



MINUTES

SAN RAFAEL CITY COUNCIL - MONDAY, DECEMBER 5, 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-2022-12-05>

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.
- 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.

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

Absent: None

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

OPEN SESSION – THIRD FLOOR CONFERENCE ROOM – 6:00 PM

Dial-in: (669) 444-9171, Meeting ID# 883-4631-2902#

One Tap Mobile +16694449171,,88346312902# US

1. Mayor Kate to announce Closed Session items.

CLOSED SESSION – THIRD FLOOR CONFERENCE ROOM – 6:00 PM

2. Closed Session:

- a. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Government Code Section 54956.9)
1 case: Francisco Boulevard Investors v. CSR

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

City Attorney Robert Epstein announced that no reportable action was taken in the Closed Session held prior to the meeting.

Mayor Kate provided opening remarks, which included the Special Meeting held prior to the meeting and the upcoming Public Hearings to be heard tonight.

City Clerk Lindsay Lara informed the community that the in-person meeting would also be recorded and streamed live to YouTube and through Zoom, and members of the public would provide public comment either on the telephone or through Zoom. She explained the process for community participation on the telephone, through Zoom and in-person.

OPEN TIME FOR PUBLIC EXPRESSION

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

PUBLIC HEARING

3. Public Hearing:

- a. [San Rafael 2023-2031 Housing Element](#)
Submittal of the HCD Draft 2023-2031 San Rafael Housing Element to the California Department of Housing and Community Development for Their Initial Review and Comment (CD)

Alicia Giudice, Community Development Director introduced the item. Barry Miller, Consulting Project Manager, Liz Darby, Consultant and Alexis Captanian, Housing Programs Analyst presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Judith Bloomberg, Marin Organizing Committee/MOC Affordable Housing Team, Al Vetere, Bob Pendoley, Marin Environmental Housing Committee (MEHC), Johnson

Reynolds, Gregory Andrew

Staff responded to public comment.

Councilmembers provided comments.

Councilmember Bushey moved and Councilmember Kertz seconded to approve submission of the HCD Draft 2023-2031 San Rafael Housing Element to the California Department of Housing and Community Development for Their Initial Review and Comment.

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

Approved submission of the HCD Draft 2023-2031 San Rafael Housing Element to the California Department of Housing and Community Development for Their Initial Review and Comment.

b. **Aldersly Retirement Community Project**

Approval of Actions as Recommended by the Planning Commission for the Phased Development of New Buildings and Other Improvements, and Demolition of Existing Buildings on the Aldersly Retirement Community Property, Including 14 Additional Independent Living Units on a 2.9 Acre Site Located at 326 and 308 Mission Avenue (CD)

- i. **Resolution Certifying the Final Environmental Impact Report, Adopting a Statement of Overriding Considerations, and Adopting a Mitigation Monitoring and Reporting Program Pursuant to the California Environmental Quality Act for the Aldersly Planned Development Amendment Project**
- ii. **Introduction of an Ordinance of the City of San Rafael City Council Approving a Planned Development Rezoning from Planned Development District (PD 1775) to Planned Development District (PD) and Development Plan Including 14 Net New Independent Living Units for the 2.9-Acre Senior Retirement Community Site Located at 308 and 326 Mission Avenue**
- iii. **Resolution Approving the Master Use Permit Amendment (UP20-022) and Environmental and Design Review Permit (ED20-051) for the Aldersly Retirement Community at 308 and 326 Mission Avenue (APN 014-054-31 and 32)**

Alicia Giudice, Community Development Director introduced the item. Jayni Allsep, Consultant presented the Staff Report.

Jaynie Allsep, Consultant recommended in her presentation that minor change (in parking area) in site plan regarding east property adjacency at 304 Mission Avenue be approved.

Applicant gave a presentation.

Mayor Kate invited public comment.

Speakers: Susan, Bob Pendoley, Marin Environmental Housing Committee (MEHC), John Simon, CC Raeside, Stephen Simon

Staff responded to public comment.

Councilmembers provided comments.

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

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

Resolution 15166 - Resolution Certifying the Final Environmental Impact Report, Adopting a Statement of Overriding Considerations, and Adopting a Mitigation Monitoring and Reporting Program Pursuant to the California Environmental Quality Act for the Aldersly Planned Development Amendment Project

Councilmember Kertz moved and Councilmember Bushey seconded to waive further reading of the ordinance and refer to it by title only, and introduce the ordinance; and the City Clerk read the title of the ordinance.

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

Waived further reading of the ordinance and referred to it by title only, and introduced the ordinance

Councilmember Bushey moved and Councilmember Kertz seconded to adopt the resolution, including the minor change in the site plan as discussed.

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

Resolution 15167 - Resolution Approving the Master Use Permit Amendment (UP20-022) and Environmental and Design Review Permit (ED20-051) for the Aldersly Retirement Community at 308 and 326 Mission Avenue (APN 014-054-31 and 32)

[RECESS 9:10 – 9:14 p.m.](#)

c. [Rotary Manor Culvert Replacement](#)

Resolution Adopting the Initial Study/Mitigated Negative Declaration (IS/MND) and Associated Mitigation Monitoring and Reporting Program for the Rotary Manor Culvert Replacement Project; Authorization to Staff to Proceed with Final Design and Procurement of Regulatory Environmental Permits (PW)

April Miller, Public Works Director introduced the item. Theo Sanchez, Associate Civil Engineer who presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment; however there was none.

Councilmembers provided comments.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Resolution 15168 - Resolution Adopting the Initial Study/Mitigated Negative Declaration (IS/MND) and Associated Mitigation Monitoring and Reporting Program for the Rotary Manor Culvert Replacement Project; Authorization to Staff to Proceed with Final Design and Procurement of Regulatory Environmental Permits

d. [Marin Sanitary Service Rates for 2023](#)

Resolution Approving Maximum Rates Collected by Marin Sanitary Service for Refuse and Recyclable Material Collection and Disposal Services, to be Effective January 1, 2023 (CM)

Cory Bytof, Sustainability Program Manager presented the Staff Report.

Staff responded to questions from Councilmembers.

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

Councilmember provided comments.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Resolution 15169 - Resolution Approving Maximum Rates Collected by Marin Sanitary Service for Refuse and Recyclable Material Collection and Disposal Services, to be Effective January 1, 2023

e. [Downtown Business Improvement District \(BID\) Business Assessment Annual Renewal](#)

Resolution Confirming the 2022 Annual Report for the Downtown Business Improvement District and Levy of Assessments for Calendar Year 2023 (ED)

Jim Schutz, City Manager introduced Micah Hinkle Director of Economic Development and Innovation. He and Victoria Lim, Senior Management Analyst presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Jed Greene, Downtown Business Improvement District (BID), Al Vetere

Staff responded to public comment.

Councilmember provided comments.

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

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

Resolution 15170 - Resolution Confirming the 2022 Annual Report for the Downtown Business Improvement District and Levy of Assessments for Calendar Year 2023

CONSENT CALENDAR:

4. Consent Calendar Items:

Mayor Kate invited public comment on the Consent Calendar; however, there was none.

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

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

a. **Ordinance Amending Green Building Codes**

Adoption of Ordinance 2022: An Ordinance Amending Title 12 (Building Regulations) of the Municipal Code of the City of San Rafael, by Amending the 2022 California Green Building Standards Code for Electric Vehicle Chargers; Amending the 2022 California Mechanical Code and the 2022 California Plumbing Code to Limit Fuel Gas in Existing Single Family Homes and Duplexes, and Prohibit Fuel Gas in New Construction with Limited Exceptions; and Adopting Findings of Fact Supporting the Amendments to the Codes (CC)

Final adoption of Ordinance 2022

SAN RAFAEL SUCCESSOR AGENCY:

1. Consent Calendar: - None.

ADJOURNMENT:

Mayor Kate adjourned the meeting at 10:13 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2022

KATE COLIN, Mayor