



## AGENDA

SAN RAFAEL CITY COUNCIL - MONDAY, DECEMBER 5, 2022

SPECIAL MEETING AT 6:30 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](http://www.youtube.com/cityofsanrafael)

Listen by phone: (669) 900-9128

ID: 817-3692-0337#

One Tap Mobile: US: +16699009128,,81736920337#

### CITY MANAGER AND COUNCILMEMBER REPORTS:

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

1. City Manager and Councilmember Reports:

*Public comment on agenda items.*

### CONSENT CALENDAR:

2. Consent Calendar:

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

Announcement of Vacancies on the Planning Commission, Pickleweed Advisory Committee and the ADA Access Advisory Committee (CC)

*Recommended Action – Receive and file*

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

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

*Recommended Action - Adopt Resolution*

c. **Donation of Open Space on Gold Hill Grade**

Resolution Accepting the Offer of Donation from Marin Open Space Trust of Vacant Lot on Gold Hill Grade APN 015-250-34 to the City in Fee for Permanent Open Space and Authorizing the City Manager to Execute, on Behalf of the City, All Documents Required to Effectuate Such Conveyance (LR)

*Recommended Action – Adopt Resolution*

d. **Quitclaim of a Storm Drain Easement at the Marin Academy**

Resolution Electing to Vacate the Storm Drain Easement Described in Deed D2006-002997 and Authorizing Execution of a Quitclaim Deed, for Marin Academy Property at 1540 Fifth Avenue, San Rafael, California (PW)

*Recommended Action – Adopt Resolution*

- e. **Temporary Street Closure to Support Vaccination Efforts in the Canal Neighborhood**  
Resolution Authorizing the Temporary Closure of Alto Street on Saturday, December 17, 2022 to Support Canal Alliance's Effort to Provide COVID-19 Vaccinations (PW)  
*Recommended Action – Adopt Resolution*

**ADJOURNMENT:**

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



- Term:* January 2023 through December 2026  
January 2023 through December 2026  
January 2023 through December 2026
- 2023 Meeting Schedule:* First Wednesday of every other month at 7pm at the Albert J. Boro Community Center
- Eligibility Requirements:* Must be a Canal Neighborhood resident.  
May be a Youth Member who shall be a minimum age of a high school 9th grade student.
- Application Deadline:* December 21, 2022, or open until filled.

**ADA Access Advisory Committee**

*Board Description:* The ADA Access Advisory Committee provides valuable input in determining disability policy for the City of San Rafael. The ADA Access Advisory Committee provides input, advises the City on matters relating to people with disabilities, and is a primary public networking resource between persons with disabilities, disability service agencies, representatives from government agencies, and others. Members of the committee represent a broad cross-section of members of the community with disabilities, reflecting multiple disabilities, and the cultural and gender diversity of the wider disability community. The ADA Access Advisory Committee works in conjunction with the City of San Rafael.

- Term:* November 2022 through October 2026  
November 2022 through October 2026  
November 2022 through October 2026
- 2023 Meeting Schedule:* First Wednesday of March, June, September and December at 2pm at City Hall.
- Eligibility Requirements:* The seven (7) voting ADA Committee members and one (1) alternate shall consist of the following, each having the same duties and responsibilities:
1. Persons who are, or family members of, City of San Rafael residents with disabilities; and/or
  2. Individuals residing in the City of San Rafael serving persons with disabilities in Marin County; and/or
  3. Property owners, business owners, or individuals residing in the City of San Rafael with expertise and/or affiliations with private or public organizations concerned with issues of accessibility and/or other issues of concern to persons with disabilities; and/or
  4. One member of the Committee may represent the San Rafael business community interest.
- Application Deadline:* December 21, 2022, or open until filled.

**COMMUNITY OUTREACH:**

The recruitment for applications is being advertised through mass email notification, the City's website, social media platforms, as well as physically posted at City facilities and the City Clerk's office.

Additionally, the City Clerk's office publishes information about how residents can learn about vacancies in the In Your Town section of the Marin IJ on a quarterly basis.

**RECOMMENDED ACTION:**

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



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: City Attorney

Prepared by: Genevieve Coyle,  
Assistant City Attorney

City Manager Approval: \_\_\_\_\_

**TOPIC: USE OF TELECONFERENCING FOR PUBLIC MEETINGS DURING STATE OF EMERGENCY**

**SUBJECT: RESOLUTION PURSUANT TO ASSEMBLY BILL 361 MAKING FINDINGS AND CONFIRMING THE NEED FOR 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 special meeting of the City Council of the City of San Rafael, held on Monday, the 5th day of December 2022 by the following vote, to wit:

AYES:            Councilmembers:

NOES:           Councilmembers:

ABSENT:        Councilmembers:

Lindsay Lara, City Clerk



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: LIBRARY & RECREATION

Prepared by: Catherine Quffa,  
Library & Recreation Director

City Manager Approval: 

**TOPIC: DONATION OF OPEN SPACE ON GOLD HILL GRADE**

**SUBJECT: RESOLUTION ACCEPTING THE OFFER OF DONATION FROM MARIN OPEN SPACE TRUST OF VACANT LOT ON GOLD HILL GRADE APN 015-250-34 TO THE CITY IN FEE FOR PERMANENT OPEN SPACE AND AUTHORIZING THE CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY, ALL DOCUMENTS REQUIRED TO EFFECTUATE SUCH CONVEYANCE**

**RECOMMENDATION:**

Adopt a resolution accepting the offer of donation from Marin Open Space Trust of vacant lot on Gold Hill Grade APN 015-250-34 to the City in fee for permanent open space and authorizing the City Manager to execute, on behalf of the City, all documents required to effectuate such conveyance.

**BACKGROUND:**

On occasion, the City receives inquiries as to whether it would be interested in accepting a donation of land for designation as San Rafael Open Space. To provide direction and consistency in how the City approaches offers of open space, the City Council, with recommendation from the Park & Recreation Commission, adopted an [Open Space Acquisition Policy](#) in 2017 (Attachment 2). The policy provides specific guiding principles and a process to deliberate and decide whether to accept donations of land as San Rafael Open Space.

In 2003, the City of San Rafael purchased two vacant parcels of land totaling 26 acres on Gold Hill Grade (APN 015-250-28 and -55), utilizing funding from the 1972 Open Space Land Acquisition Bond Fund and with financial support from the Marin County Open Space District and the Save Gold Hill Committee. The parcels were designated as permanent open space and incorporated into the existing Harry Barbier Memorial Park. After the purchase, one 2.6-acre parcel of privately owned property (APN 015-250-34) (the "Property") remained encircled by the acquired City open space.

In September 2022, the Marin Open Space Trust (MOST) approached the City with an offer to broker the donation of the Property to the City as permanent open space. The Property is located above the Dominican neighborhood and maps of the Property can be found in Attachment 3. As mentioned, the

**FOR CITY CLERK ONLY**

File No.: \_\_\_\_\_

Council Meeting: \_\_\_\_\_

Disposition: \_\_\_\_\_

Property is entirely surrounded by Harry Barbier Memorial Park, which is existing City open space, and public access is limited to a graded fire road that borders the northwest corner of the Property. The Property is currently designated as Hillside Resource Residential in the San Rafael General Plan 2040.<sup>1</sup>

Over the past year, MOST has been working with the current Property owners, Dyanne Bailey and Susan Grippi, and are proposing to acquire the land as a donation and then transfer title of the Property to the City. MOST would absorb the closing costs and any other costs associated with the Property transfer. In 2017, the City partnered with MOST to accept two parcels of land on Makin Grade to set aside as permanent open space using a similar process.

**ANALYSIS:**

The City of San Rafael Open Space Acquisition Policy establishes a process as well as guiding principles for reviewing the acquisition of open space. The responsibility for open space acquisition is established as follows:

*The acquisition of Open Space lands is at the decision and discretion of the San Rafael City Council. Proposals presented by City staff representing the Departments of Community Development, Public Works, Police, Fire, Community Services and Finance will first be considered by the Park and Recreation Commission at one or more public noticed meetings, and with other community outreach as determined appropriate. The Commission recommendation to accept or decline the proposed acquisition will be submitted to the City Council prior to the one or more public noticed meetings when the proposal is considered for action. If accepted, City staff shall execute the acquisition and on-going support services for the Open Space preservation, recreation, and public security.*

Staff from the Administrative Services, Community Development, Fire, Library and Recreation, Police, and Public Works departments have reviewed the proposed donation of the Property and evaluated the proposal based on the Open Space Acquisition Policy. Staff from all departments are supportive of the proposed acquisition and have identified the following elements of the Property that align with the Open Space Acquisition Policy's guiding principles:

- The Property is located within City of San Rafael City Limits.
- Adding the Property to the City's open space portfolio would provide positive public benefit and public utility including:
  - Ensuring preservation of the natural space, environment, and existing use.
  - As many users are unaware that the Property is not already part of Harry Barbier Memorial Park, it is currently used for recreation purposes and an undesignated user trail passes through the Property. Preservation would allow for continued recreational use.
- The Property has adjacency and/or connectivity to existing park/open space. The Property is surrounded by existing City open space, so the City is the most logical owner for open space preservation.
- The Property has title with no feasible alternative ownership options for preservation and acquisition would be a fee simple title transfer. The Property title report shows that the Property is currently owned by the two individuals that have been working with MOST and there are no

---

<sup>1</sup> Per the San Rafael General Plan 2040: Hillside Resource Residential "is intended for privately owned land, typically with geologic or seismic constraints that limit development potential. Such areas are often located on steep hillsides that are visually significant and have been identified as having very limited potential through prior development proposals. Hillside Resource Residential Areas include single family homes on very large lots, as well as undeveloped properties."

foreseeable title conflicts. In addition, MOST would secure title insurance for the City as part of the transfer.

- The Property has existing access via a graded fire road that passes through existing City open space.
- The proposed acquisition of the Property was presented to the Dominican Black Canyon Neighborhood Association and distributed through the Neighborhood Association mailing list. Members in attendance of the meeting were supportive. (See Community Outreach section below.)
- The Department of Public Works has evaluated the Property and determined that it is environmentally stable and clear of significant safety or security issues. Attachment 3 shows the location of the Property, which includes a small user trail along a ridgeline and is fully vegetated.
- Owning the Property could provide wildfire mitigation benefits if the City decided to use social trails to increase more fuel breaks in the future.
- The location and status of the Property does not pose significant liability issues for the City.
- Acquisition of the Property would not present significant financial impact to City resources for acquisition, management, maintenance, or security.
- The Property does not require improvements or amenities.

The San Rafael General Plan 2040 also includes policies and programs that are important to consider in relation to the proposed acquisition.

Specifically, the Parks, Recreation, and Open Space Element states:

***Policy PROS-3.1: Open Space Frame***

*Retain and protect San Rafael's open space frame, including open space on the city's perimeter and the network of open spaces that define and connect the city's neighborhoods. Open space should be recognized as essential to wildlife, environmental and human health, psychological well-being, and as a natural means of separating communities, preventing sprawl, and providing visual relief.*

***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 corridors, and habitat for special status species).*
- 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.*

Many of the criteria for open space protection set forth in the General Plan 2040 align with the Open Space Acquisition Policy's guiding principles. As outlined above, many features of the Property are supportive of the criteria for open space protection. Specifically, the Property is free of major health and safety issues and geologic hazards; provides wildlife resource value in ensuring a contiguous wildlife habitat with surrounding City open space; provides potential wildfire mitigation benefits; connects to existing open space; would be supported financially by MOST absorbing the property transfer costs; and requires minimal additional maintenance, management, and liability costs for the City.

Additionally, the Dominican/Black Canyon portion of the Neighborhood Element includes the following:

***Policy NH-2.15: Dominican/Black Canyon Area Resources and Hazards.*** Proactively work to conserve and restore natural resources and reduce environmental hazards in the Dominican/Black Canyon area, including wildfire, landslide, and noise hazards.

***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.

This acquisition of open space would support the above goals of the General Plan 2040.

#### **COMMUNITY OUTREACH:**

On Thursday, November 18, the Park and Recreation Commission received a report on the proposed Property acquisition. The Commission voted 4-0 (with one member absent) to recommend acceptance of the donation of the Property by the City of San Rafael to City Council. Representatives from MOST were in attendance to answer questions from the Commission.

On Wednesday, November 9, representatives from MOST and City staff met with the Dominican Black Canyon Neighborhood Association to present the proposed Property acquisition and to answer any questions. As the Property is surrounded by existing City open space, there are no immediate neighbors to the Property, however it is in closest proximity to the Dominican Black Canyon neighborhood. At the Dominican Black Canyon Neighborhood Association, participants expressed general support for the acquisition and several members articulated their intent to submit a formal letter of support. The Association Board shared that they would further inform association members of the acquisition via e-mail and encourage them to attend the November 17, Park and Recreation Commission Meeting to voice their opinions. The City has also received direct communication from community members, which have been included as Attachment 4.

#### **ENVIRONMENTAL DETERMINATION:**

The proposed Property acquisition is exempt from review under the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines section 15307 (actions for protecting natural resources) and 15308 (actions for protecting environment). Section 15307 (Class 7) consists of actions to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Section 15308 (Class 8) consists of actions to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

#### **FISCAL IMPACT:**

There is no direct fiscal impact associated with acceptance of the donation of the Property on Gold Hill Grade. MOST has agreed to absorb all closing costs and other expenses associated with the transfer of

Property. City staff have determined that acquisition of the Property as permanent open space would not require significant additional City resources, financial or staffing, for ongoing management.

**OPTIONS:**

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

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

**RECOMMENDED ACTION:**

Adopt a resolution accepting the offer of donation from Marin Open Space Trust of vacant lot on Gold Hill Grade APN 015-250-34 to the City in fee for permanent open space and authorizing the City Manager to execute, on behalf of the City, all documents required to effectuate such conveyance.

**ATTACHMENTS:**

1. Resolution
2. Open Space Acquisition Policy
3. Property Maps
4. Public Comment on the Proposed Property Acquisition

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE SAN RAFAEL CITY COUNCIL ACCEPTING THE OFFER OF DONATION FROM MARIN OPEN SPACE TRUST OF VACANT LOT ON GOLD HILL GRADE APN 015-250-34 TO THE CITY IN FEE FOR PERMANENT OPEN SPACE AND AUTHORIZING THE CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY, ALL DOCUMENTS REQUIRED TO EFFECTUATE SUCH CONVEYANCE**

**WHEREAS**, in 2003, the City, with financial support from the Marin County Open Space District and donations from the Save Gold Hill Committee, purchased two parcels of land totaling 26 acres on Gold Hill Grade; and

**WHEREAS**, the two parcels were designated as City Open Space and incorporated into the City's existing Harry Barbier Memorial Park; and

**WHEREAS**, in September 2022, the Marin Open Space Trust received an offer of donation of an additional parcel on Gold Hill Grade (APN 015-250-34) and now proposes to transfer title, in fee, to the City of San Rafael for use as permanent open space as part of the Harry Barbier Memorial Park; and

**WHEREAS**, the Park and Recreation Commission reviewed the proposal at a regular meeting on November 17, 2022, and recommended acceptance of the donation by the City Council; and

**WHEREAS**, staff of the Administrative Services, Community Development, Fire, Library and Recreation, Police, and Public Works departments deem the acceptance of the donation to be supportive of the City's Open Space Acquisition Policy and of minimal impact to City resources.

**NOW, THEREFORE BE IT RESOLVED**, that the City Council hereby authorizes as follows:

1. The City Council hereby accepts the offer of donation from Marin Open Space Trust of vacant lot on Gold Hill Grade APN 015-250-34 to the City in fee for permanent open space.
2. The City Manager is hereby authorized to execute, on behalf of the City, all documents required to effectuate such conveyance.



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 special meeting of the City Council of the City of San Rafael, held on Monday, the 5th day of December 2022, by the following vote, to wit:

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

---

**Lindsay Lara, City Clerk**

## **City of San Rafael Open Space Acquisition Policy**

### **Purpose**

The purpose of this policy is to set criteria for selecting and/or accepting the acquisition of additional Open Space lands by the City of San Rafael.

### **Responsibility**

The acquisition of Open Space lands is at the decision and discretion of the San Rafael City Council. Proposals presented by City staff representing the Departments of Community Development, Public Works, Police, Fire, Community Services and Finance will first be considered by the Park and Recreation Commission at one or more public noticed meetings, and with other community outreach as determined appropriate. The Commission recommendation to accept or decline the proposed acquisition will be submitted to the City Council prior to the one or more public noticed meetings when the proposal is considered for action. If accepted, City staff shall execute the acquisition and on-going support services for the Open Space preservation, recreation and public security.

### **Reference**

#### **San Rafael General Plan 2020, Goal 30: Protected Open Space**

**It is the goal of San Rafael to preserve and protect open space and the natural environment for all to enjoy.** *Preservation of open space and the natural environment has been a priority for San Rafael residents for many years. Whenever possible, the natural terrain and vegetation of the community should be preserved and maintained.*

The City of San Rafael owns 3,703 acres of Open Space. A total of 7,800 acres of Open Space is currently within City planning area. The City has purchased or accepted donations of properties to the Open Space Inventory. In September 2016 the City Council directed a policy to provide criteria for future acquisition of Open Space lands to ensure that decisions were made based on the value of prospective lands for public recreation, environmental stewardship, view corridor retention and other public benefit in relationship to the responsibility of managing, maintaining and securing the lands in perpetuity.

### **Policy**

In the event of an opportunity to expand the City Open Space Inventory, whether by acquisition, transfer or donation, the following criteria should be applied to the San Rafael specific property to determine the overall value to the community and compliance with City goals.

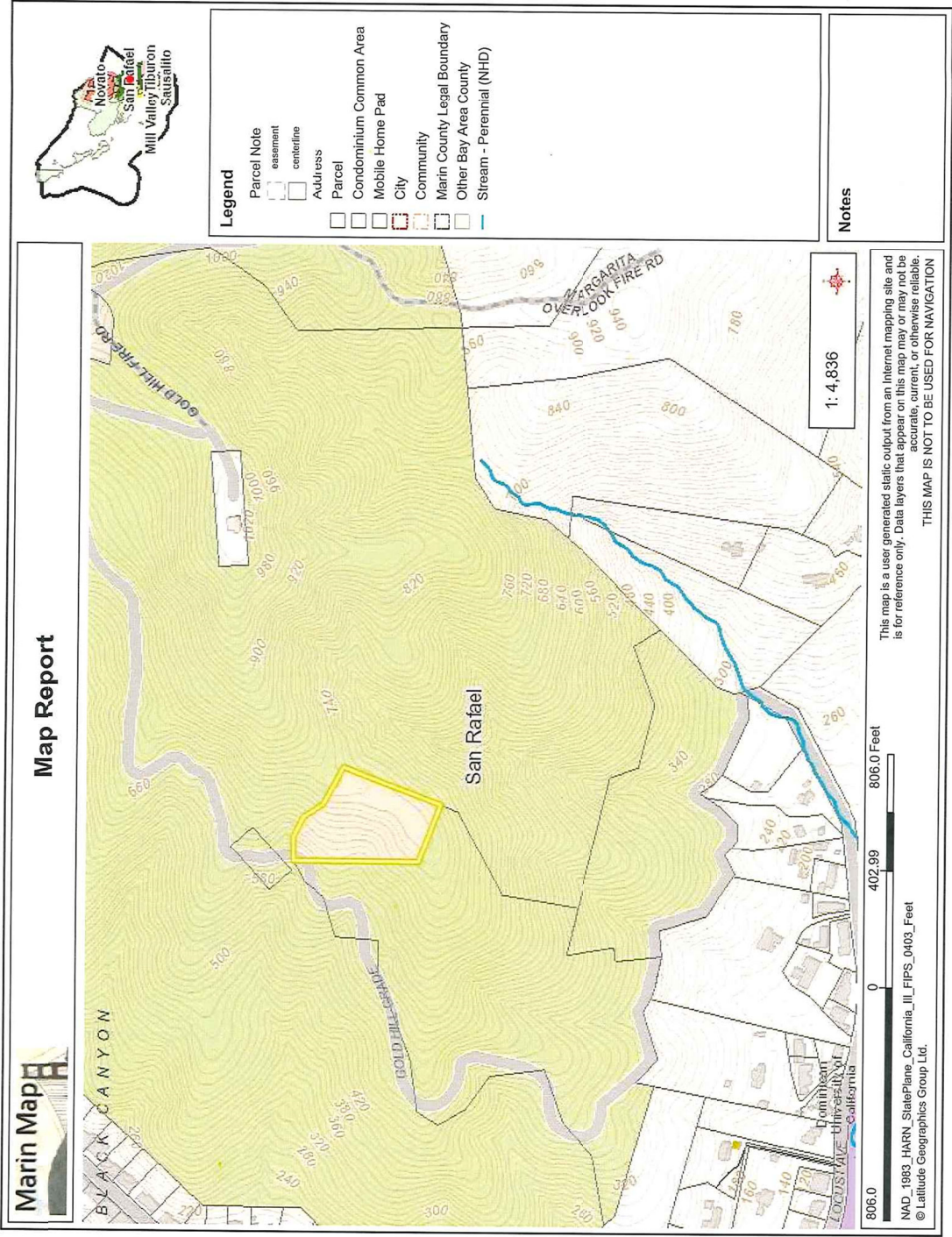
Proposed properties need not meet each criterion. Criteria are not weighted as properties vary in assets and constraints. To be accepted, properties must satisfy specific elements of the guiding principles listed below:

- A property must be located within the City of San Rafael City Limits.
- A property should provide a positive added public benefit including but not limited to:
  - Cultural/historical significance
  - Potential for recreational use
  - Preservation of natural space, environment, and/or existing use
  - Presence of sensitive wildlife habitat
- A property should provide public utility.
- A property should have adjacency to existing park/open space and/or connectively to existing or planned parks/open space as identified in the General Plan.
- A property should have title with no alternative ownership options for preservation and preferably fee simple title transfer.
- A property should have existing access.
- Public support must be demonstrated for the proposed acquisition.
- Endorsement by Boards and Commissions and community organizations must be demonstrated for acquisition of proposed property.
- The existing condition of the property should be environmentally stable and clear of significant safety or security issues.
- The location and status of the property should be free of significant liability issues.
- The property should not present a significant financial impact to City resources for acquisition, management, maintenance or security.
- A property should not require significant improvement or amenities.

**Exhibit “A”**



Marin County Topographic Maps

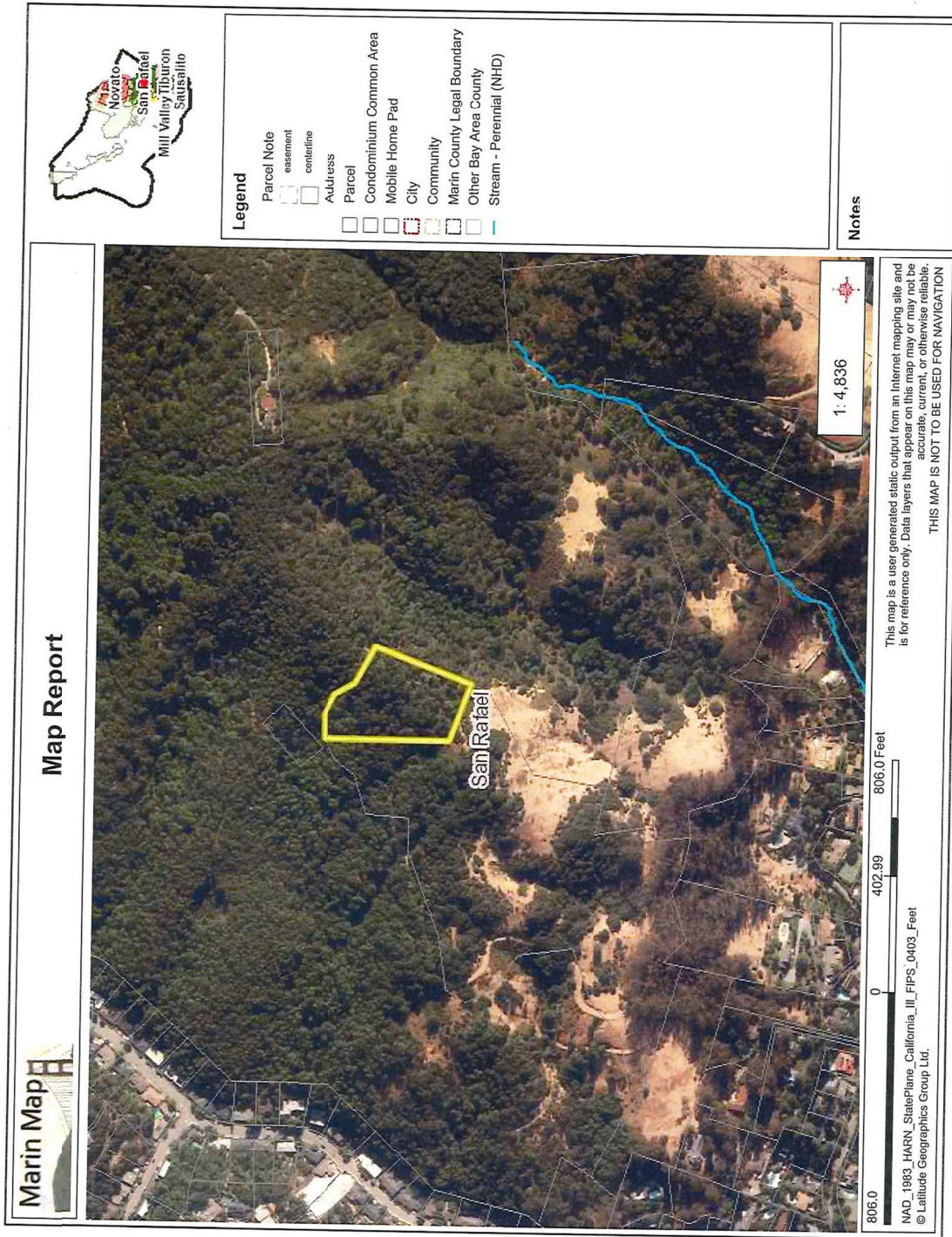










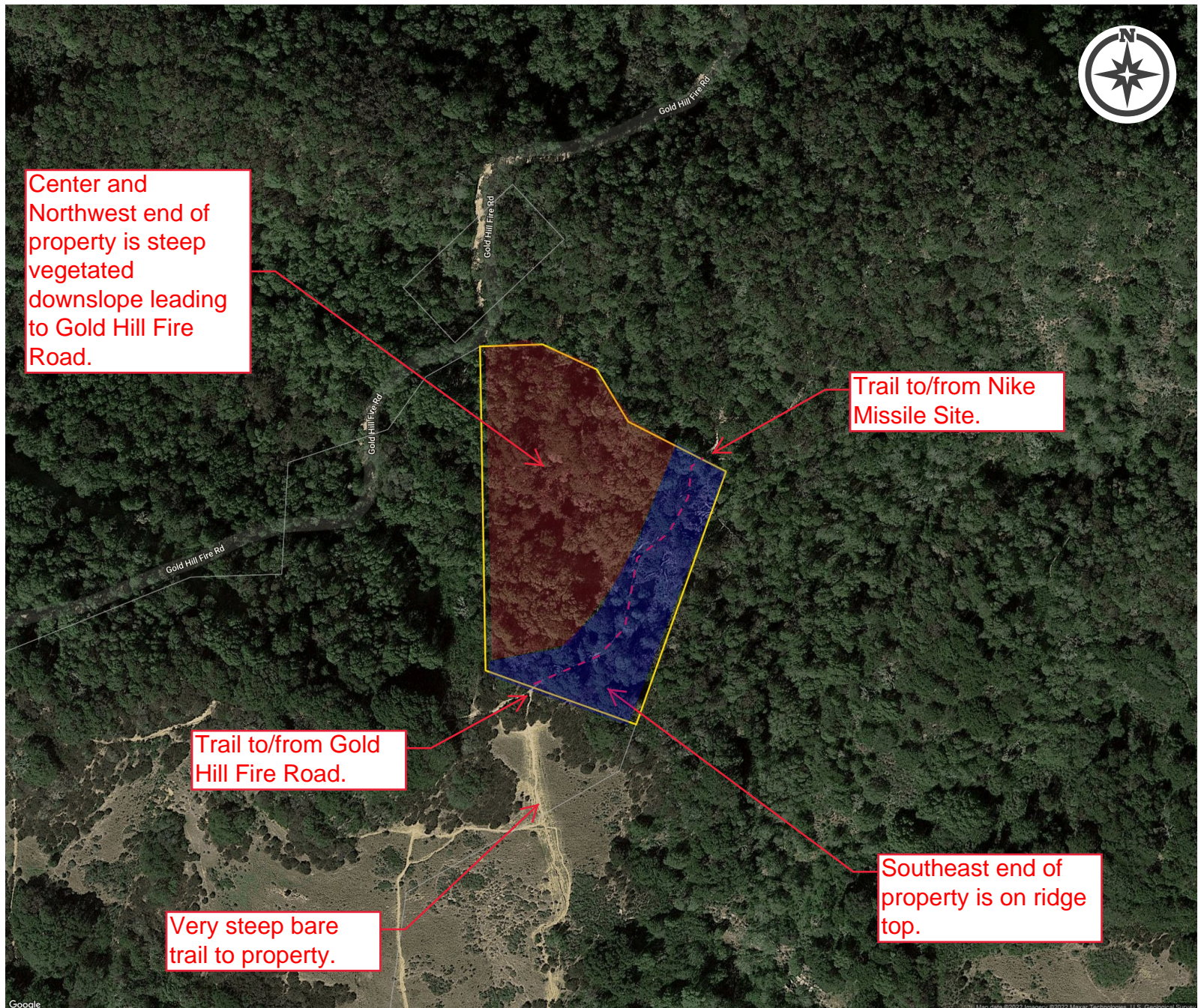


# Marin County Aerial Map





Legend	
Label	
 SITUS	
Parcels	
 Parcels	
San Rafael City Limit	
 City Limit Line	
Marin County	
 Marin County	





**From:** [notify@proudcity.com](mailto:notify@proudcity.com) <[notify@proudcity.com](mailto:notify@proudcity.com)> on behalf of Katherine Burwell <[notify@proudcity.com](mailto:notify@proudcity.com)>

**Sent:** Tuesday, November 1, 2022 2:57 PM

**To:** Info <[info@cityofsanrafael.org](mailto:info@cityofsanrafael.org)>

**Subject:** New submission from Contact City Council

**Name**

Katherine Burwell

**Email**

[REDACTED]

**Subject**

Possible Land Donation - Gold Hill

**Message**

Dear Mayor Kate & Council Members

I urge you to accept the donation by M.O.S.T. of the 2.6 acres on Gold Hill to be added to the Harry Barbier Park. I am an avid hiker and use those beautiful trails weekly. This adds to the livability of our City.

With Regards, Kathy Burwell

**Address (optional)**

[REDACTED]  
San Rafael, CA 94901  
United States  
[Map It](#)



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: Public Works

Prepared by: April Miller  
Director of Public Works

City Manager Approval: 

**TOPIC: QUITCLAIM OF A STORM DRAIN EASEMENT AT THE MARIN ACADEMY**

**SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL ELECTING TO VACATE THE STORM DRAIN EASEMENT DESCRIBED IN DEED D2006-002997 AND AUTHORIZING EXECUTION OF A QUITCLAIM DEED, FOR MARIN ACADEMY PROPERTY AT 1540 FIFTH AVENUE, SAN RAFAEL, CALIFORNIA**

**RECOMMENDATION:**

Adopt the Resolution Electing to Vacate the Storm Drain Easement Described in Deed D2006-002997 and Authorizing Execution of a Quitclaim Deed, for Marin Academy Property at 1540 Fifth Avenue, San Rafael, California.

**BACKGROUND:**

The Marin Academy owns the three properties at 1530, 1534 and 1540 Fifth Avenue. An existing City storm drain from Mission Avenue passes through the development to a drainage facility on Fifth Avenue. In 1996, the Public Works Department, as part of the capital improvement program, improved the existing system by slip-lining the storm drain. In 2006, a grant of easement was recorded over the portion of the storm drain that runs beneath the 1540 Fifth Avenue property.

In 2020, the Community Development Department approved UP19-005 and ED19-006 for Marin Academy’s development of a new aquatic center over the adjacent properties, at 1530 and 1534 Fifth Ave. The current aquatic center development included a lot line adjustment and consolidation between the three properties.

As a condition of approval for the development of the new aquatic center, the City required that an easement over the storm drain on the parcels resulting from the lot line adjustment and consolidation be granted to the City. The storm drain was rerouted to accommodate the new development. The resulting storm drain and property line reconfiguration has made the existing storm drain easement no longer accurate.

**ANALYSIS:**

Marin Academy has granted the City new storm drain easements over the subject properties that follows the realigned storm drain. Resolution No. 14577 adopted on September 17, 2018 authorizes the

**FOR CITY CLERK ONLY**

Council Meeting: \_\_\_\_\_

Disposition: \_\_\_\_\_

Mayor and City Manager to accept grants of interest in real property on behalf of the City. The new easements have been reviewed by City staff and are in the process of being approved by the City Manager and recorded. Final Certificate of Occupancy will only be granted after the new easements are recorded at the County.

The proposed resolution authorizes the City Manager to execute a quitclaim deed to vacate the 2006 easement. The vacation of the 2006 easement will not affect the City's ability to maintain its infrastructure. The City will still have the access it needs to the storm drain system with the replacement easements.

**FISCAL IMPACT:**

There is no additional fiscal impact since the City under present condition maintains the existing storm drain system through the Marin Academy properties.

**RECOMMENDED ACTION:**

Adopt the Resolution Electing to Vacate the Storm Drain Easement Described in Deed D2006-002997 and Authorizing Execution of a Quitclaim Deed, for Marin Academy Property at 1540 Fifth Avenue, San Rafael, California.

**ATTACHMENTS:**

1. Resolution
2. Quitclaim deed

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL  
ELECTING TO VACATE THE STORM DRAIN EASEMENT DESCRIBED IN  
DEED D2006-002997 AND AUTHORIZING EXECUTION OF A QUITCLAIM  
DEED, FOR MARIN ACADEMY PROPERTY AT 1540 FIFTH AVENUE, SAN  
RAFAEL, CALIFORNIA**

**WHEREAS**, there exists a storm drain easement on 1540 Fifth Avenue, San Rafael, as described in deed D2006-002997 recorded with the County on May 11, 2006; and

**WHEREAS**, development of a new aquatic center over the adjacent properties, at 1530 and 1534 Fifth Ave, adjusted the storm drain alignment causing the existing easement to no longer be accurate; and

**WHEREAS**, vacation of the existing storm drain easement will not affect the City's ability to maintain its storm drain infrastructure.

**NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:**

That the City Council of the City of San Rafael, California, hereby elects to vacate the existing storm drain easement on 1540 Fifth Avenue, San Rafael, as described in deed D2006-002997, via a quitclaim deed and authorizes the City Manager to execute and cause recordation of the quitclaim deed and take all other actions necessary to effectuate the purposes of this resolution.

**I, LINDSAY LARA**, Clerk of the City of San Rafael, California, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a special meeting of the Council of said City held on the 5th day of December 2022, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

---

**LINDSAY LARA, City Clerk**

**RECORDING REQUESTED, AND  
WHEN RECORDED RETURN TO:**

Lindsay Lara, City Clerk  
City of San Rafael  
1400 Fifth Avenue  
San Rafael, CA 94901

---

APN 011-201-13 & 011-195-08

EXEMPT FROM RECORDING FEES (Gov. Code § 27383)

The Undersigned Grantor Declares:

Documentary Transfer Tax \$0.00 [exempt per R&T Code §11911 – consideration less than \$100]

**QUITCLAIM DEED**

For valuable consideration, the receipt of which is hereby acknowledged, **THE CITY OF SAN RAFAEL, a charter city (“Grantor”)** quitclaims to **MARIN ACADEMY, a California nonprofit public benefit corporation (“Grantee”)** all of Grantor’s right, title and interest in and to that easement more particularly set forth in that certain GRANT OF EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF STORM DRAIN, recorded in the official records of Marin County on May 11, 2006, as Instrument No. 2006-002997, encumbering real property owned by Grantee in the City of San Rafael, County of Marin, State of California.

By: \_\_\_\_\_

\_\_\_\_\_

Dated: \_\_\_\_\_, 2022

NOTARY PUBLIC CERTIFICATE

STATE OF CALIFORNIA  
COUNTY OF MARIN

On \_\_\_\_\_ before me, \_\_\_\_\_ personally appeared,  
\_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the  
person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the  
same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the  
entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and  
correct.

WITNESS by my hand and official seal.

\_\_\_\_\_



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: Police Department

Prepared by: Lisa Holton, Lieutenant

City Manager Approval: AS

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

**SUBJECT: RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF ALTO STREET ON SATURDAY, DECEMBER 17, 2022 TO SUPPORT CANAL ALLIANCE’S EFFORT TO PROVIDE COVID-19 VACCINATIONS**

**RECOMMENDATION:** Adopt the Resolution Authorizing the Temporary Closure of Alto Street on Saturday, December 17, 2022 to Support Canal Alliance’s Effort to Provide COVID-19 Vaccinations.

**BACKGROUND:**

Canal Alliance will host a mobile COVID-19 vaccination event on Saturday, December 17, 2022 and has requested a street closure on Alto Street. This street closure will allow the mobile vaccine clinic to operate without a physical hindrance and will encourage community participation in the vaccination effort. Canal Alliance has operated a mobile vaccination site on Alto Street on Saturdays throughout the COVID-19 pandemic as previously approved for closure by the City Council.

**ANALYSIS:**

Mobile COVID-19 vaccination clinics have been a popular, convenient and effective method to encourage vaccination drives in urban communities. Canal Alliance has requested a temporary closure of Alto Street, which would allow the deployment of a vaccine mobile unit on Saturday, December 17, 2022.

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

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

\_\_\_\_\_  
**FOR CITY CLERK ONLY**

**Council Meeting:** \_\_\_\_\_

**Disposition:** \_\_\_\_\_

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

**Street to be closed:**

Alto Street between Larkspur Street and Belvedere Street from approximately 8:00 a.m. to 6:00 p.m.

**COMMUNITY OUTREACH:**

Canal Alliance is advertising the opportunity to be vaccinated through their public outreach network.

**FISCAL IMPACT:**

The City will provide in-kind services such as “no parking” signage and traffic control support and advice. Any cost associated with this support will be minimal and absorbed by the Police Department and Public Works Department budgets.

**OPTIONS:**

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

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

**RECOMMENDED ACTION:**

Adopt the Resolution Authorizing the Temporary Closure of Alto Street on Saturday, December 17, 2022 to Support Canal Alliance’s Effort to Provide COVID-19 Vaccinations.

**ATTACHMENTS:**

1. Resolution



**RESOLUTION NO.**

**RESOLUTION OF THE SAN RAFAEL CITY COUNCIL AUTHORIZING THE TEMPORARY CLOSURE OF ALTO STREET ON SATURDAY, DECEMBER 17, 2022 TO SUPPORT CANAL ALLIANCE'S EFFORT TO PROVIDE COVID-19 VACCINATIONS**

**WHEREAS**, the San Rafael City Council has determined that it is in the best interests of the public health and safety to encourage COVID-19 vaccination drives; and

**WHEREAS**, Canal Alliance's temporary road closure on Alto Street would facilitate community participation in the mobile vaccination clinic event; and

**WHEREAS**, after reviewing the request, City staff has determined and recommended that, in the interest of the safety and welfare of pedestrian and vehicular traffic in the area, that Alto Street should be temporarily closed to through traffic on Saturday from 8:00 am to 6:00 pm on Saturday December 17, 2022 for vaccination efforts; and

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

1. That all the above findings are true and correct; and
2. That pursuant to the authority of Vehicle Code section 21101(e), for the safety and protection of persons, including pedestrians and vehicle drivers and passengers, the City Council hereby authorizes the temporary closure of the listed streets for the locations and dates described in the Staff Report accompanying this Resolution.

I, Lindsay Lara, City Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a special meeting of the City Council held on the 5<sup>th</sup> day of December 2022 by the following vote, to wit:

AYES: COUNCILMEMBERS: None

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

---

Lindsay Lara, City Clerk