



## AGENDA

SAN RAFAEL CITY COUNCIL - MONDAY, MARCH 18, 2024

REGULAR MEETING AT 6:00 P.M.  
San Rafael City Council Chambers  
1400 Fifth Avenue, San Rafael, CA 94901

### Watch Online:

Watch on Zoom Webinar: <https://tinyurl.com/cc-2024-03-18>

Watch on YouTube: [www.youtube.com/cityofsanrafael](http://www.youtube.com/cityofsanrafael)

Listen by phone: (669) 444-9171

ID: 860-6190-5675

One Tap Mobile: +16694449171,,86061905675# US

This meeting will be held in-person. This meeting is being streamed to YouTube at [www.youtube.com/cityofsanrafael](http://www.youtube.com/cityofsanrafael).

How to participate in the meeting:

- You are welcome to come to the meeting and provide public comment in person. Each speaker will have 2-minutes to provide public comment.
- Submit your comments by email to [city.clerk@cityofsanrafael.org](mailto:city.clerk@cityofsanrafael.org) by 4:00 p.m. the day of the meeting.

If you experience technical difficulties during the meeting, please contact [city.clerk@cityofsanrafael.org](mailto:city.clerk@cityofsanrafael.org).

### **OPEN SESSION - THIRD FLOOR CONFERENCE ROOM**

1. None.

### **CLOSED SESSION - THIRD FLOOR CONFERENCE ROOM**

2. Closed Session: - None

### **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. **Approval of Minutes**

Approve Minutes of the City Council Meetings of March 4, 2024 (CC)

*Recommended Action - Approve minutes as submitted*

- b. **Annual Audit of Federal Grant Expenditures**

Accept the Single Audit Report for the Year Ended June 30, 2023 (Fin)

*Recommended Action - Accept report*

**c. Pickleweed Park Enhancement Project**

Authorize a Supplemental Budget Appropriation for a Third Amendment to Task Order #74 with WRA, Inc. for Additional Permitting Support Services Associated with The Pickleweed Park Enhancement Project, in the Amount Not to Exceed \$21,500, Increasing the Total Not to Exceed Contract Amount to \$71,660 (PW)

*Recommended Action - Authorize a supplemental budget appropriation for a third amendment to Task Order #74 with WRA, Inc. for additional permitting support services associated with the Pickleweed Park Enhancement Project, in the amount not to exceed \$21,500, increasing the total not to exceed contract amount to \$71,660*

**d. Sun Valley Park Playground Notice of Completion**

Accept the Completion of the Sun Valley Park Playground Project (City Project No. 11391), and Authorize the City Clerk to File the Notice of Completion (PW)

*Recommended Action - Accept the completion of the Sun Valley Park Playground Project and authorize the City Clerk to file the Notice of Completion*

**SPECIAL PRESENTATIONS:**

5. Special Presentations:

a. **Presentation of Proclamation Recognizing Louise Boyd (CM)**

**PUBLIC HEARINGS:**

6. Public Hearings:

a. **Clarification of Objective Design Standards**

Resolution Adopting Objective Design Standards for Certain Residential Development Projects (CD)

*Recommended Action - Adopt Resolution*

**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.

**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](mailto: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/>.



## AGENDA

**SAN RAFAEL CITY COUNCIL - MONDAY, MARCH 4, 2024**

**SPECIAL MEETING AT 3:00 P.M.**

**REGULAR MEETING AT 6:00 P.M.**

This meeting will be held in-person. This meeting is being streamed to YouTube at [www.youtube.com/cityofsanrafael](http://www.youtube.com/cityofsanrafael).

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**SPECIAL MEETING AT 3:00 P.M.**

**Third Floor Conference Room, City Hall**

**1400 Fifth Avenue, San Rafael, CA 94901**

**Watch on Zoom Webinar: <https://tinyurl.com/spcc-2024-03-04>**

**Listen by phone: (669) 444-9171**

**ID: 832-8746-0815#**

**One Tap Mobile: +16694449171,,83287460815# US**

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

**Absent:** None

**Also Present:** City Manager Cristine Alilovich  
City Attorney Robert Epstein  
City Clerk Lindsay Lara

Mayor Kate called the meeting to order at 3:04pm.

Mayor Kate invited public comment, however there was none.

**1. Presentation from Jacob Green and Associates, Inc. (JGA) regarding City Governance and Strategic Planning Best Practice**

Presentation initiating the first phase of the City's Priority Goal Setting process intended to build alignment around the City Council's vision for the upcoming fiscal year. During the next phase, at a future City Council meeting, the community will have an opportunity to review proposed Council priorities that will be developed by staff and provide input before priorities are finalized and adopted.

Jacob Green and Greg Devereaux from Jacob Green & Associates gave a presentation.

Staff and JGA responded to questions City Council

Staff responded to questions from councilmembers.

Mayor Kate adjourned to closed session at 3:49 p.m.

**OPEN SESSION – THIRD FLOOR CONFERENCE ROOM – FOLLOWING SPECIAL MEETING**

1. Mayor Kate announced Closed Session items.

**CLOSED SESSION – THIRD FLOOR CONFERENCE ROOM – FOLLOWING SPECIAL MEETING**

2. Closed Session:

- a. Public Employee Performance Evaluation – City Manager  
(Government Code Section 54957(b)(1))  
*In closed session the City Council will establish the expectations and criteria for the City Manager's future performance review*
- b. Conference with Legal Counsel - Anticipated Litigation  
Significant exposure to litigation (Paragraph (2) of subdivision (d) of Government Code Section 54956.9): 1 potential case
- c. Conference with Labor Negotiators – Government Code Section 54957.6  
Lead Negotiators: Timothy L. Davis and Allison B. Hernandez (Burke, Williams & Sorensen)  
Agency Designated Representatives: Cristine Alilovich, Paul Navazio, Marissa Sanchez, and Angela Robinson Piñon  
Employee Organizations: San Rafael Police Mid-Management Association; Public Employee Union, Local 1; San Rafael Firefighters' Association; San Rafael Police Association; SEIU Local 1021; Western Council of Engineers; San Rafael Fire Chief Officers' Association; San Rafael Police Mid-Management Association; San Rafael Fire Chief Officers' Association; San Rafael Mid-Management Employee Association; Unrepresented Executive Management

**REGULAR MEETING AT 6:00 P.M.  
San Rafael City Council Chambers  
1400 Fifth Avenue, San Rafael, CA 94901**

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**ID: 844-3204-9611#**

**One Tap Mobile: +16694449171,,84432049611# US**

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

Absent: None

Also Present: City Manager Cristine Alilovich  
City Attorney Robert Epstein  
City Clerk Lindsay Lara

Mayor Kate called the meeting to order at 6:02 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 there was no reportable action in the Closed Session held prior to the regular meeting.

Mayor Kate provided opening remarks, which included gratitude to City staff, especially to Public Works. She addressed a recent incident of hate speech in a Bay Area City Council meeting and expressed that while the City Council is required to listen to hate speech, they do not agree with or support it. Also, she included a land acknowledgment.

City Clerk Lindsay Lara informed the community that the in-person meeting would also be recorded and streamed live to YouTube and through Zoom. She noted the two-minute timer for public comment and closed captioning on Zoom.

**CITY MANAGER AND COUNCILMEMBER REPORTS:**  
**(including AB 1234 Reports on Meetings and Conferences Attended at City Expense)**

3. City Manager and Councilmember Reports:

City Manager Cristine Alilovich announced:

- March 5<sup>th</sup> Presidential Primary Election
- Deadline for public comments on the Northgate Mall Redevelopment Draft EIR is March 5<sup>th</sup>
- Canal Youth Art Contest event hosted by Flock Safety Team and co-hosted by Voces del Canal to be held on Saturday, March 9<sup>th</sup> at 1pm at the Al Boro Community Center
- Age-Friendly San Rafael Celebration event to be held Sunday, March 10<sup>th</sup> at the San Rafael Community Center
- Bicycle & Pedestrian Advisory Committee meeting to be held on Tuesday, March 12<sup>th</sup> at 6pm at the Public Safety Center

City Councilmember Reports:

- Vice Mayor Hill attended the Vivalon Healthy Aging Campus Grand Opening event on February 9<sup>th</sup>
- Councilmember Kertz participated in Vivalon’s food delivery with the chair of the Age-Friendly, and attended a community meeting with Supervisor Sackett related to Silveira Parkway
- Councilmember Bushey reported on Marin County Council of Mayors and Councilmembers (MCCMC) Marin Transit meeting, Central Marin Sanitation Agency, San Rafael Sanitation Board, Peacock Gap Homeowners Association neighborhood issue, and participated in Vivalon’s food delivery service
- Councilmember Llorens Gulati had informal conversations related to tenant protections
- Mayor Kate reported on Sonoma-Marin Area Rail Transit (SMART), the closure of SMART on March 23<sup>rd</sup> and 24<sup>th</sup> and April 13<sup>th</sup> and 14<sup>th</sup> from Sonoma to Cotati, announced SMART Strategic Plan Workshops on March 14<sup>th</sup> and March 27<sup>th</sup>, Transportation Authority of Marin, BayWAVE, and her participation in the Mayor Institute on City Design.

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

**CONSENT CALENDAR:**

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

Councilmember Llorens Gulati moved and Councilmember Kertz seconded to approve the Consent Calendar.

4. Consent Calendar Items:

a. **Approval of Minutes**

Approve Minutes of the Regular City Council Meeting of February 20, 2024 (CC)

*Approved minutes as submitted*

b. **Women's History Month Proclamation**

Proclamation in Recognition of Women's History Month (HR)

*Received and filed*

AYES: Councilmembers: Bushey (for item 4.b), Hill, Kertz, Llorens Gulati & Mayor Kate  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None  
ABSTAIN: Councilmembers: Bushey (from items 4.a)

4.a passed 4-0-1 and 4.b passed 5-0

**SPECIAL PRESENTATIONS**

5. Special Presentations:

a. [Presentation from the Golden Gate Bridge Highway and Transportation District on the San Rafael Transit Center \(PW\)](#)

City Manager Cristine Alilovich introduced the General Manager of Golden Gate Bridge Highway & Transportation District Denis Mulligan who gave a presentation alongside his team Planning Director Ronald Downing, Project Manager Ray Santiago, and Consultants Maura Baum and Adam Dankberg.

Staff responded to questions from the City Council.

Mayor Kate invited public comment.

**Speaker:** Lindsay Klumpp of San Rafael Heritage, Sue Burrell, Aaron Burnett of Canal Alliance, Matt Butler, Shinji Sakai Egi, Grace Para, Amy Likover of San Rafael Heritage, Aurelia Vargas, Zoyla Rios, Jeff Rhoads of Resilient Shore, Patrick Seidler Transportation Alternatives Marin, Bill Carney of Sustainable San Rafael, Al Vetere

Golden Gate Bridge Highway & Transportation District responded to questions from the community.

Councilmembers provided comments.

**PUBLIC HEARINGS:**

6. Public Hearings:

a. [General Plan and Housing Element Annual Progress Reports and Updated Informational Report Regarding Challenges to Approving and Developing Housing](#)

**2040 General Plan Annual Progress Report for 2023, Housing Element Annual Progress Report for 2023, and Updated Informational Report Regarding Challenges to Approving and Developing Housing (CD)**

Homelessness and Housing Analyst Mel Burnette and Housing Program Analyst Alexis Captanian presented the Staff Report.

Staff responded to questions from the City Council.

Mayor Kate invited public comment.

**Speaker:** Bill Carney of Sustainable San Rafael, Salamah Locks, Howard Schwartz of Sustainable San Rafael, Miles Smith of Sustainable San Rafael, Amy Likover of San Rafael Tree Group, Aaron Burnett of Canal Alliance, Matt Butler, Al Vetere

Staff responded to questions from the community.

Councilmembers provided comments.

Vice Mayor Hill moved and Councilmember Bushey seconded to accept the reports

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

*Motion passed 5-0*

**OTHER AGENDA ITEMS:**

7. Other Agenda Items:

- a. [Specialized Assistance for Everyone \(SAFE\) Team 2023 Annual Report](#)  
**Accept the Specialized Assistance for Everyone (SAFE) Annual Report for the 3-Year Pilot Alternative Response Team Program (PD)**

Police Chief David Spiller introduced Lt. Todd Berringer who presented the staff report along with SAFE Team Director Aziz Majid.

Staff responded to questions from the City Council.

Mayor Kate invited public comment.

**Speaker:** Salamah Locks, Shinji Sakai Egi, Al Vetere

Staff responded to questions from the community.

Councilmembers provided comments.

Councilmember Bushey moved and Councilmember Kertz seconded to accept the Specialized Assistance for Everyone (SAFE) Annual Report for the 3-Year Pilot Alternative Response Team Program



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

*Motion passed 5-0*

b. [Fiscal Year 2023-24 Mid-Year Budget Update and Personnel Changes](#)

**Fiscal Year 2023-24 Mid-Year Budget Update for the Second Quarter Ending December 31, 2023 and Approval of a Resolution Authorizing Amendments to Salary Schedules to Reflect FY 2023-24 Mid-Year Personnel Changes (Fin)**

Finance Director Paul Navazio presented the staff report.

Staff responded to questions from the City Council.

Mayor Kate invited public comment, however there was none.

Councilmembers provided comments.

Councilmember Bushey moved and Councilmember Llorens Gulati seconded to accept the report and adopt the Resolution Authorizing Amendments to Salary Schedules to Reflect FY 2023-24 Mid-Year Personnel Changes

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

*Resolution 15279 - Resolution Authorizing Amendments to Salary Schedules to Reflect FY 2023-24 Mid-Year Personnel Changes*

**OPEN TIME FOR PUBLIC EXPRESSION**

- Salamah Locks addressed the City Council regarding Marin Commission on Aging.
- Shinji Sakai Egi expressed appreciation to the City Council for their services and addressed the City Council regarding transit matters.

**SAN RAFAEL SUCCESSOR AGENCY:**

1. Consent Calendar: - None.

**ADJOURNMENT:**

Mayor Kate adjourned the meeting at 10:23 p.m.

-----  
LINDSAY LARA, City Clerk

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024

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KATE COLIN, Mayor





**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: Finance

Prepared by: Paul Navazio,  
Finance Director

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

**TOPIC: ANNUAL AUDIT OF FEDERAL GRANT EXPENDITURES**

**SUBJECT: SINGLE AUDIT REPORT FOR THE YEAR ENDED JUNE 30, 2023**

**RECOMMENDATION:**

Accept the report.

**BACKGROUND:**

Federal regulations provide that any local agency receiving or expending \$750,000 or more in combined federal grant funds, directly or indirectly in a fiscal year, is subject to a separate audit on those programs. The City reached this threshold in fiscal year 2022-23; therefore, a separate (Single Audit) report was required. The firm of Maze and Associates Accountancy Corporation, who also performed the City's financial audit, conducted the Single Audit for fiscal year 2022-23.

**ANALYSIS:**

The City incurred a total of \$2,022,048 in federal expenditures during fiscal year 2022--23 that fell under the parameters of the audit. The auditor identified one major program to be audited: Disaster Grants-Public Assistance. Funds from this program supported the emergency storm damage response to protect existing residents below 70 Irwin Street.

As required under the Single Audit Act, several separate reports are contained within this document. Most of these reports comment on either compliance with Federal assistance regulations or recommendations regarding the City's accounting practices. The auditor issued the reports with an unmodified opinion, and one reported deficiency in internal control listed on the Schedule of Significant Deficiencies included as part of the Memorandum on Internal Control issued November 20, 2023, which also contains the City's response to such matters.

The noted deficiency was regarding the posting of inaccurate building permit fees on the Master Fee Schedule on the City website. This issue was remedied with the approved update of the Master Fee Schedule on December 19, 2022, and its subsequent implementation on July 1, 2023.

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

**FISCAL IMPACT:** There is no fiscal impact resulting from the acceptance of this report.

**RECOMMENDED ACTION:**

Accept the report.

**ATTACHMENT:**

1. Single Audit Report for the Year Ended June 30, 2023

**CITY OF SAN RAFAEL**  
**SINGLE AUDIT REPORT**  
**FOR THE YEAR ENDED JUNE 30, 2023**

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**CITY OF SAN RAFAEL**  
**SINGLE AUDIT REPORT**  
**For The Year Ended June 30, 2023**

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CITY OF SAN RAFAEL

SCHEDULE OF FINDINGS AND QUESTIONED COSTS
For The Year Ended June 30, 2023

SECTION I – SUMMARY OF AUDITOR’S RESULTS

Financial Statements

Type of report the auditor issued on whether the financial statements audited were prepared in accordance with GAAP Unmodified

Internal control over financial reporting:

- Material weakness(es) identified? Yes X No
Significant deficiency(ies) identified? X Yes None Reported

Noncompliance material to financial statements noted? Yes X No

Federal Awards

Internal control over major federal programs:

- Material weakness(es) identified? Yes X No
Significant deficiency(ies) identified? Yes X None Reported

Type of auditor’s report issued on compliance for major federal programs: Unmodified

Any audit findings disclosed that are required to be reported in accordance with 2 CFR 200.516(a)? Yes X No

Identification of major program(s):

Table with 2 columns: Assistance Listing Number(s) and Name of Federal Program or Cluster. Row 1: 97.036, Disaster Grants-Public Assistance (Presidentially Declared Disasters)

Dollar threshold used to distinguish between type A and type B programs: \$750,000

Auditee qualified as low-risk auditee? X Yes No



## **SECTION II – FINANCIAL STATEMENT FINDINGS**

Our audit disclosed significant deficiencies, but no material weaknesses or instances of noncompliance material to the basic financial statements, included as part of our separately issued Memorandum on Internal Control dated November 20, 2023, which is an integral part of our audits and should be read in conjunction with this report.

## **SECTION III – FEDERAL AWARD FINDINGS AND QUESTIONED COSTS**

Our audit did not disclose any findings or questioned costs required to be reported in accordance with Uniform Guidance.

CITY OF SAN RAFAEL

SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS  
For the Fiscal Year Ended June 30, 2023

Federal Grantor/ Pass-Through Grantor/Program or Cluster Title	Federal Assistance Listing Number	Pass-Through Identifying Number	Federal Expenditures
Department of Housing and Urban Development Program Passed Through from County of Marin, California CDBG - Entitlement Grants Cluster Community Development Block Grants/Entitlement Grants Childcare	14.218	40CDBG23CD4527	<u>\$23,000</u>
Department of Health and Human Services Passed Through from the California Health and Human Services Agency Medicaid Cluster Medical Assistance Program (Medicaid; Title XIX)	93.778	SFY 2013-14	<u>658,492</u>
Department of Transportation Highway Planning and Construction (Federal-Aid Highway Program) Passed Through from California Department of Transportation Third Street Safety Improvement Study	20.205	HSIPL-5043(043)	<u>637,452</u>
State and Community Highway Safety Highway Safety Cluster Passed Through from California Office of Traffic Safety Selective Traffic Enforcement Program FY2022 Selective Traffic Enforcement Program FY2023	20.600 20.600	PT22127 PT23063	24,946 <u>60,951</u>
Program Subtotal			<u>85,897</u>
Total Department of Transportation			<u>723,349</u>
Department of Homeland Security Passed Through From The City and County of San Francisco, California Hazard Mitigation Grant Program	97.039	041-38364	<u>55,452</u>
Disaster Grants-Public Assistance (Presidentially Declared Disasters)	97.036	041-68364	<u>561,755</u>
Total Department of Homeland Security			<u>617,207</u>
Total Expenditures of Federal Awards			<u><u>\$2,022,048</u></u>

See Accompanying Notes to Schedule of Expenditures of Federal Awards

**CITY OF SAN RAFAEL**

**NOTES TO THE SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS  
For The Year Ended June 30, 2023**

**NOTE 1 – REPORTING ENTITY**

The Schedule of Expenditure of Federal Awards (the Schedule) includes expenditures of federal awards for the City of San Rafael, California, and its component units as disclosed in the notes to the Basic Financial Statements, except for federal awards of the San Rafael Sanitation District (District). Federal awards expended by this entity, if any, are excluded from the Schedule and are subject to a separate Single Audit.

**NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

Basis of accounting refers to *when* revenues and expenditures or expenses are recognized in the accounts and reported in the financial statements, regardless of the measurement focus applied. The governmental fund financial statements are reported using the *current financial resources measurement focus* and the *modified accrual basis of accounting*. The proprietary and fiduciary fund financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*. Expenditures of Federal Awards reported on the Schedule are recognized when incurred.

**NOTE 3 – INDIRECT COST ELECTION**

The City has elected not to use the 10% de minimis indirect cost rate allowed under the Uniform Guidance.

**NOTE 4 – EXPENDITURES FROM PRIOR FISCAL YEARS**

The current year Schedule of Expenditures of Federal Awards includes expenditures spent during the period of performance for the grant of July 18, 2018 through August 16, 2021 for the Department of Homeland Security Program, Federal Assistance Listing Number 97.036. The City was not awarded the final grant funding until fiscal year ended June 30, 2023.

**INDEPENDENT AUDITOR’S REPORT ON  
INTERNAL CONTROL OVER FINANCIAL REPORTING  
AND REPORT ON COMPLIANCE AND OTHER MATTERS BASED ON AN  
AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE  
WITH *GOVERNMENT AUDITING STANDARDS***

To the Honorable Members of the City Council  
City of San Rafael, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of San Rafael (City), California, as of and for the year ended June 30, 2023, and the related notes to the financial statements, which collectively comprise the City’s basic financial statements, and have issued our report thereon dated November 20, 2023. Our report included an emphasis of a matter paragraph disclosing the implementation of new accounting principles.

***Report on Internal Control over Financial Reporting***

In planning and performing our audit of the financial statements, we considered the City’s internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City’s internal control . Accordingly, we do not express an opinion on the effectiveness of the City’s internal control.

*A deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. *A material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the City’s financial statements will not be prevented, or detected and corrected on a timely basis. *A significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. We identified certain deficiencies in internal control that we consider to be significant deficiencies as listed on the Schedule of Significant Deficiencies included as part of our separately issued Memorandum on Internal Control dated November 20, 2023, which is an integral part of our audit and should be read in conjunction with this report.

***Report on Compliance and Other Matters***

As part of obtaining reasonable assurance about whether the City’s financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion.

The results of our tests disclosed instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards* and are listed as findings 2023-02 in our separately issued Memorandum on Internal Control dated November 20, 2023, which is an integral part of our audit and should be read in conjunction with this report.

***City’s Response to Findings***

*Government Auditing Standards* require the auditor to perform limited procedures on the City’s response to the findings identified in our audit and described in our separately issued Memorandum on Internal Control dated November 20, 2023, which is an integral part of our audit and should be read in conjunction with this report.

The City’s response was not subjected to the other auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on the response.

***Purpose of this Report***

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City’s internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City’s internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



Pleasant Hill, California  
November 20, 2023

**INDEPENDENT AUDITOR'S REPORT  
ON COMPLIANCE FOR EACH MAJOR FEDERAL PROGRAM;  
REPORT ON INTERNAL CONTROL OVER COMPLIANCE;  
AND REPORT ON THE SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS  
REQUIRED BY THE UNIFORM GUIDANCE**

To the Honorable Members of the City Council  
City of San Rafael, California

**Report on Compliance for Each Major Federal Program**

***Opinion on Each Major Federal Program***

We have audited City of San Rafael's (City) compliance with the types of compliance requirements identified as subject to audit in the *OMB Compliance Supplement* that could have a direct and material effect on each of the City's major federal programs for the year ended June 30, 2023. The City's major federal programs are identified in the summary of auditor's results section of the accompanying Schedule of Findings and Questioned Costs.

In our opinion, the City complied, in all material respects, with the compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2023.

***Basis for Opinion on Each Major Federal Program***

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America (GAAS); the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States (*Government Auditing Standards*); and the audit requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Our responsibilities under those standards and the Uniform Guidance are further described in the Auditor's Responsibilities for the Audit of Compliance section of our report.

We are required to be independent of the City and to meet our other ethical responsibilities, in accordance with relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion on compliance for each major federal program. Our audit does not provide a legal determination of the City's compliance with the compliance requirements referred to above.

***Responsibilities of Management for Compliance***

Management is responsible for compliance with the requirements referred to above and for the design, implementation, and maintenance of effective internal control over compliance with the requirements of laws, statutes, regulations, rules and provisions of contracts or grant agreements applicable to the City's federal programs.

### ***Auditor's Responsibilities for the Audit of Compliance***

Our objectives are to obtain reasonable assurance about whether material noncompliance with the compliance requirements referred to above occurred, whether due to fraud or error, and express an opinion on the City's compliance based on our audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS, *Government Auditing Standards*, and the Uniform Guidance will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements referred to above is considered material, if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about the City's compliance with the requirements of each major federal program as a whole.

In performing an audit in accordance with GAAS, *Government Auditing Standards*, and the Uniform Guidance, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the City's compliance with the compliance requirements referred to above and performing such other procedures as we considered necessary in the circumstances.
- Obtain an understanding of the City's internal control over compliance relevant to the audit in order to design audit procedures that are appropriate in the circumstances and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control over compliance. Accordingly, no such opinion is expressed.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we identified during the audit.

### **Report on Internal Control Over Compliance**

*A deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. *A significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.



Our consideration of internal control over compliance was for the limited purpose described in the Auditor's Responsibilities for the Audit of Compliance section above and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies in internal control over compliance. Given these limitations, during our audit we did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above. However, material weaknesses or significant deficiencies in internal control over compliance may exist that were not identified.

Our audit was not designed for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, no such opinion is expressed.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

### **Report on Schedule of Expenditures of Federal Awards Required by the Uniform Guidance**

We have audited the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining funds information of the City as of and for the year ended June 30, 2023, and the related notes to the financial statements, which collectively comprise the City's basic financial statements. We issued our report thereon dated November 20, 2023, which contained an unmodified opinion on those financial statements. Our audit was performed for the purpose of forming opinions on the financial statements that collectively comprise the basic financial statements. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by the Uniform Guidance and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated, in all material respects in relation to the basic financial statements as a whole.



Pleasant Hill, California  
February 10, 2024

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**SAN RAFAEL**  
THE CITY WITH A MISSION

**Agenda Item No: 4.c**

**Meeting Date: March 18, 2024**

**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: Public Works**  
**April Miller, Public Works Director**

**Prepared by: Theo Sanchez, Associate Civil Engineer**    **City Manager Approval:** 

**TOPIC:            PICKLEWEED PARK ENHANCEMENT PROJECT**

**SUBJECT:        AUTHORIZE A SUPPLEMENTAL BUDGET APPROPRIATION FOR ADDITIONAL PERMITTING SUPPORT SERVICES ASSOCIATED WITH THE PICKLEWEED PARK ENHANCEMENT PROJECT, IN THE AMOUNT NOT TO EXCEED \$21,500**

**RECOMMENDATION:**

Staff recommends that the City Council authorize a supplemental budget appropriation for a third amendment to Task Order #74 with WRA, Inc. Staff recommends that the City Council authorize a supplemental budget appropriation for additional permitting support services associated with the Pickleweed Park Enhancement Project, in the amount not to exceed \$21,500.

**BACKGROUND:**

The Pickleweed Park Enhancement Project proposes to add several park amenities, including a synthetic turf field, basketball/sport court, playground structure for children under five, fitness equipment for adults, shaded seating, and a gazebo. As the project is located within the jurisdiction of the Bay Conservation and Development Commission (BCDC), a task order was set up with WRA, Inc. on April 14, 2022, to facilitate the BCDC permit application. The existing budget for the permitting support services is \$50,160.

**ANALYSIS:**

City staff have been working on coordinating the Pickleweed Park Enhancement Project and the Tiscornia Marsh Restoration Project, which is currently being designed under the direction of the Marin Audubon Society (MAS).

The two proposed projects are located adjacent to each other and are anticipated to have overlapping construction windows. The Tiscornia Marsh Restoration Project will take place over several years, while the Pickleweed Park Enhancement Project is estimated to last six months. Although these project duration estimates are dependent on the presence of protected nesting birds, the City's park enhancement project should be completed before the marsh restoration project. A design was needed for this interim condition when the City's park project is nearing completion and needs to be tied into the partially completed marsh restoration project.

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**FOR CITY CLERK ONLY**

**Council Meeting: March 18, 2024**

**Disposition:**

The coordination between these two projects and the limited construction budget for the City's project have resulted in several changes to the design requiring revisions to the original BCDC permit application. City staff have requested a proposal from WRA, Inc. for additional services needed to finalize obtaining the BCDC permit.

**FISCAL IMPACT:**

The proposal from WRA, Inc. to provide additional permitting support services totals \$21,500. Because this amount exceeds the approved budget for the permitting support services of \$50,160, a supplemental budget appropriation in the amount of \$21,500 is required for this expenditure. Funding to support this budget augmentation is available through General Fund resources (fund balance) assigned for priority capital projects.

**OPTIONS:**

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

1. Authorize the supplemental budget appropriation as recommended.
2. Do not authorize the supplemental budget appropriation and provide further direction to staff.

**RECOMMENDED ACTION:**

Staff recommends that the City Council authorize a supplemental budget appropriation for additional permitting support services associated with the Pickleweed Park Enhancement Project, in the amount not to exceed \$21,500.

**ATTACHMENTS:**

N/A



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: Public Works**

**Prepared by: Joanna Kwok,  
Assistant Public Works Director**

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

**TOPIC: SUN VALLEY PARK PLAYGROUND NOTICE OF COMPLETION**

**SUBJECT: ACCEPT THE COMPLETION OF THE SUN VALLEY PARK PLAYGROUND PROJECT (CITY PROJECT NO. 11391), AND AUTHORIZE THE CITY CLERK TO FILE THE NOTICE OF COMPLETION**

**RECOMMENDATION:**

Accept the completion of the Sun Valley Park Playground Project and authorize the City Clerk to file the Notice of Completion.

**BACKGROUND:**

The Sun Valley Park Playground project improvements include installation of new playground equipment and engineered wood fiber surfacing to replace and enhance the outdated playground facilities at the park. This project also consists of ADA improvements, such as repaved walkways, ramp installations, and an on-street accessible parking space to improve accessibility to the playground. The final design of the project improvements was completed in September 2022.

The Sun Valley Park Playground Project was advertised in accordance with San Rafael’s Municipal Code on September 29, 2022, and sealed bids were publicly opened and read aloud on October 18, 2022. On [November 7, 2022](#), the City Council adopted a resolution authorizing the City Manager to enter into an agreement with the low bidder, Bauman Landscape and Construction Inc., in the amount of \$453,709 and approving a construction contingency of \$66,291 for a total appropriation in an amount of \$520,000.

The project was completed in the summer of 2023 and the ribbon cutting ceremony for the Sun Valley Park Playground was held on July 12, 2023. City staff have performed the final inspection and determined that all work has been satisfactorily completed in accordance with the project plans and specifications.

**ANALYSIS:**

Pursuant to Civil Code Section 8182, the City records a Notice of Completion upon City acceptance of the improvements. This acceptance initiates a time period during which project subcontractors may file Stop Notices seeking payment from the City from the funds owed to the Contractor for the project work.

**FISCAL IMPACT:**

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

No fiscal impact is associated with accepting this report.

**RECOMMENDED ACTION:**

Accept the completion of the Sun Valley Park Playground Project and authorize the City Clerk to file the Notice of Completion.

**ATTACHMENTS:**

1. Notice of Completion

Recording Requested By:  
The City of San Rafael

When Recorded Mail To:  
Lindsay Lara, City Clerk  
1400 Fifth Avenue, 209  
San Rafael, CA 94901

EXEMPT FROM RECORDING FEES PER  
GOVERNMENT CODE § 27383

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

**NOTICE OF COMPLETION**  
Civil Code §§ 8182, 8184, 9204, and 9208

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is the agent of the owner of the Project described below.
2. Owner's full name is City of San Rafael ("City")
3. City's address is 1400 Fifth Ave., San Rafael, CA 94901.
4. The nature of City's interest in the Project is:  
 Fee Ownership     Lessee     Other: \_\_\_\_\_
5. Construction work on the Project performed on City's behalf is generally described as follows:  
Sun Valley Park Playground Project: Scope of work includes demolition of the existing play area, including removal of existing equipment, installation of new playground equipment and engineered wood fiber surfacing, and accessibility improvements, such as repaved walkways, ramp installations, and addition of an on-street accessible parking space.
6. The name of the original Contractor for the Project is: Bauman Landscape and Construction, Inc. located at 2920 Lyon Street, San Francisco, CA, 94123.
7. The Project was accepted as complete on: March 18, 2024.
8. The Project is located at: 144 Solano St., San Rafael, CA 94901.

Verification: In signing this document, I, the undersigned, declare under penalty of perjury under the laws of the State of California that I have read this notice, and I know and understand the contents of this notice, and that the facts stated in this notice are true and correct.

\_\_\_\_\_  
Date and Place

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name and Title

*EXEMPT FROM NOTARY ACKNOWLEDGMENT REQUIREMENTS PER  
GOVERNMENT CODE § 27287 AND CIVIL CODE § 9208*



# City of San Rafael

## Proclamation Recognizing

### Louise A. Boyd

WHEREAS, Louise A. Boyd, an internationally known explorer, geographer, and photographer, from San Rafael, who independently chartered seven expeditions to the Arctic between 1929 and 1941, to document polar landscapes and conduct scientific research; and

WHEREAS, Louise Boyd is credited for her groundbreaking work in photogrammetry and her research of radio-wave transmission in Arctic regions, among other invaluable contributions that aided the United States government during WWII; and

WHEREAS, Louise Boyd received the prestigious American Geographical Society's Cullum Gold Medal, just one of the many awards and accolades received by Louise Boyd throughout her remarkable life; and

WHEREAS, she was the first woman to reach the remote eastern fiords of Greenland and, in 1955, the first woman to fly in an airplane over the North Pole.

WHEREAS, throughout her life, Louise Boyd embodied two distinct personas, that of a seafaring adventurer, a society lady and philanthropist; and

WHEREAS, her inspiring story is one of independence, passion, and courage—that continues to inspire new ways today; and

WHEREAS, Boyd Park, situated beside the Boyd Gate House in San Rafael, was gifted to the city by Louise Boyd's parents in 1905 in memory of her two brothers, Seth and John, who tragically passed away as teenagers; and

WHEREAS, the Gate House, now home to the Marin History Museum, stands as a testament to the rich history of the Boyd family in San Rafael as well as Maple Lawn, where the San Rafael Elks Lodge is currently located; and

WHEREAS, many of Louise Boyd's most treasured possessions, including photos, scrapbooks, journals, letters, awards, and mementos, were generously donated to the Marin History Museum upon her passing in 1972.

NOW, THEREFORE, I, Kate Colin, Mayor of San Rafael, do hereby proclaim that we honor and celebrate the life, achievements, and enduring legacy of Louise A. Boyd, whose indomitable spirit and pioneering endeavors continue to inspire generations to come.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of San Rafael to be affixed this 18<sup>th</sup> day of March, in the year two thousand and twenty-four.



Kate Colin  
Mayor



**Agenda Item No: 6.a**  
**Meeting Date: March 18, 2024**

**SAN RAFAEL CITY COUNCIL AGENDA REPORT**  
**Department: Community & Economic Development**  
**Prepared by: Micah Hinkle, Community & Economic Development Director**      **City Manager Approval:** 

**TOPIC: CLARIFICATION OF OBJECTIVE DESIGN STANDARDS**

**SUBJECT: RESOLUTION ADOPTING OBJECTIVE DESIGN STANDARDS FOR CERTAIN RESIDENTIAL DEVELOPMENT PROJECTS**

**RECOMMENDATION:**

Staff recommends that the City Council conduct a public hearing and adopt a resolution adopting objective design standards for certain residential development projects.

**BACKGROUND:**

In 2017, Governor Brown signed [Senate Bill 35 \(SB35\)](#), which established new housing development legislation under State Government Code Sections 65400, 65582.1 and 65913.4. The legislation created a mandated, ministerial process for qualifying residential development projects. One of the requirements to be eligible as a qualifying project is that developers pursuing a request for streamlined ministerial review are required to pay prevailing wage for construction and meet the following requirements: 1) include two or more dwelling units; 2) be located near a major transit stop; 3) provide certain levels of affordable housing; and 4) meet other specific requirements.

Under SB 35, cities are required to review qualifying projects using a ministerial, “by-right”, review process, which means that no discretionary approvals may be used, and the City must process applications within the time frames specified in Government Code Section 65913.4(c). “No discretionary approvals” means that the City may only evaluate projects based on objective design standard criteria, rather than subjective criteria.

In 2019, Governor Newsom signed [Senate Bill 330 \(SB 330\)](#), also known as the Housing Crisis Act, built on the objective design standards approach utilized in SB 35, and amended the Housing Accountability Act (HAA) and added new sections to the housing laws. It created a non-discretionary “preliminary application” that vests rights upon submission and requires that changes to zoning ordinances not result in a net loss of residential capacity within the jurisdiction. SB 330 also amended the Permit Streamlining Act by placing time limits on an agency’s ability to comment on a project and imposed a rule that qualifying projects must receive a decision (approval or denial) after no more than five hearings after the project application is complete.

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**FOR CITY CLERK ONLY**

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

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

Given these regulatory changes, the City needs to further clarify its existing design standards for certain housing projects to make them “objective” and therefore applicable under these new laws.

Existing City Zoning and Design Standards

The City’s Zoning Ordinance (Title 14 of the SRMC) contains a variety of objective development standards. Minimum building setbacks, maximum building height, maximum lot coverage, and minimum off-street parking spaces are examples of existing objective standards within the City’s Zoning Ordinance that are applicable to housing development projects.

However, existing City policy documents contain numerous guidelines that are not considered objective (e.g. neighborhood compatibility, use of earthtone colors, etc.) and therefore are not applicable to certain housing projects. Staff is seeking to provide objective, quantifiable standards that further clarify the aforementioned existing design guidelines.

Previous Public Hearings

The identification and recommendation of objective design standards have been in process prior to the COVID-19 pandemic. On [July 16, 2019](#), draft objective design standards were presented to the Design Review Board for consideration. The Design Review Board primarily asked clarifying questions from City staff and provided comments on the proposed standards. On [August 13, 2019](#), draft objective design standards were then brought to the Planning Commission for consideration. Similarly, the Planning Commission primarily asked clarifying questions from City staff and provided comments on the proposed standards. On [September 7, 2022](#), the objective design standards were brought back to the Design Review Board for discussion. At that meeting, the Design Review Board provided specific comments and direction to staff regarding building mass and articulation standards and requested that staff return with additional information and updates to the draft standards. Comments from the Design Review Board have been incorporated into the proposed standards. [On February 27, 2024](#), the Planning Commission held a public hearing and recommended the City Council approve the objective design standards as proposed. The Planning Commission further requested that staff return to the Planning Commission in 6-9 months with a progress report on the implementation of these new objective design standards and the form-based standards contained within the Downtown Precise Plan

Environmental Determination

In accordance with Section 15060(c)(3) of the California Environmental Quality Act (CEQA) Guidelines, the Resolution, which establishes objective design review standards for all housing development projects in the City, is not subject to CEQA review because the activity is not a project as defined in Section 15378 of the CEQA Guidelines. CEQA Guidelines Section 15061(b)(3) provides that a project is exempt from CEQA if the activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Future development which is subject to the objective design standards will be analyzed independently under and will be subject to independent CEQA review and determination.

**ANALYSIS:**

The proposed objective design standards are included as Exhibit A to the Resolution. In developing objective standards, staff used existing design criteria, fine tuning them to be objective and quantifiable. Sources used to develop these standards include: [San Rafael General Plan 2020](#) (primarily the [Neighborhood](#) and [Community Design](#) Elements), San Rafael [Zoning Ordinance](#), [Downtown Vision](#),

[Good Design Principles for Downtown](#), and [Residential Design Guidelines](#). Staff also contracted with planning professionals, Rhoades Planning Group, in 2020 to assist with development of these objective standards.

The proposed objective design standards are structured as a companion document to applicable City planning and zoning regulations, many of which contain subjective requirements. The proposed objective design standards take the subjective requirements and apply a clear, objective, and quantifiable standard for each requirement. The objective design standards will apply to mixed use, single family, multi family, and duplex housing projects. Projects within the Downtown Precise Plan are subject to a specific set of objective form-based design standards that were adopted with the Downtown Precise Plan and are not subject to these objective design standards.

#### **Next Steps**

Over the next year, staff will evaluate the effectiveness of the proposed objective design standards, engage the development community for their feedback, and identify any opportunities for improvement. In addition, the General Plan 2040 implementation program calls for a Citywide Zoning Ordinance update. Staff will use the learnings from these objective design standards to guide that work, which is anticipated to begin in Fiscal Year 2024-25.

In the meantime, approval of the proposed objective design standards allows for the City to review certain housing projects for consistency with the following: 1) applicable zoning standards (i.e., lot coverage, setbacks, building height); 2) any existing objective standards within the San Rafael Design Guidelines (2019) and the Design Guidelines Applicable to All Hillside Residential Development Projects (1991); and 3) the proposed objective design standards.

#### **COMMUNITY OUTREACH:**

Notice of this meeting was advertised in the Marin Independent Journal on March 8, 2024.

At the time of publication, staff has not received any public comments. Any comments received after the reproduction of this staff report will be forwarded to the City Council under separate cover. As mentioned above, the objective design standards have been presented at the Design Review Board and Planning Commission respectively and comments have been incorporated into the recommended objective design standards.

#### **FISCAL IMPACT:**

There is no fiscal impact associated with the adoption of the objective design standards. The City applied for and received grant support from the State of California for the preparation of the objective design standards.

#### **OPTIONS:**

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

1. Adopt the resolution.
2. Adopt the resolution with modifications.
3. Direct staff to return with more information.

#### **RECOMMENDED ACTION:**

Adopt the Resolution Adopting Objective Design Standards

**ATTACHMENTS:**

1. Resolution Approving Objective Design Standards for Certain Residential Projects
  - a. Exhibit A: Objective Design Standards

## RESOLUTION NO.

### RESOLUTION OF THE CITY OF SAN RAFAEL CITY COUNCIL ADOPTING OBJECTIVE DESIGN STANDARDS FOR CERTAIN RESIDENTIAL DEVELOPMENT PROJECTS

**WHEREAS**, in response to California's housing crisis, several state laws have been enacted to bolster the State's State laws with the intent of stimulating and streamlining housing production; and

**WHEREAS**, this resolution and the standards adopted herein apply Citywide to all "residential multifamily", "residential single-family", "residential duplex" and residential development as part of a "mixed use project", all of which are terms defined in SRMC section 14.03.030; and

**WHEREAS**, notwithstanding the above recital, this resolution and the standards adopted herein do not apply to parcels within the Downtown Precise Plan since the Downtown Precise Plan is a form-based development standards document (adopted in August 2021) that already includes sufficient objective design standards; and

**WHEREAS**, on July 16, 2019, the Design Review Board held a public hearing to review and consider an early draft of the objective design standards; and

**WHEREAS**, on August 13, 2019, the Planning Commission held a public hearing and provided comments and direction to staff on the objective design standards; and

**WHEREAS**, on September 7, 2022, the Design Review Board held a public hearing and provided comments and direction to staff on the objective design standards; and

**WHEREAS**, on February 27, 2024, the Planning Commission held a public hearing and provided a recommendation for approval of the objective design standards, hereby incorporated as Exhibit A to this resolution, to the City Council; and

**WHEREAS**, in accordance with Section 15060(c)(3) of the California Environmental Quality Act (CEQA) Guidelines, this Resolution, which establishes objective design review standards for all housing development projects in the City, is not subject to CEQA review because the activity is not a project as defined in Section 15378 of the CEQA Guidelines. CEQA Guidelines Section 15061(b)(3) provides that a project is exempt from CEQA if the activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Future development which is subject to the objective design standards will be analyzed independently under and will be subject to independent CEQA review and determination; and

**WHEREAS**, on March 18, 2024, the City Council held a duly noticed public hearing on the proposed standards, accepting and considering all oral and written public testimony and the written report of the Department of Community and Economic Development; and

**WHEREAS**, this resolution and the standards herein shall serve as a companion document to the City's Zoning Ordinance (Title 14 of the SRMC) in review and consideration of mixed use, single family, multi family, and duplex housing units. These standards shall govern should a conflict arise between the existing design standards and the standards adopted herein.

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of San Rafael does hereby adopt the Objective Design Standards set forth in Exhibit A to 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 San Rafael City Council held on the 18<sup>th</sup> day of March 2024, by the following vote to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

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LINDSAY LARA, City Clerk



# San Rafael Objective Standards

*These standards apply to all “residential multifamily”, “residential single-family”, “residential duplex” and residential development as part of a “mixed use project”, all of which are terms defined in SRMC section 14.03.030. These standards do not apply within the Downtown Precise Plan.*

## 1. Site Planning and Layout

### **Building Orientation**

When buildings are adjacent to a public street or alley, primary building entrances shall be designed to face the public street or alley.

### **Windows and Privacy**

When a new residential development is abutting an existing residential building, windows in the new structure that are within 10 feet vertically or horizontally of facing residential bedroom windows or private open space shall have opaque or translucent glazing at or below 5 feet above finished floor or be offset a minimum of 5 feet horizontally (as measured by nearest edge of existing facing window).

### **Ensuring Adequate Screening\***

When new residential development is adjacent to an existing residential use, the project shall provide screening between the properties to obscure direct sight lines between private yards. Such screening shall consist of a continuous view-obscuring wood fence, masonry wall, or an irrigated and maintained evergreen hedge, not less than four feet in height, and not more than six feet in height, which may be broken only for access driveways and walkways. The width of screens consisting of evergreen hedges shall be at least 40% of their height.

Trash and refuse collection and disposal facilities shall be enclosed by a solid fence or hedge that is no lower than the facilities themselves. These facilities shall also be covered.

### **Ground Level Utility Location and Utility Screening**

Back flow preventers, transformers, and other utilities must be out of sight or in sidewalk vaults. If a back flow preventer cannot be placed in a vault or out of sight, it must be screened from view with either architecture or landscaping. Utility transformers or boxes shall be underground or, if not allowed by PG&E, screened and not visible from the public right of way.

### **Parking Garage**

Parking garage and other service, utility, and loading entries shall be accessed from side streets or rear alleys, where they exist. All parking shall be located on the rear half of a lot. Any parking visible from the public right-of-way, shall be screened by continuous landscaping, or other architectural features (i.e., mesh screening, etc.).

### **Curb Cuts**

Driveway curb cuts and vehicular access from the street to off-street parking shall be a minimum of 10 feet from the front property line, unless a greater distance is required pursuant to the City's Engineer's driveway and parking standards. For sites less than 100 feet in width, no more than one driveway curb cut is permitted. For sites that are greater than 100 feet in width, two driveway curb cuts are permitted and must be at least 40 feet separated from the inside edge to the inside edge of the curb cut.

### **Ramps**

Barrier free ramps shall be located on-site and not extended into public sidewalk or right-of-way

## **2. Building Design and Architecture**

### **Facades/Massing**

For every 50 feet of building length, there shall be a plane-break along the facade no less than 10 feet in length, which shall extend from grade to the highest story. For every 100 feet of building length, the plane break will have at least five feet of depth.

### **Trim Requirements**

Stucco foam trim shall be limited to one element of trim detail and shall not be used as the sole trim molding material.

### **Colors and Reflective Materials**

1. Facades shall include between 2 and 4 colors. One color shall be the 'main color' and be used on no less than 70% of the non-glazed area of a building's façade. The other colors shall be defined each as an 'accent color' each of which shall not be used on more than 30% of the non-glazed area of a building's façade
2. Buildings shall include the same colors and materials on all elevations. At least one accent color is required to appear on all elevations.
3. "Gloss" paint finishes shall not be used for a building's main color but may be used for accent colors and on trim. The highest sheen that may be used for a main color is semi-gloss.
4. The main color shall have a light reflective value of between 20% and 80%. Trim and accent colors may use colors of any light reflective value.
5. Fluorescent, iridescent, or metallic paints are prohibited.
6. Metal seam or other metal roofing, if used, shall be anodized, fluoro-coated, or painted with a non-gloss and non-glare finish. Copper and lead roofs shall be natural or pre-oxidized.
7. Any colors used on stucco walls shall be incorporated into the stucco mixture as an integral color.

### **Blank Walls**

All building walls shall have a minimum 15% transparency on each floor. Ground floors without a lobby shall exhibit a variegated façade with changes in transparencies and materials so that no one form represents more than 75% of the surface area.

- Transparency is defined as any material or area of the façade where it is possible to see through to the next wall or at least 10 ft.
- Blank walls (facades without doors, windows, vertical and irrigated landscaping treatments) shall be less than 30 feet in length.
- Any blank walls adjacent to alleyways or side-property lines shall be treated with graffiti resistance paint that does not use a glossy finish.

### **Corner Buildings**

For all corner buildings, the corner shall have a separate architectural treatment such as a projection or inset to define the building corner. The treatment shall be minimum of 10 feet of width along each street frontage beginning at the corner.

### **Clearance with Architectural Details**

Buildings shall not have architectural features that project more than 4 feet into the public right of way and minimum vertical clearance of 12 feet above sidewalk shall be maintained.

### **Eaves**

Horizontal eaves longer than 40 ft shall be broken-up by roof form articulations with at least a five ft variation.

### **Minimum Articulation**

All street-facing facades shall have at least one horizontal or vertical projection or recess at least three feet in depth, or two projections or recesses at least two feet in depth, for every 50 linear feet of wall. The articulated elements shall occupy at least 50 percent of the height of the structure and may be grouped rather than evenly spaced in 50-foot modules. Exceptions to this rule may be granted by either the Planning Commission via a use permit or through the review of the Design Review Board.

### **Rooftop Utility Screening**

All mechanical equipment shall be screened and shall not project above its enclosure. Roof-mounted mechanical equipment shall be screened from public view by a parapet wall, decorative equipment screen, or other architectural treatment. The point of view for determining visibility shall be five feet above grade at a distance of 200 feet from any point of the structure at ground level.

## **3. Open Space and Landscape**

### **Useable Outdoor Space**

Quantity of Useable Open Space required shall be as shown in San Rafael Municipal Code Table 14.04.040 for the underlying zoning district. In zoning districts without a standard in Table 14.04.040, the minimum standard shall be 100 square feet per dwelling unit.

1. Accessibility and Use. Usable open space shall be accessible to all the occupants of the building for active or passive recreation use.
2. Assignment to Unit. An area which is accessible and/or usable only by the occupants of a particular dwelling unit may satisfy the usable open space area requirements only for that particular dwelling unit.

3. Minimum Dimensions. Except for balconies, a usable open space area must have a minimum clear width and length of 10 feet.
4. Balconies.
  - (a) A maximum of 50 percent of the total required usable open space area may be satisfied by balconies.
  - (b) A balcony must have a minimum clear width and length of 6 feet.
  - (c) At least one exterior side must be open and unobstructed except for required railings.
5. Uncovered. Except for balconies, usable open space shall be at least 75 percent open to the sky.
6. Slope. Usable open space must have a slope of 8 percent grade or less.
7. Landscaping.
  - (a) At least 40 percent of the total required usable open space area, exclusive of balconies above the ground floor, shall be landscaped.
  - (b) A landscaped area shall not include off-street parking spaces, driveways, and other surfaces covered by concrete or asphalt, unless integral to the design of the open space.
  - (c) For multiple dwelling uses, required landscaped areas shall incorporate automatic irrigation and drainage facilities adequate to assure healthy growing conditions for plants.
8. Amenities. Usable open space which is not planted shall be developed to encourage outdoor active or passive recreational use and shall include such elements as decks, sports courts, outdoor seating, decorative paved areas and walkways which do not serve as entrance walkways, unless integral to the design of the open space.
9. Access Features Not Included. Usable open space may not contain area designated for off-street parking and loading, service areas, driveways, required walkways or other features required for access to dwelling units.
10. Other Open Space Areas. Areas of the lot which do not qualify as usable open space and which are not designated as driveways, off-street parking spaces or required walkways, shall be retained as landscaped areas.

### **Storm water pollution prevention standards**

Compliance with storm water pollution prevention standards (MCSTOPP). Required engineered storm water treatment facilities shall not be in areas that are counted toward meeting the minimum common open space requirements.

### **Street Trees**

If there are no street trees on the frontage, street tree(s) are required to be installed and must be shown on the site plan. Street trees shall be installed at intervals of 30 feet on center, as sidewalk utilities and site access allow, in accordance with the City of San Rafael's Approved Street Tree List, and subject to the approval of the Department of Public Works at Building Permit review.

## 4. Lighting

### **Light and Glare**

Blinking, flashing and oscillating lights are prohibited.

Exterior lights shall have a minimum ground level illumination of 1 foot-candle at doorways and entryways. Elsewhere, exterior lights shall have a maximum ground level illumination of ½ foot-candle. Code required security or pathway lighting is an exception.

All lighting sources shall be shielded from view from the public right of way and from neighboring properties. Exterior lights shall produce with no indirect light extending 5 ft. beyond a property line. Exterior lights shall not be placed higher than the height of the principal structure. Exterior lights placed more than 6 ft high shall have a maximum angle of direct illumination of 60 degrees. Exterior lights shall be rated for 4500 Kelvins or fewer. A photometric study shall be submitted as part of a planning application.