicycle Facilities

SRMC 11.70.050(D): Streetaries shall not be permitted in parking spaces that would obstruct any bicycle facility.

Streetaries cannot obstruct a bicycle lane or path.

Fire and Public Safety Infrastructure

SRMC 11.70.050(D): Streetaries shall not be permitted in parking spaces that would block or obstruct any fire hydrant, fire department sprinkler or standpipe hose, or other public safety infrastructure.

Fire Hydrants

Fire Hydrants shall not be blocked. A 15-foot clearance on either side of the hydrant along the curb shall be maintained. Additionally, three feet of clearance around the hydrant shall be provided.

Fire Department Connections (FDCs)

Fire Department Sprinkler and Standpipe hose connections shall remain fully accessible and not blocked or concealed from plain view. All fire department exterior equipment such as post indicator valves, check valves, and OS&Y valves shall be free from obstruction.

II. STREETARY DESIGN ELEMENTS

Streetaries generally consist of the following key elements:

- A. PLATFORM** that allows the streetary to serve as an extension of the sidewalks
- B. RAILINGS OR SIDE ENCLOSURES** that demarcate the exterior of the streetary from the street and surrounding parking spaces

C. TRAFFIC SAFETY PROTECTIONS to reduce the potential for auto-related damage

D. OVERHEAD STRUCTURES (optional)

E. FURNISHINGS AND FIXTURES

In order to maintain a cohesive aesthetic throughout the City to enhance beautification and economic vitality, the City is limiting the materials used for any streetary elements to either wood (which can be natural wood or composite material) or metal. The City has identified certain companies that build modular streetaries that are easy to clean and can be stored and reinstalled with ease. Businesses may design their own or purchase such modular streetaries.

A. PLATFORM DESIGN CRITERIA

Materials

Platforms must be constructed from wood or metal that can withstand wear and tear of elements. Pouring concrete for streetary platforms is not allowed. Streetaries may use concrete pavers on a platform structure instead. Surface materials must be textured or treated with a non-skid coating to ensure a safe walking surface. Loose particles, such as sand or loose stone, are not permitted.

Maintenance Access

Streetaries must be designed to provide access under the platform to allow for maintenance (i.e. repairs or clearing debris). If the platform base is not a solid mass, access can be provided through access panels, removable pavers, or other means.

Platform Threshold

The platform threshold must be flush and even with the sidewalk and must not leave a gap greater than ½ inch, nor a vertical separation greater than ¼ inch.

Drainage

Platforms must allow for curbside drainage flow. At a minimum, the existing gutter line must be clear of obstructions along the entire length of the proposed platform and provide a minimum 12-inch wide clear space if the street does not have a concrete gutter. Openings at either end of the streetary may be covered with screens to prevent debris buildup beneath the platform and in the gutter. It is the responsibility of the streetary permittee to clean the cover or screen to prevent any backup of storm water. All streetaries must provide access through the streetary platform or threshold to the gutter adjacent to the curb. The City reserves the right to adjust these requirements depending on the specific location of each streetary in order to maintain proper drainage

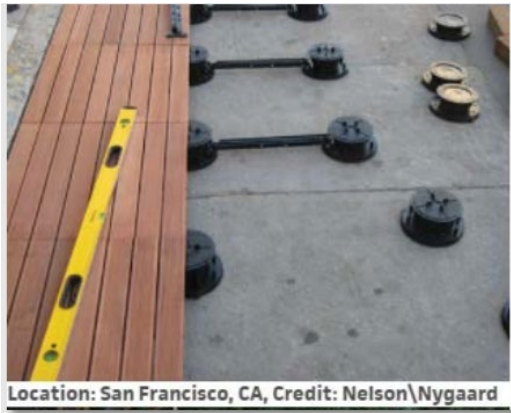
Affixing Not Allowed

At no time may structures be bolted or affixed in any way to the roadway or any structure (including but not limited to buildings, fire hydrants, street trees, streetlights, parking meters, or traffic poles). An exception to this is that wheel stops for traffic protection must be affixed to the roadway as described in the Traffic Protection section of these Standards.

Sub-structure

Designs for the sub-structure of a streetery vary and depend on the slope of the street and overall design for the structure. The sub-structure must accommodate the crown of the road and provide a level surface for the streetery. “Bison pedestals” (pictured below) spaced under the surface and of different heights are a common application. Another method is to provide steel sub-structure and angled beams.

Figure 2: Bison pedestals for streetery sub-structure



ADA Accessibility

SRMC 11.70.100(F): ADA Compliance. Streetery seating areas must, at all times, comply with all requirements of the Americans with Disabilities Act (ADA) and provide sufficient clearance and walkway space to allow safe access and egress. For multi-level streeteries, a minimum of one level of ADA access shall be required.

All accessibility elements of the proposed platform shall be designed, constructed and/or conform to the applicable provisions, rules, regulations and guidelines of the California Building Code and Americans with Disabilities Act.

Accessible Platform Surface

The portion of the streetery platform connected by the accessible path of travel to the wheelchair turning space and wheelchair resting space must be level. The accessible platform surface maximum cross slope (perpendicular to the sidewalk or curb) and running slope (parallel to the curb) cannot exceed two percent (2%).

Dimensions

Accessible entry shall be a minimum of 48 inches wide. Accessible path of travel must connect the sidewalk to the accessible entry, platform surface, wheelchair turning space and wheelchair resting space. Wheelchair turning space shall be 60 inches in diameter and located entirely within the platform or with a twelve-inch maximum overlap on the curb and sidewalk. Wheelchair landing shall be a 36 by 48-inch clear floor area that is permitted to overlap with the Wheelchair Turning Space by 24 inches maximum in any orientation.

B. RAILINGS AND SIDE ENCLOSURES DESIGN CRITERIA

Streetary railings and side enclosures must be constructed from wood or metal that can withstand wear and tear of elements. The streetary railing/side enclosure marks the boundary between the streetary and the street or sidewalk. It should serve as a safe edge while also being visually appealing, permeable, and inviting. The following standards and guidelines should inform the design.

- **Stability:** Stable and sturdy enough not to fall over or be pushed over.
- **Edge buffers from the street:** This can take the form of planters, railing, cabling, or some other appropriate enclosure.
- **Openings in rails:** Must prevent passage of 4-inch sphere.
- **Height of railings / side enclosures:** Should not exceed 36 inches from the streetary platform floor to the top of the railing.
- **Traffic safety and visibility:** The enclosure shall not block the view of conflicting movements of traffic, including pedestrian traffic, nor block the view of traffic control devices such as traffic signs, traffic signals, and other traffic warning devices. All railings/enclosures must have retro-reflective reflectors or retro-reflective tape on the corners of the streetary facing the travel lane such that they are visible by vehicle traffic at night.
- Water-filled orange barricades and metal rail side enclosures are not permitted. Any water-filled orange barricades and metal rails that served as traffic protection during the Temporary Outdoor Dining Program prior to adoption of the “Streetary” ordinance must be promptly removed.

C. TRAFFIC SAFETY PROTECTIONS

Wheel Stops

See Figure 1.

SRMC 11.70.060(E): Side setback. Streetaries shall have a two-foot minimum side setback to each wheel stop located at each end of the parking space.

Streetaries in parallel parking spaces must be buffered using a wheel stop at two-feet from the streetary and three-feet from the face of curb. These wheel stops help protect against moving traffic and parking cars. This buffer may also serve as a space for adjacent property owners to accommodate curbside trash collection. Applicants are required to repair any damages to the roadway caused by the installation of the streetary or wheel stops if later removed. Any repairs shall be performed under a separate encroachment permit and in accordance with applicable City standards for roadway construction. Applicants are responsible for the cost of purchasing and installing wheel stops, which will be added as an additional cost at the time of application approval. Payment and installation of wheel stops must occur prior to any construction of the

streetary. For approved applicants, the Department of Public Works will source and install wheel stops.

Vertical Traffic Delineators, Posts or Bollards

See Figure 1.

Streetaries shall have vertical elements that make them visible to traffic. White traffic delineators which are flexible posts with retroreflective tape will be the standard requirement. White delineators shall be placed at each corner on the streetary closest to the travel lane with another white delineator at the midpoint and in line with those at the corner. Applicants are responsible for the cost of purchasing and installing these white traffic delineators, which will be added as an additional cost at the time of application approval. For approved applicants, the Department of Public Works will source and install white traffic delineators.

Travel Lane Clearance

See Figure 1.

SRMC 11.70.060(D): Travel lane setback. Streetaries shall have an eighteen inch (18") minimum setback from the travel lane measured from the parking striping adjacent to the travel lane. In cases where no striping exists, the maximum length of the streetary measured from the face of the curb shall be determined by the director or their designee.

Congested Arterials and Traffic Safety

The Public Works Director (or designee) may deny any application for a streetary which may cause conflicts or decrease the ability to manage traffic flow for vehicles, busses, bicycles or pedestrians. The determination of the Public Works Director may also be based on parking management and or the occasional use of the parking lane to manage traffic flow.

D. OVERHEAD STRUCTURES (optional)

Overhead structures on streetaries are defined as any wall or structure over 36" in height, including roofs, overhead trellises, tent shade structures, and wind barriers.

Streetaries who wish to have an overhead structure must obtain a building permit. This permit application shall include detailed plans for the overhead structure that have been designed and engineered by a licensed design professional. These detailed plans must ensure the overhead structure can resist wind and seismic loads. Existing Streetaries who have an overhead structure without a building permit are required to submit an application on or before November 30, 2022 in order to continue operation

Although the City will consider applications for overhead structures, the City encourages Streetaries to use high quality outdoor umbrellas for sun and weather protection, instead of overhead structures. The use of umbrellas for sun protection and shade is anticipated to bring an open-air aesthetic and thereby increased vibrancy to areas where streetaries are located.

E. FURNISHINGS AND FIXTURES

Wind Protection

All furnishings and fixtures must be designed to be weighted down so they do not become airborne in a wind event. Items may need to be stored inside the business during periods of high winds. Weights used must not create tripping hazards for pedestrians.

Heaters – Additional Building Permit Application May Be Required

Portable space heaters are permitted if they are an outdoor approved type, are used and located in accordance with the manufacturer's specifications and are located at least two feet from the edge of any overhead structure, umbrella canvas, any foliage, or any other flammable object or material. Heaters are not allowed under overhead structures or umbrellas but can be placed near them if the required two feet clearance is maintained. Natural gas piped heating is not permitted. Fixed heat lamps are discouraged but may be considered on a case-by-case basis upon submission of relevant building permit applications for overhead structures and electrical connections. Portable heaters do not require a building permit application.

Umbrellas

Umbrellas shall be fire-retardant, pressure-treated or manufactured of fire-resistant material. No portion of an umbrella canopy shall be less than 80 inches above the streetary platform.

Electrical connections – Additional Building Permit Application Required

If electrical connections are desired, the streetary must submit a separate Building Permit Application at the same time that they submit their Streetary Encroachment Permit Application. An approved Building Permit is required for any existing or proposed electrical connections. All wiring and electrical cords must be exterior rated, GFCI protected, and UL listed. Cords must not create tripping hazards on the sidewalk. If the cords cross overhead, they must provide a minimum clearance of 10 feet above the sidewalk and the platform of the streetary. The use of adapters is prohibited. Streetaries are not permitted to tap into existing City electrical connections such as twinkle light outlets or streetlight poles.

Generators are not permitted in association with streetaries.

Lighting – Additional Building Permit Application Required

Streetaries proposing lighting provided through electrical connections must submit a separate Building Permit Application at the same time that they submit their Streetary Encroachment Permit Application. An approved Building Permit is required for any existing or proposed lighting provided through electrical connections. Solar powered lighting is strongly encouraged. Battery-powered lighting is also an acceptable alternative. Lighting shall not be directed towards the roadway to unintentionally cause glare for vehicles. Light strings must be hung to allow for a minimum clearance of 10 feet above the sidewalk and the platform of the streetary.

Signage

No signage is allowed on streetary structures, fixtures, or furnishings.

III. OPERATIONAL STANDARDS

Security

Streetaries are under the control of the permit holder. The permit holder is responsible for securing the streetary and any fixtures and furnishings contained within it during hours when the associated business is not in operation so that objects cannot be removed or used as projectiles. Securing the streetary is defined as storing inside the locked business or using cables and padlocks or any other means to prevent vandalism, theft, or damage to property.

No Outdoor Food Preparation and No Open Flames

SRMC 11.70.100(B): No outdoor food preparation, flames, heating. Outdoor food preparation, food heating mechanisms, cooking and open flames, hotpots, candles, open flames, and barbecues shall not be permitted in streetaries.

Alcohol Service

SRMC 11.70.100(C): Alcohol service. Alcohol service shall be permitted subject to the acquisition of all required local and State permits and licenses.

Only food service establishments licensed by the State of California will be permitted to allow on-premises consumption of alcoholic beverages. Alcohol service is only allowed under full-service conditions and alcoholic beverages consumed in streetaries are not allowed to be provided in to-go containers. Establishments that serve alcoholic beverages in the streetary area shall meet all requirements of the Alcoholic Beverage Control Board and any other federal, state, or local laws and regulations governing the sale and consumption of alcoholic beverages.

No Live Entertainment or Amplified Music Without Permit

SRMC 11.70.100(A): No live entertainment or amplified music. No live entertainment or amplified music shall be permitted in streetaries established pursuant to this chapter without first obtaining all required permits including but not limited to those issued pursuant to Section 8.13.060 of Title 8.

Noise and Disruptive Behavior

SRMC 11.70.100(D): Noise and disruptive behavior. Permittees shall be responsible for ensuring their patrons minimize noise and disruptive behavior while using their streetary space.

Site Maintenance

SRMC 11.70.100(E): Site maintenance. Streetaries shall be maintained free of litter, refuse and debris. The area shall be scrubbed and mopped daily by the permittee to remove any food or drink stains. Such cleaning shall be in accordance with the City's Storm Water Management and Discharge Control Program, which prohibits any discharge other than rainwater into the storm water drainage system.

ADA Compliance

SRMC 11.70.100(F): ADA compliance. Streetary seating areas must, at all times, comply with all requirements of the Americans with Disabilities Act (ADA) and provide sufficient

clearance and walkway space to allow safe access and egress. For multi-level streetaries, a minimum of one level of ADA access shall be required.

See Section II(A) Streetary Design Elements, Platform Design Criteria for more details. Compliance and related liability issues will be the sole responsibility of the Permittee and Streetary operator.

Hours of Operation

SRMC 11.70.100(G): Hours of operation. The streetary shall adhere to the same approved hours of operation as the associated food service establishment business, with the following limitations:

For streetaries that are within 150-foot horizontal or vertical distance from residences: Streetaries shall not commence operations prior to 7 a.m. on Saturdays, Sundays, and holidays; Streetaries shall not commence operations prior to 6 a.m. Monday through Friday; Streetaries shall not operate after 10 p.m. on Fridays and Saturdays; Streetaries shall not operate after 9 p.m. Sunday through Thursday and holidays. For purposes of this section, "holidays" shall have the same meaning as set forth in chapter 8.13 (Noise) of title 8.

Inspections

SRMC 11.70.120(A): Any streetary may be subject to inspection by the city on an annual basis or as needed to ensure compliance with this chapter and permits issued pursuant to this chapter.

Insufficient Usage

SRMC 11.70.100(H): Insufficient usage. Streetaries must demonstrate adequate usage in order to contribute to the economic vitality of the city. The city requires these streetaries to be set up and readily available for use during the operational hours of the food service establishment associated with the streetary, except in inclement weather and subject to the hours of operation limitations under subsection G. The city has the right to notify any streetary permittee in writing of insufficient usage and invoke the enforcement procedures set forth in this chapter.

IV. FEES

SRMC 11.70.040: Fees. Each permit application shall be accompanied by a permit application fee. Prior to permit issuance, the permittee shall pay an annual encroachment lease fee and a one-time, refundable deposit. Fees shall be in amounts established by separate resolution of the City Council.

The fees for the exclusive use of the Streetary are proposed to ensure that the public right-of-way will be enhanced in ways that will facilitate its successful use by private businesses. The current fee schedule is available on the City's Finance Department website. All fees may be reviewed and adjusted from time to time by the City Council through resolution.

Application Fee

All applicants, whether approved or denied, will be charged an application fee for costs that cover city staff time to process and review each application. Application fees will not be refunded.

Annual Encroachment Lease Fee

Prior to permit issuance and each year thereafter, the permittee shall pay an annual encroachment lease fee, calculated based on the number of parking spaces used under the permit. The annual fee will be prorated on a monthly basis for any partial year. Annual fees not paid by the date due will be subject to removal. Annual fees will not be refunded.

Deposit

A Streetary Permittee is required to pay a refundable one-time deposit prior to issuance of a Streetary Encroachment Permit. The City may use all or any portion of the deposit to ensure proper removal of the Streetary and any resulting damage to City property caused by its removal. The balance of the deposit will be refunded upon removal of the Streetary or a change in operator of the Streetary, provided that the Streetary is in full compliance with these Standards.

Other Costs – Wheel Stops and White Traffic Delineators

Pursuant to Section II(C), applicants are responsible for the cost of purchasing and installing wheel stop and white traffic delineators, which will be added as an additional cost at the time of application approval. Payment and installation of wheel stops and white traffic delineators must occur prior to any construction of the Streetary. For approved applicants, the Department of Public Works will source and install wheel stops and white traffic delineators.

Summary of Fees and Due Dates

1. REQUIRED FOR ALL APPLICATIONS: Streetary Permit Application Fee
2. OPTIONAL: Building Permit Application Fee for Optional Overhead Structure, Electrical Connections or Lighting, or Fixed Heat Lamps
3. UPON APPROVAL OF AND PRIOR TO ISSUANCE OR RENEWAL OF STREETARY ENCROACHMENT PERMIT: Annual Encroachment Lease Fee for Each Parking Space
4. UPON APPROVAL OF AND PRIOR TO ISSUANCE OF STREETARY ENCROACHMENT PERMIT: Deposit
5. UPON APPROVAL OF AND PRIOR TO ISSUANCE OF STREETARY ENCROACHMENT PERMIT: Upfront payment for installation of wheel stops and white traffic delineators as required by these Standards

V. INDEMNIFICATION AND INSURANCE

SRMC 11.70.110: As a condition of the issuance of an annual streetary encroachment permit, the permittee shall defend, indemnify and hold harmless the City of San Rafael and shall present, along with each application or renewal application for an annual permit, evidence of liability insurance in a form acceptable to the director.

Permittees must obtain insurance and submit to the City certificates of insurance, including but not limited to:

1. General Commercial Liability Insurance of no less than \$1 million per occurrence and \$2 million aggregate, with the City as an additional insured on a primary and noncontributory basis
2. Workers Compensation Insurance of no less than \$1 million

Insurance requirements related to the Streetary Program may be adjusted by the City as needed at the City's sole discretion. Insurance requirements will be further detailed in the Streetary Encroachment Permit.

VI. ANNUAL STREETARY ENCROACHMENT PERMIT REQUIREMENTS AND APPLICATION PROCESS

Permit Required

SRMC 11.70.020: *Permit required. Any person desiring to erect, construct, place or maintain an encroachment upon any existing parking spaces within the public right-of-way for a streetary must first obtain an annual streetary encroachment permit pursuant to this chapter. Each applicant for an annual streetary encroachment permit shall comply with the requirements of this chapter, any other applicable laws, and any regulations and policies adopted pursuant to this chapter.*

Permits shall only be issued to applicants with a valid business license issued by the city to operate a food service establishment directly adjacent to the parking spaces within the right-of-way for which a streetary encroachment permit is sought.

All persons operating and/or maintaining a streetary as of the effective date of this ordinance shall be required to obtain a streetary encroachment permit and pay applicable fees no later than December 1, 2022. Failure to obtain a streetary encroachment permit within this time period shall constitute a violation of this chapter and may subject the current streetary operator to closure and/or enforcement pursuant to this chapter.

Application Process

As streetaries are located in the public right of way, the Department of Public Works will be the lead department receiving application materials and issuing streetary permits. Public Works will coordinate with other relevant departments and communicate feedback and decisions to the applicant.

The City is committed to reviewing filed applications as expeditiously as possible and will endeavor to provide a response after an initial round of review within thirty business days. Further rounds of review may require additional time.

The Streetary Encroachment Permit Application will have two forms, one required and one optional:

1. Streetary Encroachment Permit Form (required for all applicants)

2. Building Permit Application Form (Optional: this is required if streetary will have a structure above 6 feet in height and/or electrical or lighting)

All streetaries operating, or applying to operate, in parking spaces within the public right-of-way must obtain a Streetary Encroachment Permit. The Streetary Encroachment Permit Application must be submitted and approved prior to the construction of any new streetary or the modification of any existing Streetary. In addition to the two application forms, the following submittals are required with an application to construct a new streetary:

- a. Plan sets are required for both custom design streetaries and modular streetaries. For custom designed streetaries without an overhead structure, it is recommended that plans are prepared by a design professional, such as an architect or engineer. Applicants requesting an overhead structure are required to submit plans that have been designed and engineered by a licensed design professional. The submitted plans should show the proposed layout of the streetary including:
 - i. The streetary location (business frontage, site address, parking space number, etc.)
 - ii. Dimensions of parking stalls, streetary structure including platform, railings, overhead structure (if applicable), stormwater access, and traffic travel lanes in immediate area and in the proposed streetary.
 - iii. Traffic protection measures and dimensions of the setbacks from adjacent parking spaces and adjacent traffic lane.
 - iv. Location of any adjacent public utilities in the street including curb drains, manhole covers, water shut-off valves, sidewalk utility boxes, streetlight poles, parking meters, gutter drains, fire hydrants, parking meters, etc.
 - v. Plans must demonstrate ADA accessibility and show dimensions of required clearances
- b. Materials palette – Use color photo samples to demonstrate
 - i. Materials and plants to be used on platform
 - ii. Railing materials
 - iii. Platform materials
 - iv. Overhead structure materials (if applicable)
- c. A valid City of San Rafael Business Tax Certificate, sometimes referred to as a business license.
- d. Evidence of current insurance coverage including a Certificate of Liability Insurance and Endorsements

VII. MAINTENANCE

SRMC 11.70.100(E): Site maintenance. Streetaries shall be maintained free of litter, refuse and debris. The area shall be scrubbed and mopped daily by the permittee to remove any food or drink stains. Such cleaning shall be in accordance with the City's Storm Water Management and Discharge Control Program, which prohibits any discharge other than rainwater into the storm water drainage system.

Utility Maintenance and Public Safety Emergencies

Because streetaries may sit atop buried utilities, there may be instances where your streetary will need to be temporarily removed to access a utility beneath it. In the event of necessary utility maintenance or the unlikely event of a utility failure such as a gas leak or water main break that threatens public safety, the City or utility owner may remove streetaries with little or no notice. As noted in SRMC Section 11.70.060(F), Permittees are solely responsible for the cost of removing, storing, repairing, and re-installing their streetary in order for such maintenance or emergencies to be addressed without delay or hindrance. The City may use the funds from the Permittee's Deposit to remove a streetary in this case, if the Permittee fails to cooperate with removal.

Temporary Public Works Projects, Public Maintenance, and Emergency Repairs

The City and other agencies conduct temporary renovation projects, public maintenance and emergency repairs from time to time, which may impact any given streetary. In this case, the City will make best efforts to provide sufficient notice but may need to remove streetaries with little or no notice. Permittees are solely responsible for the cost of removing, storing, and re-installing their streetary in order for such projects to proceed without delay or hindrance. The City may use the funds from the Permittee's Deposit to remove a streetary in this case, if the Permittee fails to cooperate with removal. For ease of removal and reinstatement at such times, the City recommends that Permittees consider modular streetary designs that are sturdy yet easily movable.

VIII. ENFORCEMENT, TERMINATION OF PERMIT AND STREETARY REMOVAL

Enforcement by City

SRMC 11.70.120 – Enforcement.

A. *Any person who violates this chapter shall be guilty of a misdemeanor and may be subject to any and all enforcement proceedings or remedies, including the imposition of penalties as authorized by law. The provisions of this chapter are cumulative to any other remedies authorized by law. Any streetary may be subject to inspection by the city on an annual basis or as needed to ensure compliance with this chapter and permits issued pursuant to this chapter.*

B. *The city retains the right to revoke a streetary encroachment permit at any time where a violation of this chapter has occurred and/or revocation is necessary to protect the public interest, health, safety and/or welfare of the community. If the director believes that a permittee is in violation of this chapter, the director may issue a notice*

of violation to the permittee. The notice of violation shall be served on the permittee, either in person or by first class mail. The notice shall indicate that the permit is subject to termination unless, within 30 days of service of the notice of violation, the violation is corrected or a hearing pursuant to this chapter is requested in writing. If the director or his designee determines that a permittee will not be able to continue to meet the requirements of this chapter because of a proposed public highway right-of-way improvement, the director or their designee shall notify the permittee, either in person or by first class mail, that the permit will be terminated within 30 days of service of the notice of termination.

Termination by Permittee

The Permittee may decide at any point in time that they no longer wish to operate a streetary. In this case, the Permittee is responsible for notifying the City in writing to streetary@cityofsanrafael.org on the earliest of the following:

- at least 30 days prior to the renewal and annual fee payment deadline
- at least 30 days prior to vacating the connected commercial property, or
- within 7 days of going out of business

Within 30 days of providing written notice to the City or upon vacating the connected commercial property, whichever occurs first, the Permittee is responsible for removing the streetary and cleaning and restoring the parking space to its previous condition to the satisfaction of the City and at the streetary owner's own expense. If the Permittee does not comply with the City's requirements for removal, cleaning and restoration, the City retains the right to use the Deposit for such removal, cleaning, and restoration costs, and the balance of the deposit, if any, will be refunded.

Non-Transferrable

Permits shall only be issued to applicants with a valid business license issued by the City to operate a food service establishment directly adjacent to the parking spaces within the right-of-way for which a streetary encroachment permit is sought. A streetary permit is non-transferable.

Takeover by Landlord

If a permittee terminates their streetary encroachment permit and leaves their streetary in place or otherwise abandons the streetary, the landlord or property owner of the permittee's adjacent business location may elect to take over the existing Streetary Encroachment Permit for a maximum period of 6 months or the period of time remaining on the annual Permit, whichever is less, provided that the Streetary is in full compliance with these Standards. Thereafter, the landlord or property owner taking over the Streetary must submit for and obtain a new Streetary Encroachment Permit, and pay all related fees (application and annual) and refundable deposit.

SRMC 11.70.080(D): Deviations from adopted standards for existing streetaries. For existing streetaries operating as of the effective date of this ordinance, where the director determines that the streetary will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or injurious

to property and improvements in the neighborhood, the director may grant exceptions or minor modifications to the standards set forth in this chapter.

FOR MORE INFORMATION

For questions or additional information regarding these Standards, the Streetary Permit Application, or related optional Building Permit Applications, please contact Department of Public Works at streetary@cityofsanrafael.org.

DRAFT



SAN RAFAEL
THE CITY WITH A MISSION

Agenda Item No: 6.b

Meeting Date: October 3, 2022

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

Prepared by: April Miller,
Director of Public Works

City Manager Approval: _____

TOPIC: FY 2022-23 CITY OF SAN RAFAEL CANAL MAINTENANCE DREDGING

SUBJECT: RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO AWARD AND EXECUTE A CONSTRUCTION AGREEMENT FOR THE FY 2022-23 CITY OF SAN RAFAEL CANAL MAINTENANCE DREDGING PROJECT, CITY PROJECT NO.11423, TO THE DUTRA GROUP, IN A NOT TO EXCEED AMOUNT OF \$3,468,000, AND AUTHORIZING CONTINGENCY FUNDS IN THE AMOUNT OF \$346,800, FOR A TOTAL APPROPRIATED AMOUNT OF \$3,814,800, WHICH INCLUDES A TRANSFER FROM THE GENERAL FUND TO FUND 401 IN THE AMOUNT OF \$649,200 TO COVER THE CITY PORTION OF THE DREDGE.

RECOMMENDATION: Adopt the resolution.

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

The Corps has dredged the Federally Authorized Channel 13 times since 1930, an average of one dredging project every seven years. The most recent partial dredge (of just the Federally Authorized Channel) took place during the winter of 2011-2012. Prior to that, the last full dredge of the Canal (including several adjacent properties to the Federally Authorized Channel) took place in 2002. In past full dredging projects, the City has coordinated with individual property owners to contract with the same dredging company selected by the Corps so that the property owners benefit from the economies of scale and discounted mobilization and demobilization costs brought by the Corps’ Federal Channel contract.

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

The Corps officially included the San Rafael Canal in its March 2022 work plan, and in June 2022, announced The Dutra Group (“Dutra”) as the Federal dredging contractor, with dredging operations in the Federally Authorized Channel beginning in September 2022.

Staff recommends that the City Council award the City’s Canal Maintenance Dredging Project Contract (“City Contract”) for dredging of the non-Federally Authorized Channel to Dutra. Dutra has submitted a bid to the City with the same unit prices per cubic yard dredging costs as the Federal Contract. The City Contract will include all City parcels and those individual property owners who participated in the City’s umbrella permitting efforts and is expected to begin as early as mid-October 2022.

ANALYSIS:

UMBRELLA PERMITTING: The Corps’ responsibility is to maintain the Federally Authorized Channel; however, they have no responsibility to dredge the more than 160 privately-owned parcels fronting the San Rafael Creek or City-owned parcels. In order to efficiently dredge these non-Federal parcels, the Corps and the regulatory agencies that approve maintenance dredging permits allow the use of an “Umbrella Permit” whereby a single entity (in this case, the City of San Rafael) aggregates the individual requests for dredging into a single umbrella permit.

Beginning in June 2021, the City solicited waterfront property owners, residents and business owners who own property along the San Rafael Canal, to participate in the City’s umbrella permitting process that would allow for a single, streamlined permit process for all. A total of 101 property owners agreed to join the umbrella permitting and dredging effort, including eight City-owned parcels.

The process of permitting and effecting a maintenance dredge is a special expertise. The City contracted with environmental consultant [Haley & Aldrich, Inc. in November 2020](#) to conduct and prepare the pre-dredge surveys, design and engineering, and permitting application work required to seek regulatory approvals to permit the maintenance dredge of the non-Federal portions of the San Rafael Canal. While working on the umbrella permit application, the City informed the interested property owners that the City and each participating property will pay for their portion of the dredged materials by volume and will also share the cost of the permit development (Haley & Aldrich’s consulting contract) equitably.

All dredging projects in the San Francisco Bay require regulatory permits/approvals from the following agencies:

- U.S. Army Corps of Engineers
- Dredged Material Management Office (DMMO)
- San Francisco Bay Conservation and Development Commission (BCDC)
- Regional Water Quality Control Board
- California Fish and Wildlife

The “umbrella permit” obtained by the City will cover all of these required permits/approvals for the City properties and participating private properties.

Upon receipt of the City's umbrella permit, the City will maintain a ten-year window to dredge. However, each dredging effort will require an 'episodic approval' from the DMMO and a subsequent City of San Rafael Tidelands permit.

The umbrella permitting effort streamlined the process for the City and all participating private property owners and has allowed for a simultaneous dredging project with the Federal Channel in 2022. Staff expect to receive final approvals from the regulatory agencies for all permitted properties submitted in the umbrella permitting process by no later than November 2022.

WAIVER OF FORMAL BIDDING AND AWARD OF CITY CONSTRUCTION AGREEMENT: As has been customary in previous "full dredging" projects in the San Rafael Canal, staff recommends that the City waive formal bidding and award the City Contract to the same contractor as the Corps – The Dutra Group. The City and participating private property owners are anticipated to realize cost savings by contracting with the same Federal contractor for the City Contract.

In Spring 2022, the Corps conducted a formal, competitive bid of the Federal Contract for dredging the Federally Authorized Channel in Summer/Fall of 2022. Two contractors submitted bids to the Corps: The Dutra Group and Lind Marine. The Corps awarded the Federal Contract to Dutra, the lowest responsive bidder.

For the City Contract, the City's consultant asked both contractors who submitted bids on the Federal Contract, Dutra and Lind Marine, to submit a per unit (cubic yard) rate quote to the City. Dutra agreed to honor the same unit rates as the Federal Contract. Lind Marine confirmed that they could not match the unit rates that Dutra bid on the Federal Contract.

City staff did not complete a formal competitive bid process for the City Contract. Based on the Federal competitive bidding and price quotes submitted to the City thereafter by the two Federal bidders, the City asked Dutra to submit a formal bid for the City Contract based on dredging plans, individual parcel volume calculations, and front and back-end specifications for the City's Dredging project. Dutra's formal bid to the City is a not to exceed amount of **\$3,468,000**. In the bid proposal the Contractor has agreed to use the same bid prices per cubic yard regardless of the number of properties that agree to join the City Contract.

Staff, therefore, recommends that the City Council waive competitive bidding and award the City Contract to Dutra, pursuant to section 11.50.090(B) of the San Rafael Municipal Code, because the following circumstances exist:

1. The work is of a highly specialized nature.
2. There would be no competitive advantage to requiring bidding for the contract.
3. The cost of the work would be significantly increased or its completion significantly delayed by competitively bidding the contract.

MASTER CITY CONTRACT FOR PRIVATE PROPERTY OWNERS: Dutra will not enter into dredging contracts with each individual property owner who participated in the City's umbrella permitting efforts and wishes to dredge their property this year. Dutra has agreed to a master agreement with the City. If the City Council authorizes the City Contract, the City will administer a master dredge contract with Dutra, covering City and privately-owned parcels.

In early September, City staff communicated to all individual property owners the estimated costs to cover the City contract for dredging by Dutra, as well as the permitting and construction management services by Haley and Aldrich. The estimated costs were calculated based upon Dutra's initial price quote and the estimated dredged material per cubic yard of each parcel. The estimated blended rate provided was \$27 to \$34. The dredge material volumes were estimated based on a bathymetric survey conducted in June 2022. The survey calculates the depth of the existing sediment using satellite data, a standard process used to calculate dredging material to be removed.

Individual property owners who wish to have their properties dredged under the City Contract will be required to enter into a separate reimbursement agreement with the City, under which the property owners will permit the City to dredge their property under the City Contract and require the property owner to pay their portion of the dredging, permitting, and construction management costs. Property owners will be charged a "blended" unit rate, reflecting a blended rate of sediment disposal between SFDODS (for ocean-based disposal) and SF10 (in bay disposal) disposal sites. The "blended" rate will also include Dutra's discounted mobilization price and umbrella permitting and construction management costs owed by the private owners. In late September 2022 the City received the official bid from Dutra that included a heavily discounted mobilization cost to extend operations upon completion of the Corps' project. The bid response increased the blended rate per cubic yard to \$28 to \$35. These separate agreements will be subject to City Attorney review and approval. (See Fiscal Impact section below for further details.)

Dutra has confirmed a maintenance dredging schedule for all individual City parcels in the non-Federal channel to begin as early as mid-October 2022 through November 30, 2022. Dredging individual parcels will be conducted simultaneously with dredging the Federal channel. Due to State and Federal regulations that prohibit maintenance dredging after November 30, Dutra must cease dredging operations past November 30. If approved by regulatory agencies, the Dredging project may be extended into December 2022. However, Dutra has confirmed that they would resume dredging in June 2023 for any City and private parcels that were not dredged in 2022 under the same rates agreed upon in the proposed master City Contract.

PUBLIC OUTREACH: City staff have been in contact with community members, stakeholders and the general public through the City's dedicated dredging webpage (www.cityofsanrafael.org/dredging) as well as through email and phone communication since July 2021. Staff have communicated with stakeholders from the Canal community regarding the umbrella permitting effort through the City's consultant, Scott Bodensteiner of Haley and Aldrich, Inc. and via the City's dedicated umbrella webpage ([Dredging Umbrella Permits - San Rafael \(cityofsanrafael.org\)](http://Dredging Umbrella Permits - San Rafael (cityofsanrafael.org))).

FISCAL IMPACT: The maximum not-to-exceed amount for the master City Contract is \$3,468,000. The City's portion of the agreement is \$649,200, which is the amount attributable to dredging eight City-owned parcels. This is based on the City paying the actual rate of the Dredging and Disposal to SFDODS and the blended rate for the Dredging and Disposal to SF10. These rates provide the maximum benefit to the property owners who choose to be part of the dredge, since the city is not benefiting from the blended rate.

The remaining \$2,818,800 of the City Contract is the amount attributable to the separate private property owners of the 101 parcels who selected to participate in the City's Dredging project. These individual property owners will be required under separate agreements with the City to pay their share of the total permitting, dredging and construction management cost based on

their parcel's actual calculated dredged volume. The individual owners will be required to pay a non-refundable deposit in the amount equal to the estimated dredged volume for the parcel and the cost of disposal and thereafter reimburse the City for any additional cost for their property based on actual post-dredge actual volumes. Total dredging and disposal costs will reflect a blended rate of sediment disposal between SFDODS (for ocean based disposal) and SF10 (in bay disposal) disposal sites. Staff selected a blended approach to allocate costs equitably to all individual property owners and to avoid significantly higher costs for those parcels which required ocean-based sediment disposal.

A total of \$3,468,000 will be appropriated from the City's Capital Improvement Fund #401 to cover the not to exceed amount for this project. \$649,200 will also be transferred from the City's General Fund to the Capital Improvement Fund 401 to account for the City's eight parcels that will be dredged for this project.

OPTIONS:

1. Adopt the resolution approving and authorizing the City Manager to award and execute the construction agreement with The Dutra Group.
2. Do not award the contract and direct staff to rebid or amend the project contract. If this option is chosen, the project may be delayed by approximately 6 months until the next dredging window opens in June 2023.
3. Do not award the contract and provide direction to staff.

RECOMMENDED ACTION: Adopt the resolution.

ATTACHMENT:

1. Resolution approving and authorizing the City Manager to award and execute the construction agreement with The Dutra Group.

RESOLUTION NO.

RESOLUTION OF THE SAN RAFAEL CITY COUNCIL APPROVING AND AUTHORIZING THE CITY MANAGER TO AWARD AND EXECUTE A CONSTRUCTION AGREEMENT FOR THE FY 2022-23 CITY OF SAN RAFAEL CANAL MAINTENANCE DREDGING PROJECT, CITY PROJECT NO. 11423, TO THE DUTRA GROUP, IN A NOT TO EXCEED AMOUNT OF \$3,468,000, AND AUTHORIZING CONTINGENCY FUNDS IN THE AMOUNT OF \$346,800, FOR A TOTAL APPROPRIATED AMOUNT OF \$3,814,800 WHICH INCLUDES A TRANSFER FROM THE GENERAL FUND TO FUND 401 IN THE AMOUNT OF \$649,200 TO COVER THE CITY PORTION OF THE DREDGE.

WHEREAS, the US Army Corps of Engineers (“Corps”) is performing maintenance dredging of the San Rafael Channel in summer of 2022; and

WHEREAS, the Corps competitively bid for the dredging contract of the San Rafael Channel and awarded the Federal contract to the Dutra Group (“Dutra”); and

WHEREAS, the Corps is only responsible for dredging the Federal Channel which does not extend to City or privately-owned properties, including the docks and marinas, that are adjacent to the Federal Channel; and

WHEREAS, the City and private property owners are responsible for maintaining and dredging their properties, which include from their private docks to the Federal Channel which is in the center of the San Rafael Channel; and

WHEREAS, beginning in July 2021, the City contracted with Haley and Aldrich, Inc. to complete an aggregate permitting process to obtain regulatory approval from the California Department of Fish and Wildlife, the Dredged Material Management Office, the Corps, the California State Water Resources Control Board, the Bay Conservation and Development Commission, and the City of San Rafael, known as the “Umbrella Permitting”; and

WHEREAS, the City completed the Umbrella Permitting process and expects to obtain the regulatory permits required to complete dredging of the City and privately-owned properties beginning as early as mid-October 2022; and

WHEREAS, Dutra has submitted a formal bid to the City to enter into a contract (“City Contract”) to perform the same dredging services for City-owned and privately-owned properties adjacent to the Federal Channel based on the same unit rates as the Federally-bid contract; and

WHEREAS, the City informally solicited a price quote from Lind Marine, the only other bidder in the Corps Federal dredge contract, who confirmed that they could not provide a more competitive bid than Dutra because of the mobilization and highly specialized nature of equipment required to dredge all parcels and dispose of material at all permitted disposal sites; and

WHEREAS, competitive bidding may be waived under Section 11.50.090 of the San Rafael Municipal Code for the City Contract because the work is of a highly

specialized nature; there would be no competitive advantage to requiring bidding for the contract; and the cost of the work would be significantly increased or its completion significantly delayed by competitively bidding; and

WHEREAS, as part of the bid proposal, Dutra has agreed to use the same bid prices per cubic yard of dredge material regardless of the number of properties that agree to join the City Contract; and

WHEREAS, City staff has apportioned an additional 10% of the bid price for contingencies in the amount of **\$346,800**; and

WHEREAS, upon award of the City Contract to Dutra, the City will enter into a separate reimbursement agreement with each individual property owner who elects to have their property dredged under the City Contract, under which the individual owner must pay a non-refundable deposit and reimburse the City for its share of costs in undertaking the Umbrella Permit and dredging for the property.

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

1. The plans and specifications for the "FY 2022/23 CITY OF SAN RAFAEL CANAL DREDGING PROJECT", City Project No.11423 on file in the Department of Public Works, are hereby approved.
2. Competitive bidding requirements are hereby waived under Section 11.50.090 of the San Rafael Municipal Code.
3. The maximum not to exceed amount of \$3,468,000 is hereby accepted at the unit prices stated in its bid, and the contract for said work and improvements is hereby awarded to The Dutra Group, at the stated unit prices.
4. The City Manager is authorized and directed to execute the contract for the project with The Dutra Group at the bid amount, subject to final approval as to form by the City Attorney, and to return the bidder's bond upon the execution of the contract.
5. Funds totaling **\$3,814,800** shall be appropriated for this project (Project No. 11423) from the Capital Improvement Fund (#401).
6. Funds totaling \$649,200 shall be appropriated for this project (Project No 11423) and transferred from the General Fund to the Capital Improvement Fund (#401) to account for dredging and permitting costs for the eight City owned parcels to be dredged.
7. The Director of Public Works is hereby authorized to take any and all such actions and make changes as may be necessary to accomplish the purpose of this resolution.

I, **Lindsay Lara**, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of said City held on Monday, the 3rd of October 2022 by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk