



In the Council Chambers at 525 San Anselmo Avenue, San Anselmo, CA 94960

Town Council Agenda

Tuesday, September 12, 2023

6:00 PM

Meeting held In-Person and via Zoom:

<https://us02web.zoom.us/j/81473359704>

Or Telephone: +1 669 900 6833 | Webinar ID: 814 7335 9704

How to Submit Comments Before the Meeting: Members of the public are encouraged to submit email correspondence to towncouncil@townofsananselmo.org before the meeting begins.

How to Participate During the Meeting: Members of the public will have the option to speak during the meeting through the Zoom application by using their phone or an electronic device. For PC, Mac, or smart phone, Use Raise hand function when public comment for an item is requested. It is a button that is located at the top or bottom of your screen, based on your computer

For landline phones, raise hand to be recognized with *9

Please be advised those participating in the meeting remotely via Zoom do so at their own risk. The Town Council regular meeting will not be cancelled if any technical problems occur during the meeting.

A. Call to Order in the Council Chambers at Town Hall- 525Â San Anselmo Avenue, San Anselmo CA 94960- 6:00 PM

B. Mayor Burdo announces that item B.1 will be discussed in Closed Session.

B.1.Closed session pursuant to California Government Code § 54956.8 - Conference with Real Property Negotiators

Property: APN 005-011-60 Agency negotiator: Town Manager David Donery Negotiating parties: Marin Open Space Trust; Mary Conversano Under negotiation: Price and Terms of Payment

Property: 404 San Francisco Blvd, San Anselmo Agency Negotiator: Town Manager, David Donery Negotiating parties: Michael Folk Under negotiation: Price and Terms of Payment

C. PUBLIC COMMENT on Closed Session Items.

Written Public Comment for Marin Open Space Trust

[Public Comment- Kennedy](#)

Written Public Comment for 404 San Francisco Blvd.

[Public Comment- Folk](#)

[Public Comment- Folk](#)

[Public Comment- Voss](#)

Council Reconvenes in the Council Chambers. Optional Pledge of Allegiance: The Mayor or a designated Council member will recite the Pledge of Allegiance for members of the Council and the public who wish to join in the recitation- 7:00 PM

Open time for public expression.

The public is welcome to address the Council at this time on matters not on the agenda that are within the jurisdiction of the Council. Please be advised that pursuant to Government Code Section 54954.2, 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 three minutes and should be respectful to the community.

Council requests for future agenda items.

Council committee liaison reports, questions and comments to staff; staff miscellaneous items.

Special Presentation- There are No Special Presentations.

1. Consent Agenda:

The opportunity for public comment on consent agenda items will occur prior to Council discussion of the consent agenda. The Council may approve the entire consent agenda with one action. In the alternative, items on the consent agenda may be removed by any Council or staff member, for separate discussion and vote.

1.1 Approval of the Draft Minutes of the Regular Town Council Meeting of August 22, 2023.

[Staff Report.doc](#)

[Attachment 1- Draft Minutes of the August 22, 2023 Meeting](#)

1.2 Design Contract for 2024 Street Resurfacing Project

[Staff Report.doc](#)

[Attachment 1](#)

1.3 Response to 2023 Grand Jury Report Entitled Build More ADUs – An Rx to Increase Marin’s Housing Supply. The Council’s consideration and approval of this item is not a “project” under the California Environmental Quality Act per Cal. Pub. Res. Code § 21065.

[Staff Report.pdf](#)

[Attachment 1- Draft Response to the Marin County Civil Grand Jury Report.pdf](#)

[Attachment 2 - Grand Jury Report Build More ADUs – An Rx to Increase Marin’s](#)

[Housing Supply.pdf](#)

1.4 Notice of Completion of 2023 Street Resurfacing Project

[Staff Report.doc](#)

1.5 Adopt Ordinance Amending the Town's Green Building Regulations

[Staff Report](#)

[Attachment 1 - Proposed Ordinance](#)

1.6 Authorize the Mayor to Execute a Second Amendment to the Community Development Block Grant Cooperation Agreement

[Staff Report.doc](#)

[Attachment 1- Cooperation Agreement Second Amendment.pdf](#)

[Attachment 2- Cooperation Agreement First Amendment Executed Copy.pdf](#)

3. Council Business Items will be Heard before the Public Hearing Items:

In general, the following procedural order applies to items of business:

- Presentation
- Town Council questions
- PUBLIC COMMENT – limited to 3 minutes/person
- Town Council discussion/action

3.1 Receive an Update on the Traffic Calming Guidelines Discussion. Receiving an update qualifies under the CEQA "General Rule" exemption, CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment and is therefore exempt from the provisions of CEQA.

[Staff Report.doc](#)

[Attachment 1- Traffic Calming Guidelines.pdf](#)

[Attachment 2- Speed Survey.pdf](#)

[Correspondence- AB 43 Summary](#)

3.2

Consideration of the San Anselmo Town Hall Roof and HVAC Replacement Project. The Town finds this project to be categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 Class 1, because it involves maintenance and minor alteration of an existing facility with negligible or no expansion of use.

[Staff Report.doc](#)

2. Public Hearings:

In general, the following procedural order applies to public hearing items:

- Disclosure of Ex Parte communications (Appeals)
- Staff Presentation
- Town Council Questions
- Applicant/Appellant Presentations – 10 minutes per "team" (Appeals)
- PUBLIC COMMENT – limited to 3 minutes/person
- Appellant/Applicant rebuttals – 5 minutes per "team" (Appeals)
- Town Council discussion/action

2.1

Adoption and first read of the mural ordinance and consideration of resolution adopting Public Mural Administrative Guidelines. The proposed Ordinance Amendments and Guidelines are exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(5) because they are not a “project” under CEQA and CEQA Guidelines section 15061(b)(3), the “common sense exemption”, because it can be seen with certainty that they will not have a significant environmental effect.

[Staff Report.doc](#)

[Attachment 1 - Ordinance Amendments.doc](#)

[Attachment 3 - Public Mural Program Guidelines.doc](#)

[Attachment 2 - Resolution Adopting Mural Guidelines.doc](#)

- 2.2 Appeal of staff determination of “Substantial Improvement” for proposed project at 22 Belle requiring compliance with FEMA and Town Floodplain regulations to raise habitable floor level to 1-foot above Base Flood Elevation. The subject appeal decision is not subject to the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(5) because it is not a “project” under CEQA and CEQA Guidelines section 15061(b)(3), the “common sense exemption”, because it can be seen with certainty that it will not have a significant environmental effect.

[Staff Report.doc](#)

[Attachment A- Proposed Resolution.docx](#)

[Attachment B – May 20, 2022 Letter from Attorney Elizabeth Bridges to Sean Condry.pdf](#)

[Attachment C – June 16, 2022 Letter from Assistant Town Attorney to Elizabeth Bridges.pdf](#)

4. Adjourn

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Town Staff at email savila@townofsananselmo.org. Notification at least 48 hours prior to the meeting will enable the Town to make reasonable accommodation to help insure accessibility to this meeting.

Any writings or documents provided to a majority of the Town Council regarding any item on this agenda after the distribution of the original packet will be made available for public inspection at the public counter at Town Hall located at 525 San Anselmo Avenue.

Notice is hereby given that Council may discuss and/or take action on any or all of the items listed on this agenda. If any of these matters above are challenged in court, you may be limited to raising only those issues you or someone else raised at any public hearing described on this agenda, or in written correspondence delivered at, or prior to, this Council meeting. Judicial review of an administrative decision of the Town Council must be filed with the Court not later than the 90th day following the date of the Council’s decision (Code of Civil Procedure Section 1094.6) Any item not under discussion before 10:00 p.m. may be continued to the next regular meeting. Next regular meeting is September 26, 2023.

Administration Department
Town Hall, main floor
525 San Anselmo Avenue

San Anselmo, CA 94960
(415) 258-4691

Town Council

Steve Burdo, Mayor

Eileen Burke, Vice Mayor

Brian Colbert, Councilmember

Alexis Fineman, Councilmember

Tarrell Kullaway, Councilmember

Staff

David Donery, Town Manager

Linda Kenton, Assistant Town Manager / Town Librarian

Jeff Zuba, Finance and Admin Services Director

Megan Holt Acevedo, Town Attorney

Serge Avila, Town Clerk

Heidi Scoble, Planning Director

Sean Condry, Public Works Director

Dannielle Mauk, Community Services Director

Mike Norton, Chief of Police

Dan Mahoney, Interim Fire Chief

DECLARATION OF POSTING

This Notice is posted in accordance with Government Code §54954.2(a) or §54956. Members of the public can view electronic agendas and staff reports by accessing the Town of San Anselmo website. Under penalty of perjury, this Agenda was posted to the public at least 72 hours prior to the meeting.

September 6, 2023

Dear San Anselmo Town Council,

I have recently become aware of efforts to acquire the Upper Hawthorne parcel as open space and I would like to voice my strong support for this endeavor. My kids and I moved into my home on 238 Oak Springs Drive in 2021 and this parcel is contiguous to my own.

One of the unique aspects of this land is that multiple trails run through it, frequently used by hikers and bikers coming up from Sleepy Hollow and Fairfax. It was surprising to me to learn that it was not in fact already open space given its current and historical use, and it would be a shame if development were to impact this public use. As you know, the parcel connects many trails in the Hawthorne canyon area with open space to the north and west, creating much needed outdoor recreation.

If the city fails in its efforts to secure this beautiful parcel of land, I fear that a developer would quickly snap it up and build eyesores that would impact the views from the town below. Our hill is visible from Red Hill Shopping Center and other parts of the town - a bunch of new homes dotting the hillside would greatly impact the beautiful green space views for many residents. Further, I'm concerned about impacts on our already congested roads.

Please consider supporting the efforts to protect this special parcel as open space, so that it can be used for generations to come.

Thank you,

Sol Kennedy
238 Oak Springs Drive
San Anselmo, CA 94960
(415) 500-5400

July 19th, 2023

San Anselmo Town Council

RE: 404 San Francisco Blvd, San Anselmo

To: San Anselmo Town Council members

As part of Marin County's Housing Element, 404 San Francisco Blvd was rezoned for higher density housing on January 24th, 2023. Starting as early as 2021, our development team has sought guidance from the town's administrators on the redevelopment process of this property that shares a boundary with the town's corporation yard. Though our site is located outside the town limits in unincorporated Marin, and therefore subject to the county's planning process, it was clear to us that this development would benefit the town. 404 San Francisco Blvd. has had multi-family housing on it for the past century, first for the benefit of Sorich Dairy and subsequently as a standalone income property. The ad hoc buildings on the site were poorly constructed and benefited from only the most basic maintenance for many decades. There is no path forward for the buildings to remain in long term service without being entirely rebuilt. We have begun the design work to advance an application with the county's planning department.

Because of the irregular shape of our existing site we have proposed the idea of creating an easement on a small under-utilized portion of the corporation yard. Through our meetings with Sean Condry, we have learned that the San Anselmo Public Works Department is open to making some modifications to the corporation yard that would improve the functionality of useable spaces while eliminating the need to retain the space currently occupied by two empty warehouses that are planned to be torn down. The need for the decaying warehouses was substantially reduced when the primary corporation yard buildings were rebuilt about 20 years ago.

Exhibit A: satellite view of the proposed easement area highlighted in blue.

Exhibit B: preliminary site plan that shows that the proposed easement area would be used for parking and circulation. The driveway on each property would connect so that emergency vehicles could ingress on one property and egress through the other. The option to connect the vehicle circulation from each property could benefit any future residential use the town might consider on the corporation yard site.

While our properties are separated by the city/county boundary line, we believe our development plan offers some beneficial opportunities for the Town of San Anselmo.

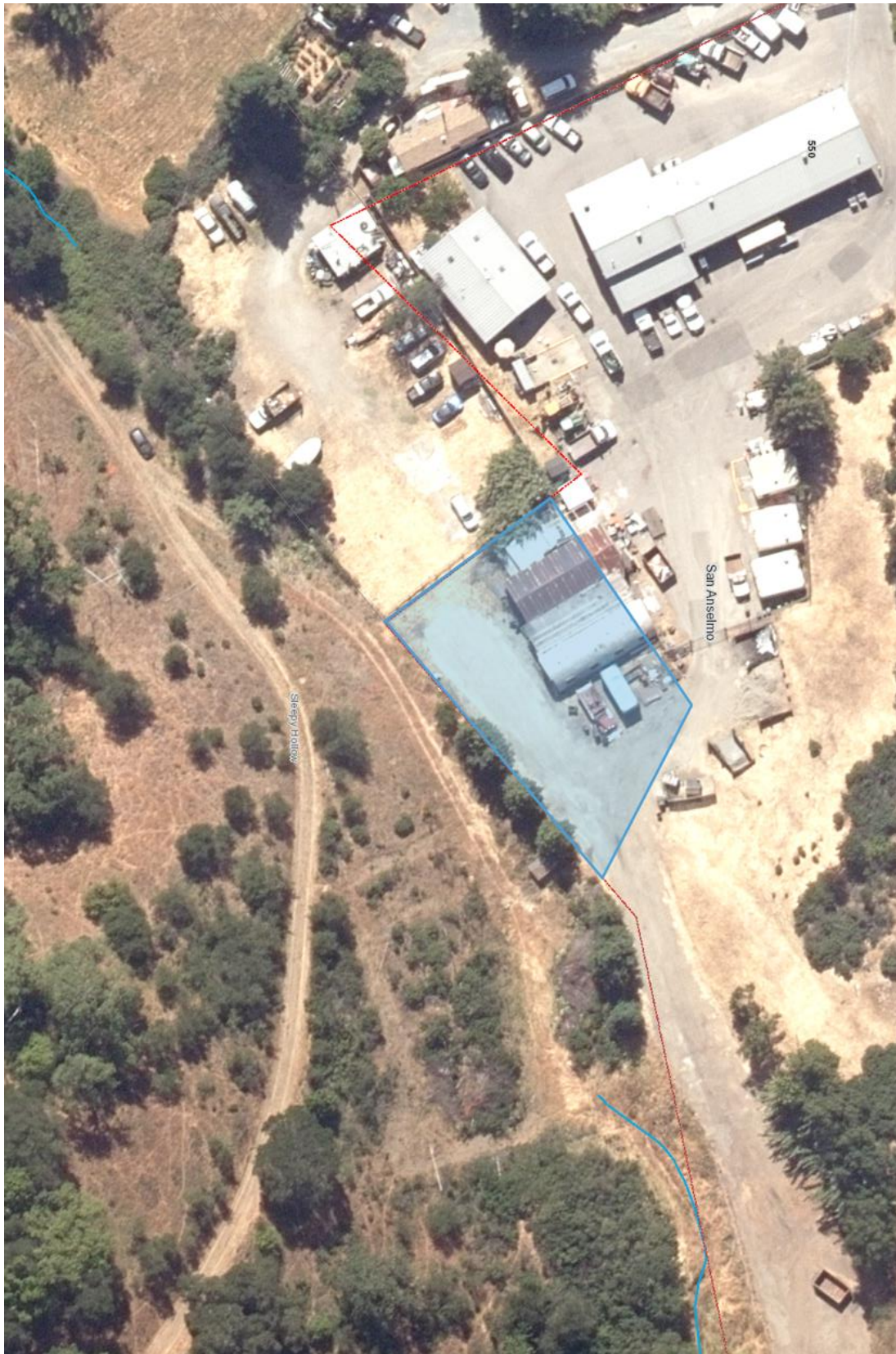
- Housing – for many Marin towns, filling staff positions with applicants willing to move into the Marin housing market can be a challenge. We can prioritize the needs of town staff for our vacant units which offer both some deed restricted affordable and residences that are affordable by design.
- Corporation Yard – We can fund the budget to modify the hardscape for reorganizing the corporation yard for greater efficiency
- Water – Our development plan always included a gray water recovery system for our irrigation and toilet flushing needs. We have also researched an on-site black water treatment system that would create a surplus of recycled water that the Town could use for the corporation yard and at Memorial Park. Historically Memorial Park has used between 60K (winter) and 400K gallons (summer) of potable water per month, costing nearly \$30K/year at current rates which are projected to increase 20% in the coming year. Because MMWD sells water on a tiered basis, much of the budget is spent on Tier 3 rates which are 4x the Tier 1 rates. Our engineering projections show a surplus of 150K-200K gallons per month of recycled water that could be piped down to Memorial Park offsetting the need for over half of the annual potable water needs for the park's irrigation.
- Safety – Our all-electric new community will have its own micro-grid with both energy generation and battery storage, making it an ideal location for a command post in the case of a natural wildfire emergency and blackouts. Linking the driveways to our two properties via the proposed easement area would provide additional safety for the users of both properties.

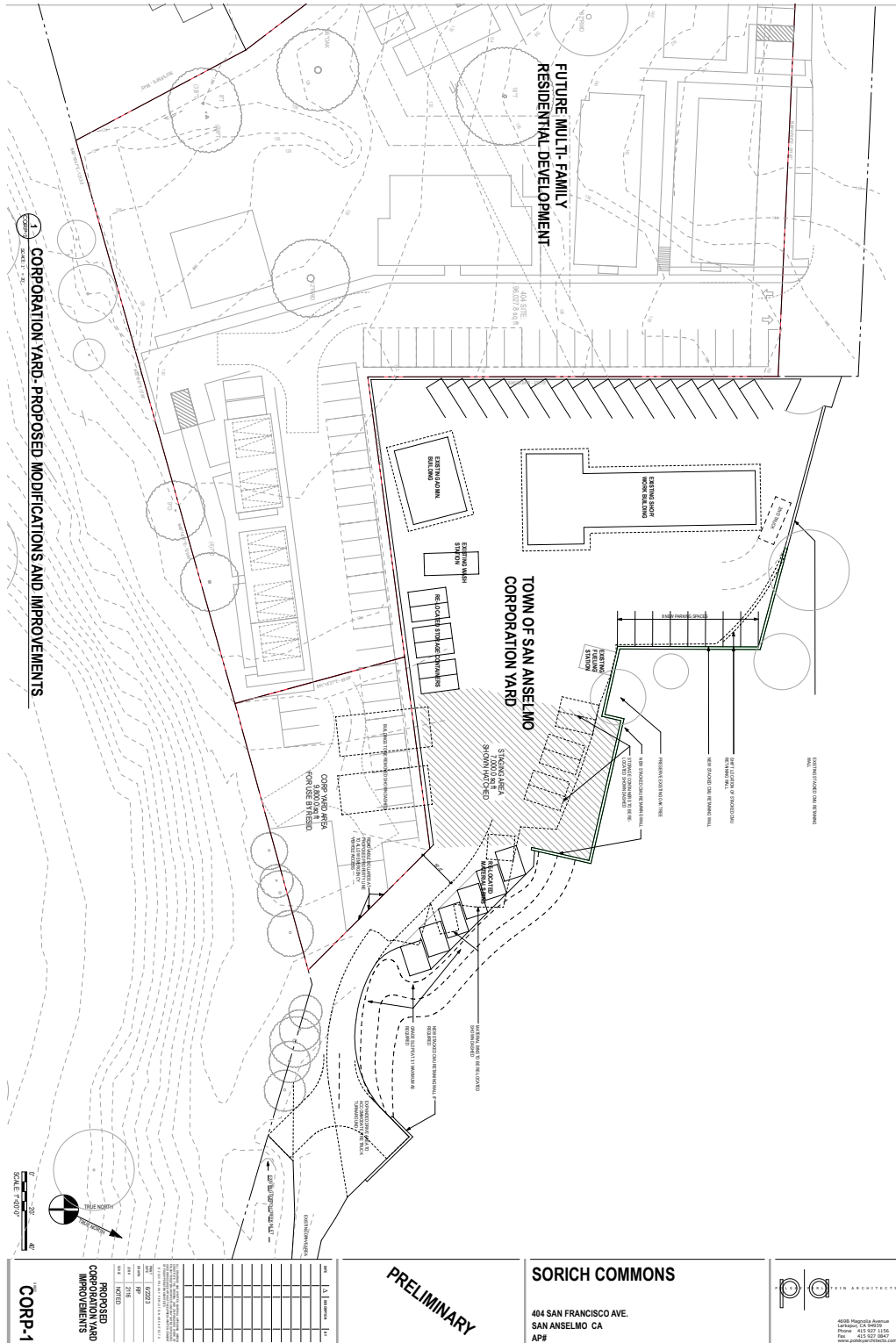
We are proposing that Sorich Commons Partners, LLC enter into an easement agreement with the Town of San Anselmo to use a portion of the town's corporation yard that is not central to the needs of the DPW. We plan to use the land for parking and circulation as shown Exhibit B. With a menu of potential benefits for the town, we would like to understand how these might align with the Town Council's priorities.

Thank you for your consideration,

Michael Folk
Manager
Sorich Commons Partners, LLC

Exhibit A





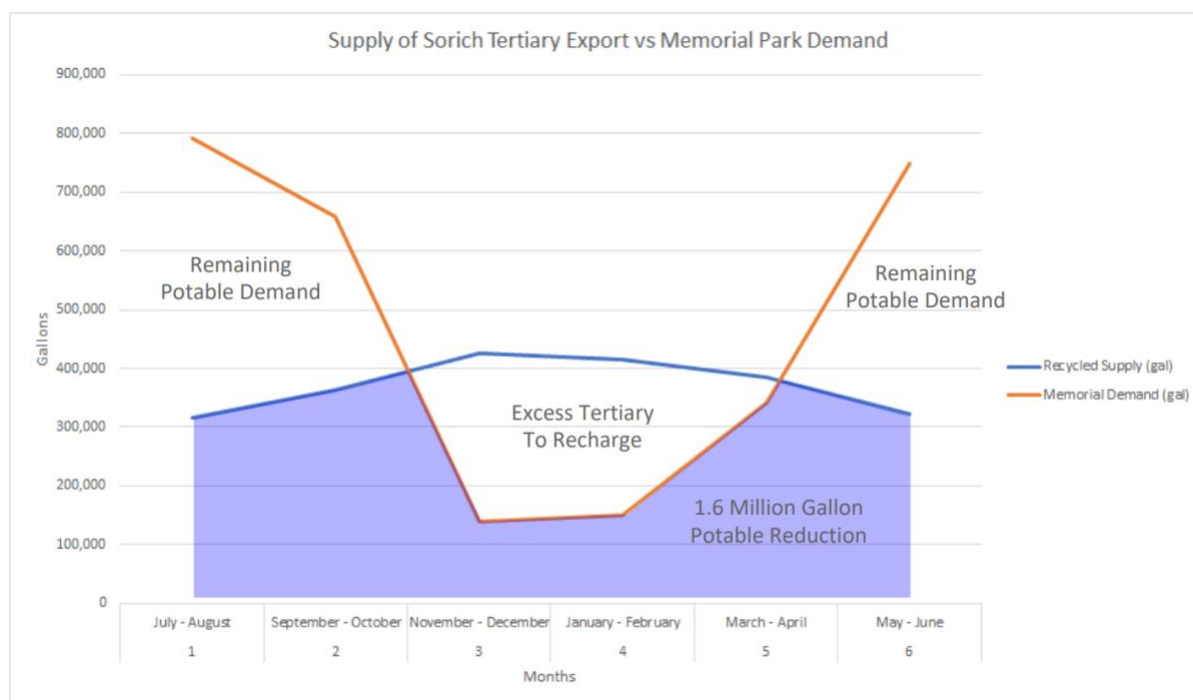
BENEFICIAL OPPORTUNITIES

Water Overview:

Wastewater produced by Sorich Commons is a dependable water source for non-potable demands such as irrigation, mechanical cooling, or even toilet flushing, both on the site and as an alternative non-potable supply for the town at Memorial Park. Onsite reuse provides a myriad of potential benefits, such as protecting existing sewer capacity, reducing the burden on the potable water system, recharging groundwater, providing drought-proof water sources and modeling appropriately scaled regional solutions to infrastructure and climate challenges. Where water recycling systems were once massive civic projects predicated on expansive purple pipe networks, they can now be blended into an integrated water platform at the institutional or community level. This helps cities meet mandates for water conservation and drought resilience, all while avoiding costly centralized projects.

Impact on Memorial Park Water Demand (after Sorich Commons demand has been met)

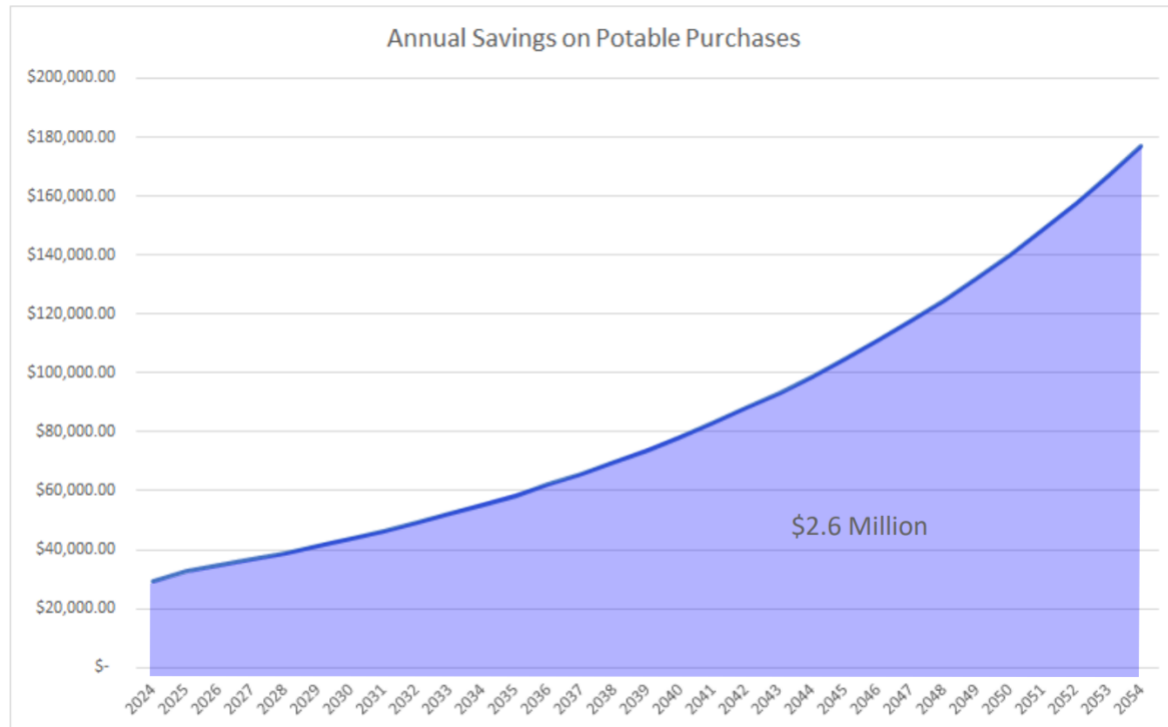
- Sorich Commons could export enough tertiary treated water to meet 58% of Memorial Park's annual irrigation demand.
- Annual reduction in Memorial Park potable irrigation demand (2017 meter data) by using Sorich Commons tertiary treated water: 1.6 million gallons



Billing Period		Recycled Supply (gal)	Memorial Demand (gal)
1	July - August	315,706	792,132
2	September - October	362,452	658,240
3	November - December	425,892	138,380
4	January - February	414,277	149,600
5	March - April	385,744	341,836
6	May - June	321,436	748,000

Impact on Memorial Water Expenditures

Using water meter data from 2017, we looked at the long-term savings for the Town of San Anselmo. Taking the published 2024-26 MMWD water fees, we see the use of recycled water drops Memorial Park out of all Tier 3 usage and in some billing periods drops down to the cheapest Tier 1. From 2027, we forecasted an annual rate increase of 6%, which has been the average increase from 2013-2026. Over 30 years, the total savings on potable water purchased from MMWD is projected to be \$2.6 million.



Purple Pipe from Sorich Commons to Memorial Park

Our design engineers created a probable cost estimate to lay over 2020 feet of 4" HDPE pipe down Los Angeles Blvd to connect with the Memorial Park irrigation system. Exclusive of profit, overhead and contingency, the estimate is \$89K. Their firm researches grants and it seems likely that there could be grant money available for a pipeline project that reduces water use and creates a more resilient system.

Some Assumptions we made:

- Sorich Commons treatment reaches tertiary standards and can be used for spray irrigation and toilet flushing
- Memorial Park water demand is 100% for irrigation or toilet flushing, we ignore sinks/drinking fountains or other potable fixtures
- Memorial Park will continue to have similar water demand as 2017
- Sorich Commons has MWELO (water efficient) compliant landscaping
- Sorich uses the first available tertiary treatment for its irrigation, leaving less available in the summer for Memorial Park
- Rate increases will continue to be the 6% per annum as observed from 2013-2026
- Watershed fee will raise the same as the Tiers
- Tier 3 for irrigation in 2026 is negligibly (~5%) more expensive than Tier 2. If Tier 3 were to diverge, financial value of water savings increases.
- The Tiers for Memorial Park were based off the baseline water demand allowance in 2017. We assume the baseline allowance system stays the same.
- Tertiary treated can't typically be used within 50 ft of a well (there are exemptions). We assume no well on Memorial
- Tertiary can't be used where spray/mist might enter dwellings, outdoor eating areas, or food prep. We assume this will not be the case.

Corporation Yard Improvements

In consultation with Sean Condry, we discussed how to make improvements to the corporation yard that would improve efficiency, accommodate current uses and ensure future flexibility while removing the land behind and below the unused warehouses. We are estimating a \$35K budget.

Priorities

- Create a large flat area for the yearly slurry seal staging
- Improve turning radius so that tall trucks can easily bypass the narrow driveway passage between the NE corner of the large workshop building and the stacked CMU retaining wall
- Maintain storage that is currently in use
- Re-align materials storage bins to accommodate vehicle access to the vegetation processing pad outside of the fenced yard
- Create additional parking

Solutions

- Shift the location of the stacked CMU retaining wall farther into the hillside to allow a greater turning radius at the NE corner of the work shop building
- Add new stacked CMU retaining wall to create 8 new parking spaces
- Add new stacked CMU retaining wall behind existing storage containers
- Move storage containers next to vehicle wash station there by creating a 7,000 sq/ft flat staging area
- Rebuild materials bins and align so that the existing driveway can be widened to 20'
- Add removeable bollards to connect the driveways of both properties.
 - ensure fluid access for emergency vehicles between the properties
 - Improve vehicle circulation on the corporation yard site that could be beneficial if the town changes zoning for future residential use

Appraisal

We have contracted with an appraiser to draft an appraisal of our proposed easement of the under-utilized portion of the corporation yard shown in Exhibit B. The appraisal is expected to be completed by the end of July 2023.

APPRAISAL REPORT

**NEAR 404 SAN FRANCISCO BLVD
SAN ANSELMO (UNINC), MARIN COUNTY, CALIFORNIA
PORTION OF APN 177-220-61**



Prepared for:

**Michael Folk
Sorich Commons Partners LLC**

**Date of Valuation:
August 14, 2023**

**By
Dana Burwell, MAI, ASA
P.O. Box 115
Healdsburg, CA 95448**

Dana W. Burwell, MAI, ASA
Real Estate Valuation - Consultation
Post Office Box 115, Healdsburg, CA 95448
Tel: 707-433-7490 - Fax: 707-395-4105
email: danaburwell@aol.com

August 16, 2023

Michael Folk
Manager
Sorich Commons Partners, LLC
404 San Francisco Blvd
San Anselmo, California

Dear Michael,

At your request, I have prepared an appraisal report on the value of the proposed easement interest located near 404 San Francisco Blvd in the unincorporated area of San Anselmo, Marin County, California. The appraisal is a Narrative Appraisal Report and is intended to comply with The Uniform Standards of Professional Appraisal Practice (USPAP) as promulgated by the Appraisal Standards Board.

My opinion of the Market Value of the easement interest as of August 14, 2023, is as follows:

ONE HUNDRED SEVENTY-TWO THOUSAND DOLLARS
(\$172,000)

Sincerely,



Dana W. Burwell
Certified General Appraiser
AG 003696

EXECUTIVE SUMMARY

Appraisal Type:	Narrative Appraisal Report
Property Address:	404 San Francisco Blvd Unincorporated San Anselmo Marin County, California 94960
Owner(s) of Record:	Town of San Anselmo
Type of Improvements:	To be acquired as vacant land
Easement Area:	9,800.4 sf
Tax Parcel ID:	177-203-61 portion
Zoning Classification:	PF: Public Facilities
Highest and Best Use as Vacant:	Residential development
Highest and Best Use as Improved:	Residential development
Five (5) Year Sale History, Date/Price:	Owned by the Town of San Anselmo as a corporation yard.
Effective Date of Appraisal:	August 14, 2023
Inspection Date:	August 14, 2023
Type of Value:	Market Value
Land Value:	\$344,000 fee value (\$35/sf)
Easement Value:	\$172,000 (50% of fee value)

PURPOSE AND INTENDED USE OF THE APPRAISAL

The purpose of the appraisal is to estimate the value of a proposed easement that will encumber a 9,800.4-sf area currently used as a portion of the corporation yard by the Town of Anselmo. The area is located at the northern end of a proposed multi-family development and will be utilized for onsite parking, emergency vehicle access and is also to be shared with the city yard. The terms of the easement agreement have not been finalized.

DATE OF VALUE

August 14, 2023

NARRATIVE APPRAISAL DEFINED

A narrative appraisal report is a written communication of the results of a valuation or review assignment presented to the client in a narrative style rather than on a form or orally.

COMPETENCY STATEMENT

Dana W. Burwell has actively appraised a wide variety of commercial, industrial and special purpose properties in the San Francisco Bay Area for over 25 years. He was awarded the Appraisal Institute MAI designation in 1999 and the American Society of Appraisers ASA designation in 1999 and provides evidence of his education necessary to appraise all major types of properties.

PROPERTY RIGHTS DEFINED

The value estimates required for this appraisal assignment consist of only the *fee simple estate*. Property interests are defined as follows:

Fee Simple Estate — an absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.

Leased Fee Interest — the lessor's interest. A leased fee estate is an ownership interest held by the lessor, which includes the right to receive the contract rent specified in the lease plus the reversionary right when the lease expires.

Leasehold Interest — the lesser estate. The right held by the lessee to use and occupy real estate for a stated term and under the conditions specified in the lease.

Easement Interest: - The right to use another's land for a stated purpose. The easement is an interest in real property and is considered non-possessory. The holder of an easement has only such control of the land as is necessary for the purpose of using the easement. Others using the land may not interfere with the use of the easement.

Excess and Surplus Land — In regard to an improved site, excess land is the land not needed to serve or support the existing improvement. In regard to a vacant site or a site considered as though vacant, excess land is the land not needed to accommodate the highest and best use. Such land may have its own highest and best use or may allow for future expansion of the existing or anticipated improvement. If the excess land is marketable or has value for a future use, its market value as vacant land is added to the estimated value of the economic entity. *Surplus land is land that does not serve or support the existing improvement, but cannot be separated from the property and sold off.* Surplus land does not have an independent highest and best use.

GENERAL ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal report and valuation contained herein are expressly subject to the following general assumptions and limiting conditions:

This appraisal is subject to the following limiting conditions.

1. The legal descriptions and area dimensions furnished to the appraiser for the permanent easement interests to be acquired are assumed to be correct. No survey of the boundaries of any portion of the property or the rights to be acquired therefrom has been furnished to the appraiser.
2. I assume no responsibility for matters legal in character, nor do I render any opinion as to title, which is assumed to be marketable. All existing liens, encumbrances, and assessments have been disregarded, except where noted, and the property is appraised as though free and clear, under responsible ownership and competent management.
3. Unless otherwise noted herein, it is assumed that there are no encroachments, zoning, or restrictive violations existing on the subject property.
4. No opinion is intended to be expressed on matters which require legal expertise or specialized investigation or knowledge beyond that customarily employed by real estate appraisers.

5. The exhibits in this report are included to assist the reader in visualizing the property. I have made no survey of the property and assume no responsibility in connection with such matters.
6. The statements of value and all conclusions shall apply as of the date shown herein.
7. I assume no responsibility for economic or physical factors which may affect the opinions herein stated, which may be present or occur at some date after the date of value.
8. I have inspected, as far as possible, by observation, the land; however, it was impossible to personally inspect conditions beneath the soil; therefore, no representations are made as to these matters unless specifically considered in the appraisal. Further, no opinion is expressed as to the value of sub-surface oil, gas, or mineral rights, or whether the property is subject to surface entry for the exploration or removal of such materials, except as is expressly stated.
9. This appraisal is predicated on the assumption that the existence of hazardous material, which may or may not be present on or near the property, was not observed by the appraiser, unless otherwise stated. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of asbestos or other potentially hazardous materials may affect the value of the property. The value estimate herein is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such condition, or for any expertise or knowledge required to discover them.
10. No engineering survey has been made by the appraiser. Except as specifically stated, data relative to size and area were taken from sources considered reliable. Furthermore, no warranty is implied with regard to physical or structural or operational deficiencies which are not disclosed to the appraiser and noted herein.
11. The appraiser assumes no responsibility for determining if the property requires environmental approval by the appropriate governing agencies, nor if it is in violation thereof, unless otherwise noted herein. The appraiser assumes that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless noncompliance is stated, defined and considered in the appraisal report. The appraiser assumes that all required licenses, certificates of occupancy, consents or other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.

12. Information, estimates, and opinions contained in this report are obtained from sources considered reliable and where feasible, has been verified. However, no liability can be assumed for information supplied by others.
13. The appraiser reserves the right to make such adjustments to the valuation herein reported, as may be required by the consideration of additional data or more reliable data that may become available.
14. The appraiser may not be required to give testimony or to appear in court or any governmental or other hearing by reason of this appraisal, unless prior arrangements have been made.
15. The appraiser has no present or contemplated future interest in the property which is not specifically disclosed in this report.
16. This report shall be used for its intended purpose only and by the parties to whom it is addressed as of the current date of valuation. Possession of this report does not carry with it the right of publication, or duplication. The signer of this report is subject to the Appraisal Institute Bylaws and Regulations. The Institute requires each member or candidate to control the use and distribution of each appraisal signed by such member or candidate. Therefore, except as hereinafter provided, the party for whom this appraisal was prepared may distribute copies of this report, in its entirety, to such third parties as may be selected by the party for whom this report was prepared; however, selected portions of this appraisal shall not be given to third parties without the prior written consent of the signatories of this report. Neither all nor any part of the contents of this report shall be conveyed to the public through advertising, public relations, news, sales, or other media without the written consent or approval of the author. This applies particularly to value conclusions, the identity of the appraiser or firm with which is connected, and any reference to the Appraisal Institute.

CERTIFICATION

I CERTIFY that to the best of my knowledge and belief the following:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are the personal unbiased professional analyses, opinions, and conclusions of the undersigned.
- I have performed no other services, as an appraiser or in any other capacity, regarding the property that is the subject of the work under review within the three-year period immediately preceding acceptance of this assignment.
- The undersigned has no present or prospective interest in the property that is the subject of this report, and the undersigned has no personal interest or bias with respect to the parties involved with this assignment.
- The engagement in this assignment was not contingent upon developing or reporting predetermined results. The compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal. The appraisal assignment was NOT based on a requested minimum valuation, a specific valuation or upon the approval of a loan.
- The analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice and with the requirements of the Codes of Ethics and Standards of Professional Practice of the Appraisal Institute and American Society of Appraisers.
- The use of this report is subject to the requirements of the Appraisal Institute and American Society of Appraisers relating to review by their duly authorized representatives.
- The undersigned does further certify that he has conducted a personal inspection of the exterior of the property that is the subject of this report.
- I have the knowledge and experience required to complete this appraisal assignment for this type of property. Further, I meet the Competency Provision as set forth in USPAP.
- The Appraisal Institute and the American Society of Appraisers have mandatory recertification programs for all of its accredited members. As of the date of this report, Dana W. Burwell is in compliance with those programs.

Dana W. Burwell

SCOPE OF WORK AND REPORTING PROCESS

The scope of the appraisal required investigating sufficient data relative to the subject property in order to derive an opinion of value for the real estate interests to be appraised. The depth of analysis was based on the significance of the appraisal problem. The results of the analysis have been incorporated into a narrative appraisal report. The appraisal assignment required the following steps:

1. An inspection of the subject property and surrounding neighborhood was conducted to determine the physical features and conditions of the subject in addition to its environment and surrounding influences.
2. The current physical and legal conditions of the subject property were researched in addition to background and history.
3. The market area was examined to determine existing and proposed inventory, demand and marketability of comparable properties.
4. The highest and best use of the property was determined based on the factors of physical possibility, legal permissibility, financial feasibility and maximum productivity.
5. A determination was named as to the appropriate approaches to valuation.
6. An investigation of comparable market transactions was undertaken, and selected comparable vacant land properties were researched with principles, brokers or others knowledgeable about the transaction.
7. Based on a review and analysis of the market data, the market value of the subject property with and without the easement was estimated by the Sales Comparison Approach to value.

DEFINITION OF MARKET VALUE

The purpose of this report is to provide an opinion of market value of the subject property under the assumptions and limiting conditions stated. The term value, or market value, is defined as follows:

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- 1. buyer and seller are typically motivated;*
- 2. both parties are well informed or well advised, and each acting in what they consider their best interests;*
- 3. a reasonable time is allowed for exposure in the open market;*
- 4. payment is made in terms of cash, in United States dollars, or in terms of financial arrangements comparable thereto; and*
- 5. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.*

In the case of income-producing properties, market value is also interpreted as the present worth of the anticipated future benefits of ownership of the property. The benefits of ownership in this type of property are normally twofold: one is the right to receive the income during the economic life of the improvements; the second is the right to the reversionary value of the land at the conclusion of the economic life of the improvements.

CONDITION OF TITLE

The property is currently vested as follows:

Town of San Anselmo

LEGAL DESCRIPTION

A complete legal description for the subject property was not available.

SALES HISTORY

The property is currently a part of the Town of San Anselmo Corporation Yard and is improved with several older metal buildings.

REGIONAL AND NEIGHBORHOOD CHARACTERISTICS

Marin County Overview

Marin County is one of the counties included in the San Francisco Bay Area planning region and is situated just north of San Francisco, across the Golden Gate Bridge. The County consists of a rugged peninsula with the majority of the developed region being located on the east or Bay side of the peninsula. The ocean side is sparsely populated. The County's inherent aesthetic appeal and close proximity to San Francisco have made it an extremely desirable residential location.



Transportation

Marin County has developed primarily as a residential or bedroom community, with few major businesses or industrial facilities. A large proportion of the County's work force commutes to the major business centers in the surrounding Bay Area, primarily downtown San Francisco. U.S. Highway 101 traverses the County, connecting directly with San Francisco to the south and Santa Rosa to the north. Interstate 880 runs across the Richmond/San Rafael Bridge providing a direct link with the East Bay Area. Commuter ferries provide service to the San Francisco Financial District from the cities of Larkspur, Tiburon and Sausalito. Bus service is also available to most communities in Marin.

The primarily north/south thoroughfare of U.S. Highway 101 is considered to be at maximum capacity and is often subject of long delays and stop/go traffic throughout the working day. This is becoming one of the major constraints of development in the County. Plans are presently being considered to alleviate the problem, including utilizing the old Northwest Pacific Railroad right-of-way as a mass transit corridor. The carpool lane has been extended throughout most of the County and this has somewhat eased the traffic congestion, particularly for commuters.

Marin County and the City of San Rafael are easily reached by the Golden Gate Bridge, or by ferry service from Sausalito, Larkspur or Tiburon. To the east, Highway 37 connects with I-80 to Sacramento. Highway 101 connects with the more northern counties of Sonoma, Napa and

Mendocino to the north, while Marin is linked to the East Bay by way of I-580 and the Richmond Bridge.

Population

Marin County experienced strong population growth throughout much of the period between 1950 to 1960. The population growth slowed dramatically in the 1970's as most of the close in or southern portion of the County was largely built-out. During the past decade, and to the present, new development has taken place primarily in-fill sites in the southern portion of the County, or in the north near the City of Novato which still has substantial inventory of undeveloped land. Population growth over the 1980's was negligible. The population of the County grew from 230,096 in 1990 to 249,900 in 2002, based on figures provided by the State of California Department of Finance. According to the Association of Bay Area Governments (ABAG), the population of the County is expected to increase only modestly over the next ten years, to approximately 275,400 residents in 2020.

Employment

A relatively large proportion of the Marin County work force is composed of managerial, professional and technical workers who commute to San Francisco. However, the local Marin economy has experienced some diversification in recent years. The County has attracted several firms including Fireman's Fund Insurance Company, Auto Desk and McGraw Hill. The County also witnessed the start-up of computer and technology related firms, particularly in the area of software development. The largest employers in the County include Fireman's Fund Insurance Company, San Quentin Prison, The County Government, Marin General Hospital and Kaiser Permanente.

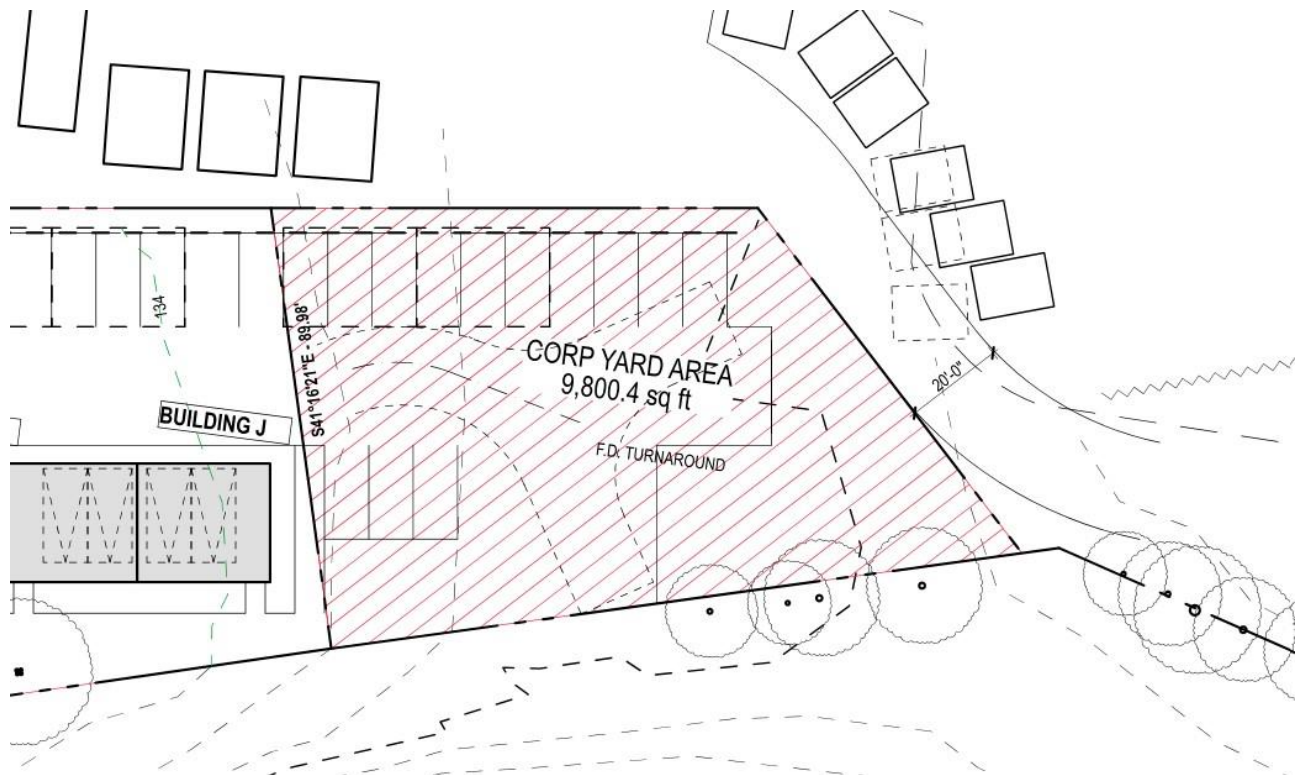
SUBJECT PROPERTY DESCRIPTION

<i>Location:</i>	Near 404 San Francisco Blvd, Unincorporated San Anselmo, Marin County, California.
<i>APN:</i>	177-203-61 Portion
<i>Site Description:</i>	The subject parcel contains 9,800.4 sf and is improved with several older metal buildings. The parcel is level. The parcel is irregular in shape and represents a portion of the Town of San Anselmo Corporation Yard.
<i>ff-site Imp:</i>	Improved shoulders along a public road.
<i>Easements/Encums:</i>	The appraiser has not reviewed a legal description of the subject property.
<i>Access:</i>	San Francisco Blvd is a two-lane public roadway with curbs, gutters and sidewalks and provides public access to the subject.
<i>Soils:</i>	No geotechnical data has been provided regarding the subject property.
<i>Flood zone:</i>	Zone X, FEMA Map Panel 06041C-0456F, dated 3/16/2016, outside the 100-year flood area.
<i>Seismic hazard:</i>	Not located within an Alquist-Priolo Seismic Studies Zone. The highest and best use of the property is not anticipated to be constrained by its proximity to any known active faults.
<i>Environmental:</i>	No currently known hazards were reported to the appraiser or observed on site at the time of inspection; however, the appraiser is not an environmental expert. This appraisal is predicated on the assumption that the existence of hazardous material, which may or may not be present on or near the property, was not observed by the appraiser, unless otherwise stated. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of asbestos or other potentially hazardous materials may affect the value of the property. The value estimates herein are predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such condition, or for any expertise or knowledge required to discover them.

Utilities: City sewer and public water systems. Pacific Gas & Electric Company provides natural gas and electrical service to the subject and surrounding properties.

Zoning: Marin County, PF Public Facilities. The District is generally applied to existing public lands including Corporation Yards, the Town Hall, Police Departments, Libraries, public parking lots and public schools.

EASEMENT AREA MAP



HIGHEST AND BEST USE

Definition:

The term “highest and best use”, used in this report, is defined as follows:

The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value.

The four criteria the highest and best use must meet are:

1. *physically possible,*
2. *legally permissible,*
3. *financially feasible,*
4. *maximally productive.*

By physically possible, it is meant that such factors as topography, soil conditions, subsurface or surface water, land size or shape, or possibly even weather patterns must be considered as to the reasonableness of construction of any improvement. The consideration of whether a highest and best use may be legally permissible requires a review of such factors as zoning and General Plan or other specific plan restrictions, subdivision requirements, setbacks, parking and building coverage restrictions, easements, leases, operational restrictions such as rent controls, and building height limitations.

The consideration of appropriate support significantly narrows the selection of highest and best use for a particular property. While somewhat general in scope, the term suggests that, based on the conclusions formulated as a result of market analyses or other economic, investment, or feasibility studies, the subject property could be utilized in the manner being considered. Financial feasibility generally means that the appropriately supported use must meet the test for the production of positive economic returns, most typically through positive net operating income.

Two analyses are typically required for highest and best use. The first analysis is highest and best use of the property as improved. The second analysis is highest and best use of the land as though vacant. When a site contains improvements, the highest and best use may be determined to be different from the existing use. The highest and best use of a property as unimproved reflects the fact that land value is derived from potential land use. Land has limited value unless there is a present or anticipated use for it; the amount of value depends on the nature of the anticipated use of the land.

The relationship between the supply of, and demand for, land adaptable to a particular use is significant in determining the highest and best use. If a more profitable use must be delayed due to insufficient present demand, an interim use will continue until or unless the value of the land as if vacant plus the cost of demolishing the existing improvements, if any, exceeds the total value of the improved property at its current use.

In considering the highest and best use of the subject property as unimproved, I have reviewed applicable land use regulations, local and regional economic conditions and trends, physical and locational characteristics, availability of utilities, development potential, neighborhood characteristics, existing and allowed uses, and the potential for more profitable uses subject to reasonably probable land use permit approvals or other required jurisdictional approvals, or changes in zoning or General Plan designations. In this regard, a potential new use should be so reasonably likely that a typical buyer would fully account for such potential in the price paid for the property. Also, it is important to assess and review existing market conditions for particular highest and best uses considered.

Market Conditions

Demand for multi-family residential development in the Marin County market is very strong due to a lack of new development and very strong employment markets located in the area. Supply and demand appear to be in equilibrium, which should result in strong market growth over the next years.

Highest and Best Use As Unimproved

The most reasonably probable, legally permissible, and physically possible use would be to assemble with the proposed multi-family development.

Highest and Best Use As Improved

The subject property is improved with older metal buildings. The highest and best use as improved is to demolish the structures and assemble the vacant land with the proposed development.

MARKETING TIME AND EXPOSURE PERIOD

Marketing time is defined as the most likely amount of time it would take to sell the subject property land if exposed on the open market, beginning on the date of valuation. Exposure time is defined as the length of time the subject property would have been exposed for sale in the market, had it sold at the market value concluded in this analysis, as of the date of this valuation.

The comparable transactions of single-family residences in the general market area of the subject property indicate marketing times (including escrow) ranging from two to three months. For the comparable transactions selected for use in the sales comparison approach to value, marketing times ranged from less than one month to over three months. Properties requiring an escrow longer than two months generally reflect certain problems or unique circumstances. Some escrows are prolonged because particular contingencies associated with the property being purchased.

The subject property is estimated to have an exposure and marketing time of one to three months. Demand for vacant land is strong due to the demand for multi-family vacant land and the short supply.

APPRAISAL METHODOLOGY

In the appraisal of real estate, any one or all of the three traditional approaches to estimating value may be applied. These approaches are the cost, sales comparison, and income capitalization.

The cost approach is based on a concept that suggests the value of a property tends to be set by the cost of producing (constructing) a substitute property of equal utility. This idea relates directly to the economic principle of substitution. The value estimate is predicated on the cost of acquiring the vacant land plus the cost of constructing the improvements. Therefore, the validity of the cost approach depends on the availability of comparable land sales and data that allow accurate estimates of construction costs. The cost approach is especially applicable in the case of new construction, where the improvements represent the highest and best use of the land and depreciation is of little or no consequence. The cost approach is applicable to some institutional or special purpose properties, or in other cases where there are no comparable data to support either the sales comparison or income capitalization approach.

In the valuation of the subject property, the cost approach is not used for valuing vacant land.

The income capitalization approach is based on the premise that income-producing real estate is typically purchased as an investment. Thus, from an investor's point of view, the potential earning power of a property is the critical element affecting value. This concept is directly related to the economic principle of anticipation. This is particularly relevant for properties encumbered by long-term leases, and typically not those acquired for owner-occupancy.

Within the income capitalization approach there are two basic techniques that can be utilized to estimate market value. These techniques of valuation are direct capitalization and yield capitalization. *Direct capitalization* is a method used to convert an estimate of a single year's net operating income into an indication of value in one direct step. This step is either by dividing the estimated net income (NOI) by a relevant market income rate (overall capitalization rate); or by multiplying the gross income estimate by a market derived factor such as a gross or net income multiplier. *Yield capitalization* is a method used to convert future benefits into a present value by discounting each future benefit at an appropriate market yield rate. A present worth analysis using a discounted cash flow may be a meaningful technique. The validity of the income capitalization approach depends upon the reasonable probability and/or accuracy of the anticipated income stream for a given property.

The income approach is not used for valuing vacant land.

The sales comparison approach is a procedure whereby the value of a property is estimated by evaluating the market for similar properties and comparing these to the subject. This approach is

based upon a concept that suggests the value of the property tends to be set by the cost of acquiring an equally desirable substitute property — i.e., the economic principle of substitution. The market value of a property is estimated by comparing the subject to like properties that have sold via “ a r m ' s l e n g t h ” ~~average period that~~ reasonably reflects current market conditions. The analysis performed in this approach deals specifically with the differences that affect value, among properties and transactions. Some of these differences include the property rights appraised, the motivations of buyers and sellers, financing terms, market conditions at the time of sale, size, location, physical features and the income producing characteristics. The validity of the sales comparison approach depends on the existence of recent sales of properties which are reasonably similar to the subject.

For the subject property as vacant, comparable sales of vacant land similar to the subject was researched. This method is the most appropriate for valuing vacant land.

SALES COMPARISON APPROACH

The sales comparison approach is based on the comparison of the property appraised to sales of similar single-family residential properties located within the general market area of the subject. Adjustments are made between each of these properties and the subject property for major points of difference to arrive at an indication of value for the subject property. Differences may include location, date of sale, interior renovations, view amenities and parking.

The following analysis includes comparable property sales applicable to the subject as unimpaired by the easement and as impaired by the easement. The following valuation scenarios apply to the property:

The selected transactions described on the following pages are compared to the subject on the basis of price paid residence and price paid per gross living area. To compare each selected comparable transaction with the subject property, the following characteristics are examined:

Adjustment Factors:

<i>Property Rights Conveyed:</i>	Fee simple, leased fee, leasehold estate, etc.
<i>Financing Terms:</i>	Favorable seller or buyer financing, assumption of below market mortgage.
<i>Condition of Sale:</i>	Reflects additional motivation of sellers and buyers, REO or non-arm ' length transactions, and the like.
<i>Market Conditions:</i>	Economic environment, supply and demand situation.
<i>Time:</i>	Increase or decrease in value attributable to the difference between the date of sale and date of valuation, based on estimated market trends.
<i>Location:</i>	Accessibility and convenience, rural setting and views, surrounding uses, economic characteristics of the area.
<i>Zoning / General Plan:</i>	Uses allowed, policies and standards set by permitting agencies, entitlements and restrictions, ease of permit processing.
<i>Physical Characteristics:</i>	Physical aspects of the property such as size, shape, building envelope, access, on-sites (road, septic, well),

topography, site conditions. Because the unit of comparability is price per lot, a downward adjustment is made for a comparable with larger lot area than the subject, and an upward adjustment for smaller lot area.

Each of the comparable sale transactions is provided on the table below.

Analysis of Market Data

The comparable sales represent vacant land to be developed with residential uses. They are all considered generally comparable to the subject.

Property Rights Conveyed

All of the sales represent the fee simple interest and no adjustment was made for property rights.

Financing Terms

Adjustments for financing terms are warranted when a property is purchased subject to non-market financing arrangements. Non-market financing can include seller-carried notes or assumable loans with interest rates below (or above) terms currently achievable. All sales utilized were either cash or cash equivalent, which may have included seller financed notes reported to be at market rates at the time of sale. No adjustments were required for financing.

Conditions of Sale

Adjustments for conditions of sale reflect the additional motivation of the seller(s) or buyer(s), such as assemblage, transactions not exposed to the market, or REO sales. Each of the property transfers included herein were "arms-length" transactions with no duress on the part of either the buyer or seller. No adjustments were made for condition of sale.

Date of Sale

Adjustments for date of sale are due to potential changes in market conditions with regard to the investment in similar properties. The sales range in date of occurrence in 2021 to 2022 and reflect current market conditions.

Location

Adjustments for location are necessary when the characteristics of the comparable properties are different than those of the subject. Attributes such as aesthetic quality of the surrounding area, the economic vitality of the neighborhood (including the proximity to competitors in the trade area), and issues relating to accessibility and visibility impact all forms of real estate to varying degrees. All of the properties are located in similar Marin County markets and no adjustment was made for location.

Physical Characteristics

Adjustments for physical characteristics are necessary when these differences are reflected in the prices paid for comparable properties. Sale No. 1 is a sloping parcel which requires a septic system and should be adjusted upward. No adjustment was made for physical characteristics for the remaining sales.

RESIDENTIAL LOT SALES MARIN COUNTY							
	Sale Date	Sales Price	Lot SF	\$/SF	Topography	Services	Zoning
Subject		\$344,000 Value	9,800.40	\$35.00	Level	City Services	PF
Edgewood Avenue Mill Valley	Aug-21	\$235,000	25,264.80	\$9.30	Sloping	City water septic	Residential
21 Chevy Chase Larkspur	Dec-21	\$300,000	6,969.60	\$43.04	Sloping	City Services	Residential
1515 Fourth Street San Rafael	Nov-20	\$4,000,000	38,546.00	\$103.77	Level	City Services	Mixed Use
1550 Lincoln Ave San Rafael	Sep-20	\$370,000	11,531.00	\$32.09	Level	City Services	Residential
1580 Lincoln Ave San Rafael	Nov-20	\$1,150,000	18,391.00	\$62.53	Level	City Services	Residential

Conclusion of Land Value Unimpaired

The comparable sales range from \$9.30/sf to \$103.77/sf, a wide range. Most of the sales range from \$32.09/sf to \$62.53/sf and provide a better indication of value for the subject. Based on these sales, I have selected a unit value within the middle of the range, or \$35/sf.

$$\begin{aligned} \$35/\text{sf} \times 9,800.4\text{sf} &= \$343,014 \\ \text{Rounded} &= \$344,000 \end{aligned}$$

Estimate of Easement Interest

The appraiser has reviewed several publications on easement values. An article published in the Right of Way Journal by Donald Sherwood, SR/WA, MAI, describes different easement values in a metric system. The highest percentage of fee value would be an easement that results in severe impact to the surface use of the property while the lowest percentage of fee value would be an easement with nominal effects on the use and utility of the land. The middle percentage of fee representing a 50% interest would be a balanced use by both fee and easement owner. They affect the use of the land above grade but not below grade. Thus, a 50% of fee value would appear to be appropriate for the they appear to encumber the fee value evenly between the easement holder and fee landowner.

The value of the easement area is as follows:

$$\$344,000 \times 50\% = \$172,000$$

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I am a member of the Appraisal Institute with a MAI designation and a member of the American Society of Appraisers with an ASA designation. In addition, I am a member of the IRWA with a R/W –AC appraisal certificate. I am licensed by the State of California with a general appraisal certification (AG 003696).

EXPERIENCE

Over 25- y e a r s ' e x p e r i e n c e i n a w i d e r a n g e o f c o m m e r c i a l a n d A g r e l a t e d r e a l e s t a t e i n t h e g r e a t e r N o r t h e r n C a l i f o r n i a a r e a .

APPRAISAL OF FEE, LEASED FEE, AND EASEMENT INTERESTS

Review work for major banks and governmental entities,
Valuation of office, industrial, retail and subdivision properties,
Special purposes properties such as FBO, fitness centers, day care facilities, SNF, RCF,
Valuation of wineries, vineyards and Ag properties,
Appraisal of easements, partial takings and damages to the remainder,
Valuation of Conservation and Forever Wild Easements,
Experience in Federal Government (Yellow Book) appraisals for BLM and other agencies

LITIGATION SUPPORT

Have qualified as an expert witness performing testimony in court. In addition, have undergone numerous depositions and provided private consultation services to attorneys and clients.

EDUCATION

BA. San Francisco State University, Business with concentration in Real Estate

M.B.A. San Francisco State University, Corporate Finance

APPRAISAL ORGANIZATIONS

ASA: Member of Board of Directors of the Northern California Chapter of the American Society of Appraisers 2000-2003 and 2019-2021

AI: Board of Directors of the NorCal Chapter of the Appraisal Institute 2000-2003





STAFF REPORT

TOWN OF SAN ANSELMO

Item #: 1.1

MEETING DATE: September 12, 2023

AGENDA TITLE: Approval of the Draft Minutes of the Regular Town Council Meeting of August 22, 2023

FROM: Serge Avila, Chief Town Clerk

RECOMMENDATION: For Council to consider the approval of the Draft Minutes of the Regular Town Council meeting of August 22, 2023.

ATTACHMENT:

Attachment 1- August 22, 2023 Draft Minutes

San Anselmo Council Draft Minutes
Regular Meeting
Town Council Chambers and via teleconference
Tuesday, August 22, 2023

Interviews for the Open Space Committee, Climate Action Commission, and Racial Equity Committee- 6:00 p.m.

Councilmember Alexis Fineman, Tarrell Kullaway and Steve Burdo, Mayor interviewed six candidates:

6:00 PM Oriana Bleacher Snyder Open Space Committee

6:10 PM Robin Beers Racial Equity Committee

6:20 PM Bridget Clark Climate Action Commission

6:30 PM Diana Black Kennedy Racial Equity Committee

6:40 PM Mary Nahorniak Racial Equity Committee

6:50 PM Nuria Montalvo Climate Action Commission

Mayor Burdo Call to Order: Optional Pledge of Allegiance

COUNCILMEMBERS PRESENT: Steve Burdo, Mayor
Alexis Fineman
Tarrell Kullaway

COUNCILMEMBERS ABSENT: Eileen Burke, Vice Mayor
Brian Colbert

STAFF MEMBERS PRESENT: Dave Donery, Town Manager
Megan Acevedo, Town Attorney
Serge Avila, Town Clerk
Sean Condry, Public Works Director
Heidi Scoble, Planning Director
Sean Youra, Climate Action Coordinator
Dannielle Mauk, Recreation Director

Open Time for Public Expression

Ms. Rosanne DalBello had a question about the status of the ramp on the Alderney Stairs. She heard they were installed on a temporary basis.

Mr. Guy Myers, Tamalpais Avenue, discussed climate action issues, the Reimagine Plan, the expansion of concrete, and providing more housing.

A resident thanked the Town of San Anselmo and the Arts Commission for the tribute to Peter Penhollow.

Mr. Jim Burnett discussed ways to improve our relationship with the environment through the Tree Ordinance.

Ms. Susan Saunders encouraged anyone to join the Climate Action Commission- they enjoy all viewpoints. She discussed the ways the Planning and Building Departments are fighting climate change.

Ms. Lucy Martican, Sleepy Hollow, stated she is an intern with 350 Marin. She urged everyone to purchase an electric vehicle.

Council requests for future agenda items; Committee liaison reports; questions and comments to staff; miscellaneous items

Councilmember Fineman reported she attended the Marin Wildfire Protection Authority (MWPA) meeting; and discussed the historic ruling last Monday in Montana regarding the Constitutional right to a Healthy and Safe Environment with a “shout out” to Town Attorney Acevedo who is the Secretary of the Board of Directors for Our Children’s Trust; she referred to the Alderney Steps and asked if a railing could be installed on both sides; the Tree Ordinance Subcommittee turned over its research to Town staff; the Climate Action Intern is doing research on electrification.

Public Works Director Condry stated staff is looking at moving the temporary ramp on the Alderney Steps to the other side and add a railing if needed.

Councilmember Kullaway reported she attended the Marin Clean Energy (MCE) meeting.

Mayor Burdo reported he attended the unveiling of the Cedars Art Installation; the BBQ at Tam House; a Local Agency Formation Commission (LAFCO) meeting; On the Avenue has been “en fuego”; the parent group meeting will be in September or October; displayed the post card being sent to all residents about the Residential Rental Policies; asked staff for an update on the Redwood Road invoices/payment issue.

Public Works Condry stated staff is collecting checks and has not revised anything. Staff will be bringing this issue to the Council.

Town Manager Donery stated residents should be receiving postcards tomorrow or the next day. He thanked outgoing Climate Action Fellow, Paul Wang, for his good work. Mr. Wang stated it was a pleasure to have worked for the Town of San Anselmo.

Special Presentation

Mayor’s Proclamation Recognizing Rohana McLaughlin for Outstanding Community Service.

Ms. McLaughlin thanked the Council and others for their volunteer work in the Memorial Park.

1. Consent Agenda

1.1 Approve the Draft Minutes of the Town Council Meeting- July 25, 2023

1.2 Adopt Ordinance of the Town of San Anselmo Repealing Title 10 Chapter 20, Objective Design Standards for Residential Development, and Replacing with a New Chapter 20, Objective Design and Development Standards and the Objective Design and Development Standards Zoning Map, including Associated Amendments to Section 10-3.1702, Definitions, and related CEQA Exemption Findings

1.3 Receive and Acknowledge the Report of Checks Issued, July 2023

1.4 Receive and Approve the Revenue and Expenditure Reports for the month of July 2023

1.5 Approval of Resolution Establishing the Fiscal Year 2023/24 Appropriations Limit

- 1.6 Adopt an Ordinance to Amend Title 10 (Planning and Zoning) of the San Anselmo Municipal Code Text Amendments and Zoning Maps and Make Associated CEQA Findings
- 1.7 Approval of Resolution Revising a Statement of Investment Policy for Fiscal Year 2023/24
- 1.8 Consider to Approve a Proclamation Recognizing George Lucas for his Outstanding Citizenship
- 1.9 Consider to Approve a Special Event Application- Goblins' BOOtacular
- 1.10 Consider to Approve a Special Event Application- Three Gents Theatre Company's Twelfth Night

Mayor Burdo opened the meeting to public comments.

Jim referred to item #1.6 and stated 5 West Hillside Avenue is on a private road with questionable access. He asked the Council to reconsider 5 West Hillside Avenue.

Jan, West Hillside Avenue, stated she received no notification about the change in zoning. She asked the Council to look at the 5 West Hillside Avenue site more closely and realistically.

Wendy, West Hillside Avenue, stated there is an abundance of wildlife and a thriving ecosystem behind the Miracle Mile. All the hillsides should be protected.

Mayor Burdo closed the meeting to public comments.

M/s, Kullaway/Fineman, Motion to approve the Consent Calendar.

AYES: Fineman, Kullaway, Mayor Burdo

ABSENT: Colbert, Vice Mayor Burke

2. Public Hearings

There were no Public Hearings.

3. Council Business Items

3.1 Memorial Park Athletic Field Renovation Project

Public Works Director Condry presented the staff report. Staff answered questions from the Council regarding whether there are electric aerators; what has changed over the last ten years; how to monitor the use of well water; and what has been budgeted for Field Maintenance.

Mr. Brian Ness, turf expert, stated this field is in a constant state of recovery due to its high use. It will never be perfect. He discussed some of the long-term solutions including the purchase of some new equipment.

Mayor Burdo opened the meeting to public comments.

There were no comments.

Mayor Burdo closed the meeting to public comments.

Councilmember Fineman stated she is a strong believer in providing some community green space instead of having "little grass rectangle" in everyone's backyard.

Mayor Burdo stated most of the concern has to do with the browning of the grass. He is certain that staff will take care of this problem. He asked staff to continue to monitor water use and report back.

M/s, Kullaway/Fineman, Motion to accept the Memorial Park Athletic Field Renovation Project and authorize staff to file a Notice of Completion for Memorial Park.

AYES: Fineman, Kullaway, Mayor Burdo

ABSENT: Colbert, Vice Mayor Burke

3.2 Memorial Park Parking Lot Renovation Project contract award

Public Works Director Condry presented the staff report and a PowerPoint presentation. Staff answered questions from the Council regarding whether the runoff would run into the creek due to less bio-retention; if large changes to the project would come to the Council; whether they should send out another bid in January.

Mayor Burdo opened the meeting to public comments.

Steve had questions about the timing of the project.

Mayor Burdo closed the meeting to public comments.

Councilmember Fineman stated she likes the project as conceived and presented.

Mayor Burdo stated the parking lot is in a state of disrepair.

M/s, Fineman/Kullaway, Motion to accept the Memorial Park Parking Lot Renovation Project contract award

AYES: Fineman, Kullaway, Mayor Burdo

ABSENT: Colbert, Vice Mayor Burke

3.3 Introduce an Ordinance Amending the Town's Green Building Regulations.

Climate Action Coordinator Youra presented the staff report and a PowerPoint presentation. Public Works Director Condry discussed staff-recommended changes to the ordinance. Staff answered questions from the Council regarding the cost of a conductor; when changes can be made to an ordinance; differentiating between existing and new solar PVs; the threshold for the number of long-term bike parking spaces for multi-family residences.

Mayor Burdo opened the meeting to public comments.

Ms. Sue Saunders, Ms. Kathleen Gundry, Lucy, and Michael supported the ordinance.

Mayor Burdo closed the meeting to public comments.

Councilmember Fineman supported the ordinance and the amendments discussed.

Councilmember Kullaway wanted to change the requirement for long-term bike parking in multi-family residences to one per unit.

Mayor Burdo thanked staff for the great work and the community for wanting to embrace these policies.

M/s, Kullaway/Fineman, Motion to Introduce by title only and waive further reading an Ordinance of the Town Council of the Town of San Anselmo Repealing and Replacing San Anselmo Municipal Code Title 9, "Building Regulations", Chapter 19, Green Building Requirements to Adopt Amendments to the California Green Buildings Standards Code to Reflect Local Conditions with the amendments discussed tonight.

AYES: Fineman, Kullaway, Mayor Burdo

ABSENT: Colbert, Vice Mayor Burke

4. Closed Session

4.1 Mayor Burdo announced that item 4.2 will be discussed in Closed Session

4.2 Conference with Legal Counsel- Existing Litigation

Government Code Section 54956.9(a)

Name of Case: George W. Lucas Jr. as Trustee of the GWL Living Trust v. All Persons Unknown, Claiming Any Legal or Equitable Right, Title, Estate, Lien, or Interest in the Property Described in the Compliant Adverse to Plaintiff's Title, et seq. (Marin County Superior Court No 2301412) Quiet Title Action

4.3 Public Comment on Closed Session Items

There were no comments.

4.4 Council adjourns to Closed Session

Council reconvened in the Council Chambers and Mayor Burdo reported the Council voted unanimously to authorize the Town Attorney to file a disclaimer of interest in this case. The decision is based on the Town's finding that it has no interest in the subject property nor is there any potential public use that could be made of the property.

Mayor Burdo adjourned the meeting at 8:59 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary



STAFF REPORT

TOWN OF SAN ANSELMO

Item #: 1.2

MEETING DATE: September 12, 2023

AGENDA TITLE: Design Contract for the 2024 Street Resurfacing Project

FROM: Public Works

RECOMMENDATION: That the Town Council authorize the Town Manager to execute a Professional Services Agreement with Siegfried Engineering for the design of the 2024 Street Resurfacing Project in an amount not to exceed \$186,000.

BACKGROUND

As part of the 2019 Capital Improvement Program approved by the Town Council, local streets are selected for pavement resurfacing to address the town's pavement management and improve the overall pavement condition in town.

DISCUSSION/ANALYSIS

Based on a submission for a Request for Qualifications in 2019, Siegfried was selected to design the 2021 Street Resurfacing Phase B project. Upon successful completion of the design, Siegfried was asked to submit a cost proposal for the 2022 Street Resurfacing Project, and later, the 2023 project, which they successfully completed earlier this year. Based on demonstrated competence on previous projects and on the professional qualifications necessary for the satisfactory performance of the service required, staff requested they submit a cost proposal for the 2024 Street Resurfacing Project.

The proposed list of streets to be included in the project was based on projected funding available and a rough estimate of cost for each street based on previous unit costs.

Siegfried Engineering has submitted its scope of work and cost proposal (Attachment 1) that includes the required tasks to complete the design and construction drawings and it is within the available funding. Staff recommend authorizing the Town Manager to

execute a professional services agreement with Siegfried based on the scope of work and cost proposal.

The design work is expected to take six to eight months. The completed design will be brought back to the Town Council for their approval in spring 2024 for summer 2024 construction.

The 2024 Street Resurfacing Project consists of the following street segments:

Kensington Road – Bolinas Ave to Austin Ave
Mariposa Ave – Kensington Road to Richmond Road
Spring Grove Avenue – Greenfield Ave to 160 Spring Grove Ave
Woodside Drive – Idlewood Drive to Oak Springs Drive
Oak Springs Drive – Woodside Drive to 156 Oak Springs Drive
Los Angeles Blvd – Monterey Ave South to Town Limit
Monterey Ave – Los Angeles Blvd South to Los Angeles Blvd North
Monterey Terrace – Monterey Ave to end

FISCAL IMPACT

The professional services agreement will be drafted for a not-to-exceed cost of \$186,000. Funding is available from the Road Maintenance Fund and Measure J, and is included in the 2023-2024 Town Budget and Work Plan.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

This project design is exempt from the California Environmental Quality Act (CEQA) under a Class 6 categorical exemption, because the scope of work consists of data gathering, analysis and preparation of plans and specifications for a project. No construction or alteration will be undertaken. (14 Cal. Code Regs. § 15306). When the plans and specifications are finalized and ready for bidding and construction, a CEQA analysis will be undertaken at that time.

The project design will propose street and sidewalk improvements that will address San Anselmo's Climate Action Plan 2030, specifically CAP Measures T-2 (biking) and T-3 (walking).

ATTACHMENTS

Attachment 1- Siegfried Engineering Scope and Cost Proposal



June 30, 2023

Scott Schneider, P.E.
Town of San Anselmo
525 San Anselmo Avenue
San Anselmo, CA 94960

**RE: TSA 2023 STREET REHABILITATION PROJECT
SAN ANSELMO, CALIFORNIA
PROPOSAL FOR PROFESSIONAL DESIGN SERVICES**

Dear Scott;

We appreciate the opportunity to propose our services to you for this project.

I. PROJECT DESCRIPTION AND ASSUMPTIONS

The Town of San Anselmo will rehabilitate seven road segments as provided in the table below:

Road	From	To	PCI	SF
Kensington Road	Seminary Road N	Austin Ave	20	2,970
Kensington Road	Seminary Road S	Seminary Road N	21	16,352
Kensington Road	Bolinas Ave	Seminary Road S	18	9,307
Mariposa Ave	Kensington Road	Jones Ave	10	15,120
Mariposa Ave	Jones Ave	Richmond Rd	40	7,317
Spring Grove Ave	Greenfield Ave	Hillside Ave	13	4,725
Spring Grove Ave	Hillside Ave	160 Spring Grove Ave	Not provided	20,175
Woodside Dr	Oak Springs Dr	Woodside Ct	14	24,456
Woodside Dr	Woodside Ct	Lillian Ct	17	28,680
Woodside Dr	Lillian Ct	Idlewood Dr	20	5,975
Oak Springs Dr	1173' N/O Theresa Dr	1719 N/O Theresa Dr	44	13,200
Oak Springs Dr	1719' N/O Theresa Dr	Woodside Dr	49	13,320
Los Angeles Blvd	Monterey Ave S	Santa Cruz Ave	59	4,004
Los Angeles Blvd	Santa Cruz Ave	Monterey Ave N	47	11,536
Los Angeles Blvd	Monterey Ave N	Town Limit	49	9,660
Monterey Ave	Los Angeles Blvd S	Monterey Terrace	66	13,760
Monterey Terrace	Monterey Ave	End	42	4,980
Monterey Ave	Monterey Terrace	Los Angeles Blvd N	67	9,000

The Town provided Pavement Condition Index (PCI) of the road segments range from 10 to 67. The segments of roadways range from about 70 lineal feet to 1,600 lineal feet, totaling about 1.8 miles of roadway. The roads appear to be located in residential areas and light commercial areas.

STOCKTON

3428 Brookside Rd.
Stockton, CA 95219
t: 209.943.2021

SAN JOSE

111 N. Market St., #300
San Jose, CA 95113
t: 408.754.2021

SACRAMENTO

900 Howe Ave., #200
Sacramento, CA 95825
t: 916.520.2777

MODESTO

101 Sycamore Ave, #100
Modesto, CA 95354
t: 209.762.3580

II. SCOPE OF WORK

Task 1 – Topographic Survey

1. Prepare a limited topographic survey of the approximate limits shown in attached Exhibits. The survey will be in sufficient detail for use by Siegfried in developing plans.
2. The following features will be located and mapped, at a minimum for the pavement rehabilitation locations:
 - a. Lip of gutter lines.
 - b. Crown of roadway.
 - c. Edge of pavement.
 - d. Shots will generally be at 50' station spacing along the roadways, and at grade breaks, beginning, middle and ends of horizontal curves, including side street curb returns. (Essentially a cross section of the impacted area)
 - e. Manholes and Clean outs
 - f. Utility boxes/vaults/etc.
3. Field measurements will be accomplished with D-GPS where practicable, and with conventional robotic total stations where overhead obstructions preventing sufficient GPS reception may exist.
4. Office preparation and mapping of the surveyed features utilizing AutoCAD Civil 3D.
5. Mapping will be based on the California Coordinate System, NAD83, NAVD88 datum.
6. Underground utility lines will be mapped as a part of this scope of work, record information and surface utility shots will be used to map the utilities to the best of our ability.

CONDITIONS TO THE SCOPE:

1. Client shall provide full access to property.
2. Client to provide as-builts.
3. Work is to be conducted during regular business hours, Monday-Friday, with no limitations to those hours.

Task 2 – Meeting & Coordination

1. Attend meeting(s) with the Town engineer to coordinate the project related items.
2. Coordinate with the Town engineer to represent and depict the street rehabilitation areas. Project areas are depicted in attached Exhibits.

Task 3 – Plans, Specifications and Cost Estimate

1. Prepare the project plans and cost estimate for the project areas depicted in attached Exhibits.
2. Assist the Town with the project specifications.

It is understood that the following are not included in the Scope:

- a. *hazardous waste testing, monitoring and contingency plan for both site and building demolition work,*
- b. *Phase I Environmental Assessment, Phase II Subsurface Investigation, and asbestos and lead containing material investigation and report,*

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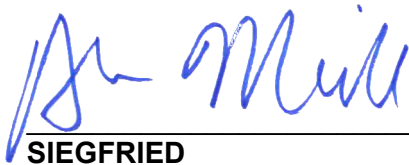
101 Sycamore Ave, #100
Modesto, CA 95354
t: 209.762.3580

- c. *record of survey or corner records,*
- d. *survey of exploration locations,*
- e. *geotechnical report, analytical sampling and testing,*
- f. *earthwork testing and observations,*
- g. *materials testing and special inspections,*
- h. *infiltration testing,*
- i. *construction administration services,*
- j. *environmental impact report,*
- k. *CEQA/NEPA/EIR*
- l. *potholing to determine location and/or elevation of underground utilities,*
- m. *permit applications and fees,*
- n. *construction management, inspection, supervision and scheduling,*
- o. *gas, electric and telephone service plans,*
- p. *design of any structural elements,*
- q. *record survey maps, tentative maps, parcel maps, final maps and legal descriptions and sketches,*
- r. *boundary surveys,*
- s. *ALTA Survey,*
- t. *SWPPP, QSD & QSP services,*
- u. *construction staking, and*
- v. *reimbursable expenses.*

III. FEE PROPOSAL

Task		Fee
Task 1	Topographic Survey	\$59,000.00
Task 2	Meeting & Coordination	\$7,000.00
Task 3	Plans, Specifications & Cost Estimate	\$120,000.00
Total Fee		\$186,000.00

We look forward to continuing our work with you and the team. If you have any questions regarding this proposal, please do not hesitate to call me directly.



SIEGFRIED

Adam K. Merrill, PE, QSD/QSP
Civil Engineer
Vice President, Principal

STOCKTON

3428 Brookside Rd.
Stockton, CA 95219
t: 209.943.2021

SAN JOSE

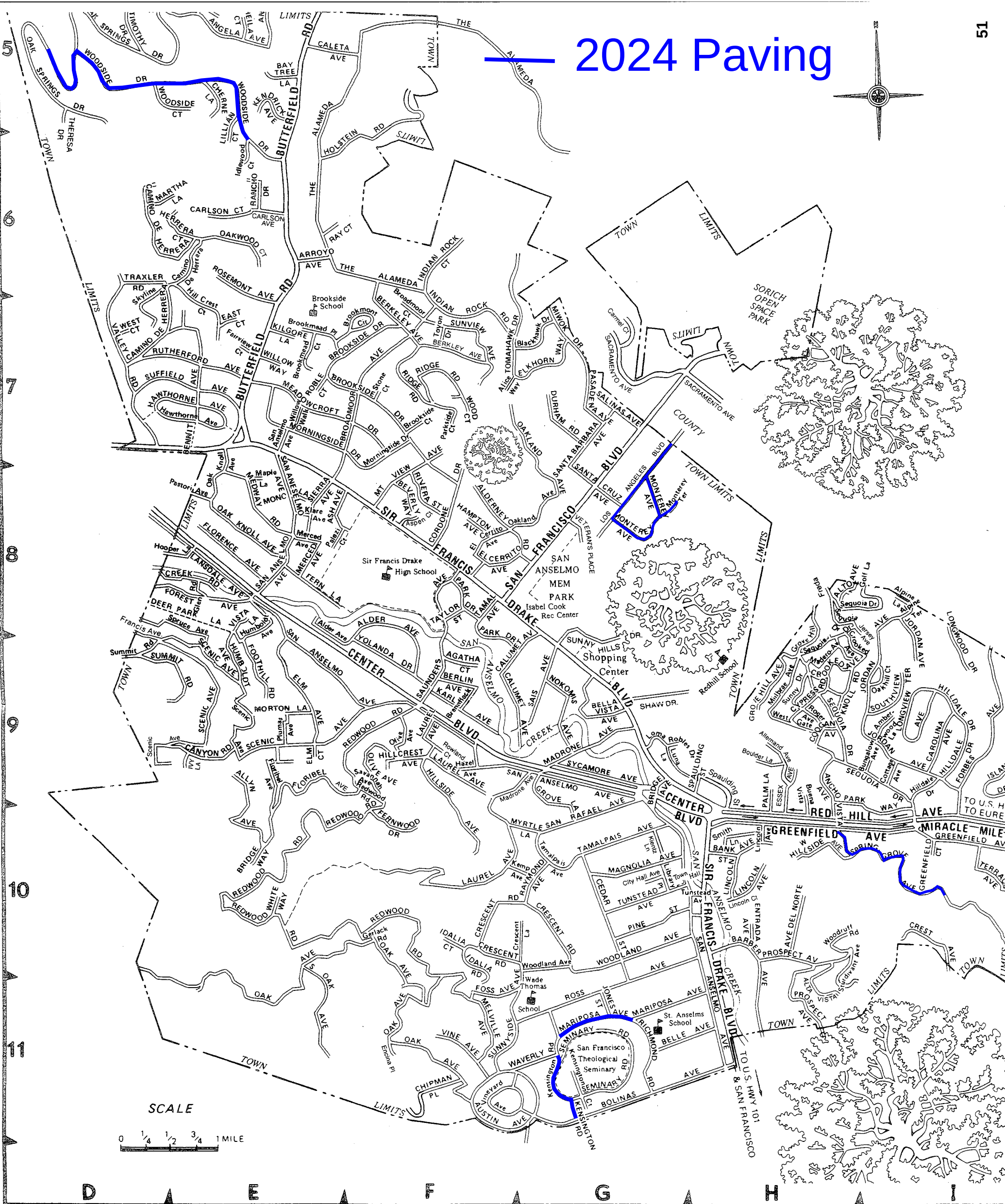
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The Town of San Anselmo

STREET GUIDE

STREET GUIDE

Agatha Ct

F-9

Alder Ave.

E,F-8

Alderney Rd

F-8

Alice Way

F-7

Allemand Ave

H-9

Aliyn Ave

E-9

Alpine La

I-8

Alpine Ter

I-8

Alta Vista

H-11

Alto Ave

H-8

Amberwood La

I-9

Ancho Vista Ave

H-9

Angela Ave

E-5

Arroyo Ave

E-6

Ash Ave

E-8

Aspen Ct

F-8

Austin Ave

F-11

Avenue Del Norte

H-10

Bank St

H-10

Barber Ave

H-10

Bay Tree La

E-5

Bella Vista Ave

G-9

Belle Ave

G-11

Bennit Ave

E-7

Berkley Ave

F-7

Berlin Ave

F-9

Beverly Way

F-8

Blackhawk Dr

G-7

Bolinas Ave

G-11

Boulder La

H-9

Bridge Ave

G-9

Bridge Way

E-10

Broadmoor Ave

F-7

Broadmoor Ct

F-7

Brookmead Ct

E-7

Brookmead Pl

E-7

Brookmont Cir

F-7

Brooksides Ct

F-7

Brookside Dr

E-7

Buena Vista

H-9

Bungalow Ave

I-9

Butterfield Rd

E-6

Caleta Ave

E-5

Calumet Ave

F-9

Camino De Herrera

D-6

Canyon Rd

E-9

Carmel Ct

G-7

Carlson Ave

E-9

Carlson Ct

E-6

Carolina Ave

I-9

Cedar St

G-10

Center Blvd

F,G-9

Cherne La

E-5

Chipman Pl

F-11

City Hall Ave

G-10

Coogan Ave

H-9

Cordone Dr

F-8

Cottage Ave

I-9

Creek Rd

E-8

Crescent La

F-10

Crescent Rd

F,G-10

Crest Ave

I-10

Crooked Ave

H-9

Deer Park La

D-8

Durham Rd

G-7

East Ct

E-7

East La

H-8

El Cerrito Ave

F-8

Elkhorn Way

G-7

Elm Ave

E-9

Elm Ct

E-9

Encina Pl

F-11

Entrada Ave

H-10

Essex Ave

H-9

Fairview Ct

E-7

Fern La

E-8

Fernwood Dr

F-10

Florence Ave

E-8

Floribel Ave

E-9

Floribel Ave

E-9

Foothill Rd

E-9

Forbes Ave

I-9

Forest Ave

E-8

Foss Ave

F-11

Francis Ave

D-8

Freda

H-8

Garlack Rd

F-10

Glen Rd

E-8

Golf La

I-8

Greenfield Ave

H,G-10

Greenfield Ct

I-10

Grove La

G-9

Grove Hill Ave

H-9

Hampton Ave

F-8

Hawthorne Ave

D-7

Hazel Ave

F-9

Herrera Ct

D-6

Hillcrest Ave

F-9

Hillcrest Ct

E-6

Hildale Dr

I-9

Hillside Ave

F-9

Hoag Ave

E-9

Holstein Rd

E-6

Hooper La

D-8

Humboldt Ave

E-9

Idalia Ct

F-10

Idalia Rd

F-10

Idlewood Ct

E-6

Indian Rock Ct

F-6

Indian Rock Rd

F-7

Island Dr

I-9

Ivy La

E-9

Jersey Ave

I-8

Jones St

G-11

Jordan Ave

I-8

Karl Ave

F-9

Kemp Ave

G-10

Kendrick Ave

E-5

Kensington Ct

G-11

Kensington Rd

G-11

Kientz La

G-10

Kilgore La

E-7

Klare Ave

E-8

Lansdale Ave

E-8

Laurel Ave

F-9

Library Pl

G-10

Lillian Ct

E-6

Lincoln Ave

H-10

Lincoln Ct

H-10

Loma Robles Dr

G-9

Longview Ave

I-9

Longwood Dr

I-8

Los Angeles Blvd

G-8

Luna La

G-9

Madero Ave

H-9

Madrone Ave

F-9

Magnolia Ave

G-10

Maple La

E-8

Mariposa Ave

G-11

Martha La

D-6

Meadowcroft Dr

E-7

Medway Rd

E-8

Melville Ave

F-11

Merced Ave

E-8

Milbrae Ave

H-9

Miracle Mile

I-10

Miwok Dr

G-7

Mono La

E-8

Monterey Ave

G-8

Monterey Ter

G-8

Morningside Dr

E-7

Morton La

E-9

Mountain View Ave

F-8

Myrtle La

F-10

Palmdale Ave

Pal

Palmdale Ave

Pal

Paradise Ave

Par

Park Ave

Pas

Pawnee Ave

G-11

Pine Ave

D-6

Plum Ave

E-7

Proctor Ave

E-8



STAFF REPORT

TOWN OF SAN ANSELMO

Item #:1.3

MEETING DATE: September 12, 2023

AGENDA TITLE: Response to 2023 Grand Jury Report Entitled Build More ADUs – An Rx to Increase Marin’s Housing Supply

FROM: Heidi Scoble, Planning Director
Lindsey Klein, Senior Planner

RECOMMENDATION: Approve and authorize the Mayor to sign the attached response to the Marin County Grand Civil Jury Report entitled *Build More ADUs – An Rx to Increase Marin’s Housing Supply*.

BACKGROUND/DISCUSSION

On June 15, 2023, the Marin County Civil Grand Jury issued a Report entitled *Build More ADUs – An Rx to Increase Marin’s Housing Supply*. The Report identifies the use of Accessory Dwelling Units (ADUs) as one solution to achieve statewide and local housing goals and lists ten Findings (F1-F10) and six Recommendations (R1-R6) for consideration of a collaborative countywide approach to ADU development in Marin. The Town’s response letter to the Grand Jury is included as **Attachment 1** and the Grand Jury Report is included as **Attachment 2**.

FISCAL IMPACT

There is no direct fiscal impact associated with responding to the Grand Jury Report.

GENERAL PLAN CONSISTENCY

None

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

The Council’s consideration and approval of this item is not a “project” under the California Environmental Quality Act, because it does not involve an activity which has the potential to cause a direct or reasonably foreseeable indirect physical change in the environment. (Cal. Pub. Res. Code § 21065).

Although the response to the Grand Jury’s Report on ADUs is not generally applicable to the Town’s Climate Action Plan, any new ADUs that are constructed would need to demonstrate conformance with the Town’s Climate Action Plan, including but not limited

to green building, electrification, waste reduction, and/or any other policies or requirements to further the reduction of greenhouse gases.

ATTACHMENTS

Attachment 1- Draft Response to the Marin County Civil Grand Jury Report

Attachment 2- Marin County Civil Grand Jury Report: Build More ADUs – An Rx to Increase Marin’s Housing Supply

Steve Burdo
Mayor

Eileen Burke
Vice Mayor



Brian Colbert
Council Member

Alexis Fineman
Council Member

Tarrell Kullaway
Council Member

September 13, 2023

The Honorable Judge James Chou
Marin County Superior Court
P.O. Box 4988
San Rafael, CA 94913-4988

Pat Shepherd, Foreperson
Marin County Civil Grand Jury
3501 Civic Center Drive, Suite 275
San Rafael, CA 94903

Subject: Town of San Anselmo Response to Grand Jury Report “Build More ADUs- An Rx to Increase Marin’s Housing Supply”

Dear Honorable Judge Chou and Foreperson Shepherd,

At its regular meeting on September 12, 2023, the Town Council reviewed the report “Build More ADUs- An Rx to Increase the Marin’s Housing Supply” dated June 15, 2023. The report calls for a response from the Town of San Anselmo to findings 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 (F1, F2, F3, F4, F5, F6, F7, F8, F9, and F10) and recommendations 1, 2, 3, 4, 5, and 6 (R1, R2, R3, R4, R5, and R6).

Please see the enclosed response from the Town.

Should the members of the Grand Jury require any additional information, please contact Town Manager Dave Donery at 415-258-4691 or via email at: ddonery@townofsananselmo.org.

Sincerely,

Steve Burdo
Mayor, Town of San Anselmo

Enclosure

CC: Dave Donery, Town Manager



RESPONSE TO GRAND JURY REPORT FINDINGS AND RECOMMENDATIONS

REPORT TITLE: *“Build More ADUs – An Rx to Increase Marin’s Housing Supply”*

REPORT DATE: June 15, 2023

RESPONSE BY: Town of San Anselmo, Mayor Steve Burdo

FINDINGS

- I (we) agree with the findings numbered: F1, F4, F5, F6 and F10
- I (we) disagree *partially* with the findings numbered: F2, F3, F7, F8, and F9
- I (we) disagree *wholly* with the findings numbered: N/A

(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

GRAND JURY RECOMMENDATIONS

- Recommendation number **R4** has been implemented.
- Recommendation number **R3** has not been implemented but will be implemented in the future.
- Recommendation number **R6** requires further analysis.
- Recommendation numbered **R1, R2, and R5** will not be implemented because it is not warranted or reasonable.

Date: _____

Signed: _____
Steve Burdo, Mayor
Town of San Anselmo

Number of pages attached: 5 pages

County of Marin Response to Grand Jury Report Findings and Recommendations
Build More ADUs – An Rx to Increase Marin’s Housing Supply (June 15, 2023)

RESPONSE TO GRAND JURY FINDINGS

F1. *More housing in Marin is needed and ADUs are one solution.*

Response: Agree.

F2. *Many homeowners lack information and knowledge about ADU development, and Marin’s jurisdictions are not always helpful to homeowners seeking information about ADU development.*

Response: Partially Disagree.

The statement that “Marin’s jurisdictions are not always helpful to homeowners seeking information about ADU development” is not an accurate reflection of the service the Town of San Anselmo staff provide homeowners inquiring about ADUs, although sometimes information is technical and may be difficult for homeowners to understand.

The Town of San Anselmo Building and Planning staff are available to meet with homeowners in person, on the phone, or via Zoom to provide information and respond to questions about ADU development. The Town’s Planning Webpage also has a dedicated webpage regarding ADUs. A direct link to the webpage can be accessed [here](#). There is also additional support through the [ADUMarin.org website, which was launched in fall 2020 to provide online resources and educational information on financing, planning for, constructing and renting out ADUs](#). The website also provides ADU regulations for each city and town in Marin County, providing one access point for information on ADUs.

The Town has and continues to inform and facilitate the development of ADUs. In fact, the Town had approved 12 building permits for ADUs in 2020, 43 in 2021, 32 in 2022, and 10 permits in 2023 with 12 permits pending.

F3. *It is often difficult, if not impossible, for a Marin homeowner to determine the planning, building, connection, capacity, and impact fees associated with developing an ADU in a particular jurisdiction.*

Response: Partially Disagree.

While it can be difficult to obtain information about fees because of the lack of uniformity of varying agency websites, the Town disagrees with the use of the word “impossible” as each jurisdiction provides its respective fee schedules available to the public on their respective agency websites. The Town of San Anselmo’s current fee schedule is available on the [Town’s website](#) and easily accessible through a search on the Town’s website or an internet search, such as “San Anselmo Fee Schedule”. The Town’s fee schedule includes information on various fees for a variety of departments including Finance and Administration, Public Works, Library, Building,

County of Marin Response to Grand Jury Report Findings and Recommendations
Build More ADUs – An Rx to Increase Marin’s Housing Supply (June 15, 2023)

and Planning fees. The Town’s fee schedule does not include the Marin Municipal Water District Connection fees, the Ross Valley Sanitary Connection Fees and the school district fees. Additionally, the Town staff is available to provide estimates of the various fees through its digital permit tracking system when provided information regarding the size and improvements. The Town staff is also available to meet with homeowners in person or answer questions over the phone or via email. Lastly, the Town staff acknowledges that a homeowner typically cannot determine all ADU fees independently without consulting with Town staff and other agencies.

F4. *Many Bay Area cities and counties, for example Napa and Sonoma, have implemented comprehensive websites and related support to help homeowners create ADUs.*

Response: Agree.

F5. *ADUs may be rented affordably and provide additional benefits for older adults and their caregivers.*

Response: Agree.

F6. *Most Marin jurisdictions could provide better resources offering or identifying financing incentives for ADU development.*

Response: Agree.

F7. *Impact, connection, and capacity fees vary considerably throughout the County and such fees can be a disincentive to homeowners considering ADU development.*

Response: Partially Disagree.

State law prohibits cities and special districts from charging impact fees for ADUs that are less than 750 square feet per state law. All Town staff involved in permitting ADUs are aware of this restriction. Connection and capacity fees vary by jurisdiction and/or utility district.

F8. *Not every jurisdiction in Marin has updated its planning and building code policies to confirm with current California ADU laws.*

Response: Partially Disagree.

It is possible that not every jurisdiction in Marin has updated its planning and building policies; however, state law supersedes local ordinances, so that even if the local ordinance has not been updated, the State law is in effect. That stated, the Town of San Anselmo Town Council adopted Ordinance No. 1172 on December 13, 2022, to comply with all current state laws.



County of Marin Response to Grand Jury Report Findings and Recommendations
Build More ADUs – An Rx to Increase Marin’s Housing Supply (June 15, 2023)

F9. *Granting amnesty, following safety inspection, to existing non-conforming second units could help Marin meet its housing obligations.*

Response: Partially Disagree.

The County and other cities and towns previously included amnesty programs to encourage legalization of existing unpermitted ADUs by providing relaxed standards. However, given the permissiveness and flexibility of state law, granting amnesty may not be necessary as barriers are not related to planning and building requirements (see the response to Grand Jury recommendation R2). In fact, the Town’s Planning and Building departments continue to ministerially approve the legalization of unpermitted ADUs through the building permit process. It is important to note that while amnesty for legalization of existing units could address health and safety issues with existing housing, it may not directly create new housing as many of the unpermitted ADUs are currently being rented.

F10. *ADU Marin and HelloADU are a good start. However, compared to several other Bay Area cities and counties, for example Napa and Sonoma, they could be substantially enhanced and expanded.*

Response: Agree.

RESPONSE TO GRAND JURY RECOMMENDATIONS

The Marin County Civil Grand Jury recommends the following:

R1. *On or before December 31, 2023, the Marin County Board of Supervisors should direct the Community Development Agency’s Development Priority Setting Committee to:*

1. *Identify available funding/financing information for residents who need help with the cost of building an ADU.*
2. *Transmit the collected information to all the jurisdictions represented on the committee.*
3. *Start a continuous monitoring program to update the information to sources as they become available.*

This recommendation is nonapplicable as the recommendation is aimed directly at the Marin County Community Development Agency’s Development Priority Setting Committee. Furthermore, the Town has been informed by the County that they believe that this recommendation requires further analysis because the “Development Priority Setting Committee” does not currently exist in the Community Development Agency. The County has indicated that once that committee is identified, they will need additional time to respond to this item.

County of Marin Response to Grand Jury Report Findings and Recommendations
Build More ADUs – An Rx to Increase Marin’s Housing Supply (June 15, 2023)

R2. *By December 1, 2023, begin investigation to consider an amnesty program to legalize existing unpermitted second units. Add a marketing communications plan so that citizens are made aware of it.*

This recommendation will not be implemented because it is not warranted or is not reasonable. Amnesty programs typically waive existing violations of a zoning code, such as setbacks, height, size, and lot coverage that have been identified as barriers to development. The ADU state laws, notably Assembly Bill (AB) 670, have relaxed many of the development standards noted above. As such, violations of a zoning code are generally not a factor in permitting existing, unpermitted accessory dwelling units. In most cases, the limiting factor is costs to bring the unit up to building and fire codes and an amnesty program would not alleviate this constraint. Nonetheless, the Town will begin to conduct research regarding other amnesty programs for ADUs that may have been implemented in other jurisdictions by December 1, 2023.

R3. *By December 1, 2023, begin the process of merging and/or collaborating with Napa/Sonoma ADU, and hiring a full-time Marin ADU Program Coordinator. The program coordinator should work with all jurisdictions on the development of ADUs and identify impact and connection fees with each jurisdiction.*

This recommendation has not yet been implemented. It is anticipated that it will be implemented by January 2024. The cities and towns and Marin County have been communicating with Napa/Sonoma ADU Center over the last several months through the Marin County Housing Collaborative Group, the Housing Work Group (HWG). The HWG is comprised of Planning Directors and staff from the County and all cities and towns in Marin. The County is leading a conversation with the Marin Community Foundation to help fund this effort. It is anticipated that a recommendation for funding and strategy for the merger and the staffing of a program coordinator will be proposed by January 2024.

R4. *By December 1, 2023, begin a feasibility assessment of waiving or significantly lowering impact and connection fees for units smaller than 750 square feet.*

This recommendation has already been implemented. Consistent with State law, the Town of San Anselmo does not charge any impact fees on ADUs under 750 square feet. The Town waives impact fees (i.e., Street Impact fee) for ADUs that are under 750 square feet. The Town has no jurisdiction over any impact fees that districts charge.

R5. *By December 1, 2023, begin creating plans to accelerate the permit approval process for ADU applications within 30 days, or less, of submission. Implement such plans no later than July 1, 2024.*

This recommendation will not be implemented because it is not warranted or is not reasonable. State law requires that a local agency approve or deny an ADU permit within 60 days. Most applications for ADUs are only required to obtain a building

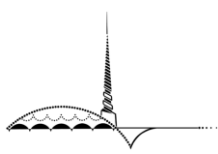


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permit. Building permit review typically takes approximately 60 days from when an application is received. Because this review includes multiple agencies, reducing review to within 30 days is not feasible. However, much of the delay currently is due to incomplete applications or delayed resubmittal from the applicant. Increased technical assistance for applicants, such as through a merger with Napa/Sonoma ADU or other mechanism, means a greater likelihood of complete applications thereby expediting the review process.

R6. *By December 1, 2023, begin feasibility assessments of new incentives for ADU development, such as pre-approved plans, technical assistance, property tax relief, development fee waivers, and forgivable loans; implement at least one such incentive no later than July 1, 2024.*

This recommendation requires further analysis. A number of these incentives could be accomplished through a merger with the Napa/Sonoma ADU Center, including pre-approved plans, technical assistance and exploring loans and other financial incentives. However, property tax relief would require State legislation and implementation will take longer than July 1, 2024.



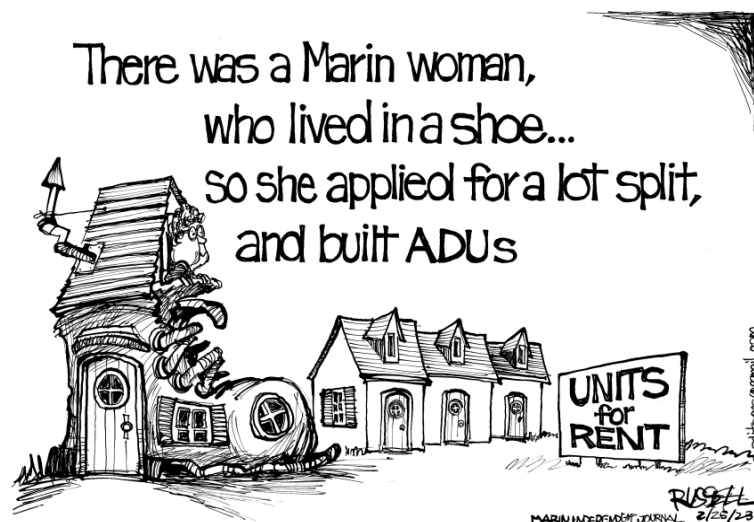
Build More ADUs - An Rx to Increase Marin's Housing Supply

June 15, 2023

SUMMARY

As a result of California's new state mandated Housing Element, Marin County and all its municipalities are obligated to build 14,210 new housing units by 2031.¹ Accessory Dwelling Units (ADUs) can help fill that need.

Marin County's housing production is not keeping pace with demand. The lack of housing supply to meet people's needs impacts affordability and causes average housing costs, particularly for renters in Marin, to rise significantly. As affordable housing becomes less accessible, people drive longer distances between homes they can afford and their workplace, or pack themselves into smaller shared spaces, both of which reduce quality of life and produce negative environmental impacts.



By permission of George Russell/Marin Independent Journal

* Note: The law does not require a lot split to build an ADU

One approach that could help achieve these housing goals is based upon a recognition that many property owners and residents reside on land on which they could build additional or secondary housing units. These second units, variously called granny flats, in-law units, garage houses, and under state law "Accessory Dwelling Units" (ADUs) and "Junior Accessory Dwelling Units" (JADUs) have become an increasingly popular form of housing. Unfortunately, they have not always been treated as "legal" under local law. Now, California law has effectively legalized

¹ 4,171 (very low income <50 percent AMI (Area Median Income), 2,400 (low income <80 percent AMI), 2,182 5,652 Total: 14,405. https://abag.ca.gov/sites/default/files/documents/2022-04/Final_RHNA_Methodology_Report_2023-2031_March2022_Update.pdf (accessed March 6, 2023); www.hcd.ca.gov/policy-and-research/accessory-dwelling-units/ Several Marin jurisdictions' Housing Elements make similar arguments; Ross, Appendix C-15.

their construction and occupancy.² Because building these units (a) does not require purchasing additional land, (b) can be added to existing structures and (c) can have fewer construction requirements than traditional single family houses on a square foot basis, they may be built less expensively. California's new law recognizes that ADUs can help fulfill the state's housing mandate, and can do so affordably and with a lesser impact on land use and the environment.³ Contrary to the sentiment expressed in the introductory cartoon, neither the "Marin woman who lived in a shoe" nor anyone else has to "apply for a lot split" before building an ADU.

Allowing ADUs in single-family and multifamily residential zones provides additional rental housing stock which are an essential component of the housing supply in California.⁴ Every Marin jurisdiction has increased ADU production, but there are a number of improvements that can be made to accelerate this process. This report highlights best practices in Marin and other Bay Area communities and suggests ways to facilitate development of ADUs and Junior Accessory Dwelling Units (collectively herein "ADUs").

ADU development has grown throughout the county since 2019.⁵ Marin County's local governments' recently enacted Housing Elements assume that 9.5 percent of their required housing units could be fulfilled with ADUs.⁶ One planning model shows a potential of 9,500 units, which is 66 percent of the requirement.⁷ For example, in Vancouver, Canada, 35 percent of single family houses have ADUs.⁸

² <https://www.hcd.ca.gov/policy-and-research/accessory-dwelling-units> (accessed March 6, 2023)

³ Calif. Gov. Code 65852.2 (m). A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

⁴ SB 1069 (2016). M. Nolan Gray, "The Housing Revolution is Coming," *The Atlantic*, October 5, 2022

⁵ Cities and County Housing Element Submissions 2022. Marin County, 2023-2031 Regional Housing Needs Assessment Appeal Request, July 9, 2021 notes the County's goal of increasing the supply of Accessory Dwelling Units along the City Centered Corridor.

⁶ Marin County's share of the region's housing allocation is 3.265 percent while Sonoma County's share is 3.3 percent. <https://abag.ca.gov/our-work/housing/rhna-regional-housing-needs-allocation> (Accessed March 6, 2023).

⁷ <https://turnercenter.berkeley.edu/wp-content/uploads/2021/07/SB-9-Brief-July-2021-Final.pdf> (accessed March 6, 2023). This approach uses an algorithm based on mapping the community.

⁸ <https://www.sightline.org/2016/02/17/why-vancouver-trounces-the-rest-of-cascadia-in-building-adus/> (Accessed March 6, 2023).

Table 1
Marin County and Cities
Housing Regional Housing Needs Allocation (RHNA) Requirements and
Projected ADUs by 2031

Communities		ADU History					ADU Goal	% of RHNA
	RHNA	2018	2019	2020	2021	2022	'23-'31	
Belvedere	160		4				0	0.00
Corte Madera	725	7	4	20	21		100	13.79
Fairfax	490	14	16	11	12		86	17.55
Larkspur	979		6	6	6		48	4.90
Mill Valley	865	0	16	16	29	1	160	18.50
Novato	2,090	6	10	16	27		118	5.65
Ross	111	0	0	1	3	10	80	72.07
San Anselmo	833	6	9	22	24		160	19.21
San Rafael	3,220	78					200	6.21
Sausalito	724		10	10	12	15	64	8.84
Tiburon	639	4	5	5	11		72	11.27
Unincorporated Marin	3,569		37	32	35		280	7.85
Total Units	14,405						1,368	9.50

Source: 2022 Housing Elements submitted by County and municipalities;
Sausalito: Housing Element HBR-120, Table 56 HBR-95 calculations. Accessed December 2022.

Many community planning professionals have argued these additional second units could benefit property owners as an additional source of income, assistance for older residents who could “retire in place” or a place for caregivers, as well as a home for family members. Community rewards might include housing for the local workforce, integrating energy-efficient housing, and reduced overcrowding.⁹

BACKGROUND

What is an ADU?

An ADU is an accessory dwelling of a primary residence and has complete independent living facilities for one or more persons. There are different types of ADUs:

- Detached: The unit is separated from the primary structure.
- Attached: The unit is attached to the primary structure.
- Converted Existing Space: A space (e.g., primary bedroom, attached garage, storage area or similar use, or an accessory structure) on the lot of the primary residence that is converted into an independent living unit.

⁹ <https://www.hcd.ca.gov/policy-and-research/accessory-dwelling-units> (Accessed March 9, 2023). Several Marin jurisdictions' Housing Elements make similar arguments; Ross, Appendix C-15.

- Junior Accessory Dwelling Unit (JADU): A specific type of conversion of existing space that is contained entirely within an existing or proposed single-family residence.¹⁰

ADUs are not new. In previous eras they were given a variety of names, e.g., in-law units, backyard cottages, or granny units. They are quite common throughout the United States and California. In California, which has passed a series of laws enabling the use of ADUs, permits rose to nearly 20,000 in 2021 from about 1,200 in 2016.¹¹

The addition of ADUs to neighborhoods may promote what Jane Jacobs, in her book *The Death and Life of Great American Cities*, called "social capital," "mixed primary uses," and "eyes on the street."¹² This "gentle density" permits a range of casual public interactions which promote safety, contact, and the assimilation of children.

Planning, financing, and building an ADU is straightforward. It requires suitable land, a means to finance the project, and the ability to find a qualified building contractor. Fortunately, there are a number of public and private organizations that can help. For example, the CASITA Coalition provides individual homeowners guides and directions for how to work with public agencies, identify financing options, and even provides examples of building plans.¹³

ADUs Can Be Affordable to Build

Because of their small footprint, ADUs are significantly less expensive to build than new detached single-family homes. They also offer benefits that address common development barriers, such as land use and environmental sustainability. Because ADUs must be built on lots with existing or proposed housing, they do not require paying for new land or other costly infrastructure often required to build a new single-family home. It's a way to add capacity within the existing footprint, a strategy planners sometimes call "gentle density."¹⁴ ADUs do not require much government investment in infrastructure, and they reduce energy consumption and costs.

JADUs are contained inside existing or proposed single-family homes, and thus require relatively modest renovations and can be more affordable to complete. ADUs are often built with cost-effective one- or two-story wood frames, which are also less expensive than other construction types. Additionally, prefabricated ADUs (e.g., manufactured housing and factory-built housing) can be directly purchased and can further reduce construction time and cost. ADUs can provide as much living space as apartments and condominiums, and work well for couples, small families, friends, young people, and seniors.

ADUs Can Be Affordable for Renters

A regional survey of ADU affordability was conducted by the Association of Bay Area Governments (ABAG) to support the 6th Cycle Housing Elements.¹⁵ This survey examined rental costs by region, including Marin, Napa, and Sonoma Counties in the North Bay Region. The survey concluded that when accounting for ADUs rented at market rates, and ADUs rented at discounted rates to families and friends, 29 percent are affordable to very low income

¹⁰ <https://adumarin.org/thinking> (Accessed March 6, 2023).

¹¹ <https://www.nytimes.com/2023/01/29/health/elderly-housing-adu.html> (Accessed Mar. 6, 2023). See Appendix B.

¹² Jane Jacobs, *The Death and Life of Great American Cities* (Random House 1961).

¹³ <https://www.casitacoalition.org/adu-blog-info-for-homeowners/> (Accessed March 6, 2023).

¹⁴ <https://www.nytimes.com/2023/01/29/health/elderly-housing-adu.html> (Accessed March 6, 2023).

¹⁵ <https://abag.ca.gov/our-work/housing/rhna-regional-housing-needs-allocation> (Accessed March 6, 2023).

households, 44 percent to low income households, 26 percent to moderate income households, and 7 percent to above moderate income households. Sausalito undertook a similar survey.¹⁶

Based on the responses from the two surveys, it appears that: 16.2 percent of ADUs are projected to be affordable to very low income households, 32.4 percent to low income households, 32.4 percent to moderate income households, and 18.9 percent to above moderate income households.

Appearance

ADUs come in a variety of flavors. Here is a small sample from Marin.¹⁷



Construction costs

As with any construction, the cost varies considerably based on, among other things, the terrain and the finishes. Construction costs per square foot for ADUs are generally in line with the cost of building any single family dwelling.¹⁸ The four ADUs built in Marin shown above ranged from \$60 to \$521 per square foot (2019 costs). However, because of their size, ADUs may be

¹⁶ <https://housingelementsmarin.org/city-of-sausalito> (Accessed March 5, 2023).

¹⁷ Upper left photo, <https://adumarin.org/spotlights/neighbor-spotlight-brenda-and-donal-in-corte-madera> ; Upper Right photo, <https://adumarin.org/spotlights/neighbor-spotlight-cheryl-and-kathy-in-marin>; Lower Left photo, <https://adumarin.org/spotlights/neighbor-spotlight-jane-and-doug-in-mill-valley>, Lower Right photo, <https://adumarin.org/spotlights/neighbor-spotlight-julie-and-tim-in-san-anselmo>, (all Accessed March 31, 2023)

¹⁸ The median cost to build an ADU in California is about \$150,000 according to a 2021 (using 2019 data) survey according to calculations by Turner Center staff, page 3. See more: <https://www.aducalifornia.org/wp-content/uploads/2021/04/Implementing-the-Backyard-Revolution.pdf> (Accessed March 6, 2023).

more amenable to prefab construction and thus less expensive. You can even buy kits from such retailers as Home Depot, Amazon or others.¹⁹

Constructing an ADU will increase the value of the property. Generally, the subsequent improvement will be incorporated in the property's tax bill.²⁰ The property as a whole is not reassessed, but the county will issue a supplemental tax bill reflecting the increased value of the property from construction of the ADU.²¹

Some jurisdictions outside of California waive property tax increases under certain conditions. For example, in Oregon a special state act granted homeowners in Salem the option of exempting the value of an accessory dwelling unit (ADU) on their property from their property taxes so long as they are renting the ADU, including utilities, for a monthly amount affordable for those at or below 70 percent of the area median income.²²

Financing

Generally, property owners finance the construction of ADUs using conventional means, e.g., from their savings, equity loans, or by refinancing existing mortgages. Recently, some private lenders have introduced products to meet the growing ADU building demand.

To build upon the early success of ADU legislation, more financial tools are needed to facilitate greater ADU development amongst low to moderate income homeowners who do not have access to cash savings and cannot leverage home equity.²³

ADU financing may present some challenges for those without conventional means. Lending institutions may offer financing options. One institution that the Grand Jury is aware of is Redwood Credit Union (RCU). Among other things, RCU can take into account the future rental value of the ADU in order to determine the borrower's qualifications. RCU can also take over the fund management of the project, if requested.²⁴

In other communities local governments have initiated low-interest loan and grant programs, often with specific conditions designed to keep rents affordable.²⁵ Marin County has \$5 million available county-wide for various affordable housing projects.²⁶ However, claimants for these funds are non-profit developers and other government agencies. Unlike many other communities in California, Marin County and its municipalities have not created financing programs to assist individuals in building affordable housing. However, Marin County does have a program

¹⁹ <https://www.homedepot.com/p/The-Wave-Comfort-ADU-1-Bedroom-410-87-sq-ft-Tiny-Home-Steel-Frame-Building-Kit-Cabin-Guest-House-TWVP1B410/321417498> (Accessed March 6, 2023).

²⁰ <https://www.boe.ca.gov/proptaxes/newconstructionproperty.htm> (Accessed March 6, 2023).

²¹ <https://www.sccoplanning.com/ADU/FAQ.aspx> (Accessed March 6, 2023).

²² <https://www.salemna.gov/adu> (Accessed March 6, 2023).

²³ <https://ternercenter.berkeley.edu/> (Accessed March 6, 2023).

²⁴ <https://www.redwoodcu.org/loans/home/mortgage/construction-loans/> (Accessed March 6, 2023).

²⁵ See <https://www.sccoplanning.com/Portals/2/County/adu/ADU%20Loan%20Program%20Summary%202021.pdf> (Accessed March 6, 2023).

²⁶ The available funding includes roughly \$2.3 million in County Affordable Housing Funds (including a one-for-one match from the State Permanent Housing Allocation), \$2.4 million in new HOME-ARP funds through the U.S. Department of Housing and Urban Development (HUD), and \$600,000 in Community Development Block Grant funds specific to housing projects, also allocated by HUD.

restricted to residences in unincorporated areas so as to lower or mitigate permitting fees for private property owners desiring to build an ADU.²⁷

The California Housing Finance Agency (HFA) has an ADU Grant program for homeowners with low or moderate income.²⁸ It provides up to \$40,000 towards pre-development and non-recurring closing costs associated with the construction of an ADU. Predevelopment costs include site preparation, architectural designs, permits, soil tests, impact fees, property survey, and energy reports. Few, if any, of Marin County's or cities' websites prominently refer to this program.

The California Department of Housing and Community Development had these comments for Marin County by letter dated October 17, 2022:

- Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent... (Gov. Code, § 65583, subd. (c)(7).)
- Review the production of ADUs once in the planning period. A review of production should also: (1) assess affordability, (2) conduct a review more than once in the plan period (e.g., 3-4 times), and (3) commit to a menu of alternative actions that includes rezoning, if necessary, by a specific date (e.g., within six months of review).

APPROACH

The Grand Jury reviewed a broad range of relevant public information related to the planning, permitting, financing and building of ADUs. It did not obtain fee information from every municipality and special district. Additionally, appropriate information from County staff, and several knowledgeable people in the field of community planning and development of ADUs in other Bay Area counties was secured. The Grand Jury received documentation that was relevant in informing these decision makers and guiding their actions.

Many reports, written materials, and internet resources were studied, including but not limited to:

- Recently submitted housing elements by Marin County, Cities, and Towns
- California State ADU and relevant housing laws
- ADU Affordability Best Practices Guidelines
- California HFA ADU Grant Program.
- California Department of Housing and Community Development
- Marin County Community Development
- Understanding the Market: ADUs in Napa and Sonoma County report
- ADU Marin website
- Napa-Sonoma ADU website.

²⁷ <https://www.helloadu.org/marin-adu-services> (Accessed March 6, 2023).

²⁸ <https://www.calhfa.ca.gov/adu/> (Accessed March 6, 2023).

DISCUSSION

ADUs will allow for increased housing utilizing existing space from single family homes, which is the bulk of Marin's housing stock. According to the latest US Census, 62% of all Marin residences are considered detached residences, i.e., an equivalency to single family homes. Many of these detached residences could accommodate a second unit. As Table 2 shows, there are many lots that could *theoretically* have capacity for an ADU or JADU.

Table 2:

Estimating How Many Residences in Marin Are Detached

	Total Residences	Estimated Number of Detached Residences	Calculated Percentage
Belvedere	1,054	931	88.3%
Corte Madera	4,104	2,782	67.8%
Fairfax	3,676	2,447	66.6%
Larkspur	6,652	2,418	36.4%
Mill Valley	6,375	4,550	71.3%
Novato	21,490	12,413	58.2%
Ross	947	900	95.0%
San Anselmo	5,265	3,978	75.6%
San Rafael	24,678	11,496	46.6%
Sausalito	4,332	1,813	41.9%
Tiburon	3,853	2,535	65.8%
Unincorporated	23,188	18,253	78.7%
Total for County	111,570	69,866	62.6%

Source: United States Census, 2020.

ADUs come in all shapes. However, sizes are limited by local regulation. In general, the minimum size is 150 square feet, and the maximum is 1,200 square feet. There are certain financial incentives for ADUs of less than 750 square feet.²⁹ By way of comparison, in 1950 the average American single family home size was 983 square feet.³⁰

Marin jurisdictions, as shown in Table 1 above, have identified the potential of building at least 1,385 ADUs. The table illustrates the jurisdictions' projections (based upon historical trends and their own plans) vary considerably due to multiple factors: typography, willingness to encourage these developments, and the simple matter of available space. Marin communities could increase the actual number of ADUs which can be built.³¹

Marin County has made some efforts to encourage ADUs. It recently created a new ADU Technical Assistance program for homeowners to help make the process less overwhelming. The program provides free feasibility and project management support for qualified homeowners

²⁹ Calif. Gov. Code 65852.2 (f) (3)

³⁰ <https://www.investopedia.com/articles/pf/07/mcmansion.asp> (Accessed March 6, 2023).

³¹ Several California governments have adopted various incentive programs which have already increased the number of ADUs beyond projections. For example, the city of San Diego more than doubled the number of ADUs since 2021. <https://turnercenter.berkeley.edu/research-and-policy/san-diego-adu-bonus-program/> (Accessed March 6, 2023).

who live in the unincorporated areas of the County provided by HelloADU and paid for by the County.³² Marin County's "Make Room for Marin" website provides property owners with a step-by-step overview of the processes associated with ADU development.³³ However, the County and its towns and cities could do a more to encourage and facilitate the building of ADUs. There are often unnecessary delays in issuing building permits. San Jose, for example, offers same day permits in some instances.³⁴

As part of a state grant program, a partnership was established between ten cities and towns and the County called "ADUMarin." This partnership aims to promote the development of ADUs. It includes a variety of information sources on the County website, <https://adumarin.org>, providing interactive workbooks and webinars to assist interested property owners through all aspects of the ADU process.

Napa Sonoma ADU, in comparison, has at least one full time employee and is supported by grants from the Napa Valley Community Foundation and Sonoma County Community Foundation. It provides significantly more comprehensive services and support. Among other things, it offers an ADU calculator, local ADU rules, an address lookup tool, an ADU workbook, stories and floor plans, webinars, vendor registry, a newsletter, and social media.³⁵ Additionally, for a fee, it has an ADU feasibility consult, and permit-ready ADU plans.

On May 25, 2021, the Marin County Board of Supervisors approved an extension to the Accessory Dwelling Unit Fee Waiver Program, which offers property owners in the unincorporated areas of the county (which is approximately 27 percent of the population) fee waivers for the development of ADUs.³⁶ Under the program, in exchange for a property owner's agreement to rent their unit at affordable rates, county permit fees for ADUs may be waived up to the following:

- \$10,000 for ADUs that are rented at rates at or below 80 percent the Area Median Income
- \$5,000 for ADUs that are rented at rates between 81-120 percent of the Area Median income
- \$2,500 for ADUs that are rented at market-rate

The fees waived may include Community Development Agency fees such as planning, building and safety, environmental health services, and Department of Public Works fees such as traffic mitigation.

Impact Fees – Exceptionally Confusing in Spite of State Law

A significant number of Marin homeowners interested in building ADUs on their property are dissuaded from doing so due to prohibitively high impact and mitigation (a.k.a. connection or capacity) fees. One ADU professional characterized these fees as "piracy."

³² <https://www.helloadu.org/free-marin-county-services> (Accessed March 6, 2023).

³³ <https://www.marincounty.org/depts/cd/divisions/housing/make-room-for-marin> (Accessed March 9, 2023).

³⁴ <https://www.sanjoseca.gov/business/development-services-permit-center/accessory-dwelling-units-adus/preapproved-adus> (Accessed April 28, 2023).

³⁵ <https://napasonomaadu.org/> (Accessed March 6, 2023).

³⁶ <https://www.marincounty.org/-/media/files/departments/cd/housing/affordable-housing/adu-affordability/adupacketvfinal> (Accessed March 6, 2023).

SB 13 created a tiered fee structure that charges ADUs based on their size. This fee structure takes into consideration the impact of an ADU on a neighborhood's infrastructure and services, which is different from the impact created by single-family homes or multifamily buildings.³⁷ For example, an ADU of less than 750 square feet is likely to have only one bedroom and unlikely to have school age children living there. This would minimize the impact on schools, water, and sewers, among other services.

Local governments and Special Districts (listed in Appendix A) can charge a variety of fees for a development. These fees, commonly known as impact or mitigation fees, go toward infrastructure development (such as adding lanes or roads or supporting additional traffic) or other public benefits (such as new parks, schools, or affordable housing). In the wake of the passage of Proposition 13 in 1978 and the loss of significant property tax revenue, local governments and school districts have also turned to development fees as a means to generate revenue. Given that California cities have tightly restricted funding sources, fees are one of the few ways cities can pay for the indirect costs of growth.³⁸

State law governs the imposition of impact fees on ADUs.³⁹ Nonetheless, the agencies that might charge impact or mitigation fees have interpreted that state law differently. For example, the new construction of a detached 700 square foot ADU would incur no connection fee from Marin Water (formerly MMWD) but would cost \$8,675 in NMWD.⁴⁰ This discrepancy may be a result of different interpretations of how North Marin Water District interprets the applicable code to exempt ADUs from connection charges. North Marin Water District reads the code as exempting only ADUs created within an existing structure. In some instances, school impact fees provide another example. State law states that such fees are waived for ADUs smaller than 750 square feet, but many cities waive fees only for ADUs smaller than 500 square feet.⁴¹

Different agencies and municipalities throughout the county charge different fees. For example, Tiburon requires new and separate utility connections directly between the ADU and the utility. Consistent with Government Code section 66013, the service may be subject to a connection fee or capacity charge that is proportionate to the burden of the proposed ADU.⁴² In Napa and Sonoma counties, capacity charges for ADUs are waived if the unit is under 499 square feet, and then based upon a square footage charge for larger units.⁴³ In contrast, those fees in Marin have reportedly been as much as \$41,000.⁴⁴

These wide variations aside, it is uniformly challenging for a proponent of an ADU in Marin to get an accurate estimate for impact and connection fees simply by inspecting a town, city, or special district's website or even talking directly with staff of the planning and building

³⁷ <https://openstates.org/ca/bills/20192020/SB13/> (Accessed March 6, 2023).

³⁸ (Chapter 653, Statutes of 2019); <https://openstates.org/ca/bills/20192020/SB13/> (Accessed March 6, 2023).

³⁹ Calif. Gov. Code 65852.2 (f). See Appendix B for the complete text.

⁴⁰ Northern Marin Water District website.

⁴¹ See e.g. <https://www.tamdistrict.org/cms/lib/CA01000875/Centricity/Domain/1547/Nicasio%20-%20Residential.pdf>; <https://www.cityofbelvedere.org/DocumentCenter/View/79/School-Facilities-Fee?bidId=> (Accessed April 28, 2023).

⁴² <http://www.townoftiburon.org/DocumentCenter/View/3266/594ADU-21622?bidId=> (Accessed March 6, 2023).

⁴³ <https://www.napasan.com/151/Capacity-Charges> (Accessed March 6, 2023).

⁴⁴ Grand Jury interview.

departments. In Belvedere, fees for a 700 square foot attached ADU total \$19,530.⁴⁵ Illustrating the consequence and complexity in understanding permit and fee requirements imposed by *almost every* government agency in Marin, we examined the rules imposed by the City of Novato and connected agencies. We assumed permitting and building two comparable ADUs costing \$350/sq. ft.: one at 700 sq. ft. and the other at 800 sq. ft. Applying the information set forth in Novato's Housing Element Update, reviewing the city and special districts' fee schedules and direct conversation with staff members, it is clear individuals face a daunting task in determining the process and the potential of substantial fees. Here, an ADU larger than 750 sq. feet costs well over \$34,000 in fees. Even when a smaller 700 sq. ft. ADU is proposed, fees exceed \$18,000. If Marin County and municipalities genuinely believe, as they have stated in multiple forums, that their housing needs can be met by encouraging the building of ADUs, they should re-examine the various impact fees that they have imposed.

⁴⁵ https://www.cityofbelvedere.org/DocumentCenter/View/8495/6th-Cycle-Housing-Element-Update_Public-Draft-Reduced-compressed (Accessed May 9, 2023).

Table 3
Estimated Novato ADU Permit and Development Fees

	Fee	700 sq. ft. Estimated \$	800 sq. ft. Estimated \$
City of Novato			
ADU Planning Permit	\$820.00	exempt	\$820.00
Building Permit	sliding scale	\$2,156.60	\$2,558.40
subtotal		\$2,156.60	\$3,378.40
Novato City Public Facilities Fees			
Recreational, Cultural Facilities	\$4,725.23	exempt	\$4,725.23
Civic Facilities	\$847.29	exempt	\$847.29
General Government Systems	\$367.54	exempt	\$367.54
Open Space	\$1,022.02	exempt	\$1,022.02
Drainage	\$580.68	exempt	\$580.68
subtotal		\$0.00	\$7542.76
Novato City Traffic Impact Fees			
Streets & Intersections	\$2,601	exempt	\$2,601.00
Transit Facilities	\$89.84	exempt	\$89.84
Corporation Yard	\$56.07	exempt	\$56.07
subtotal		\$0.00	\$2,746.91
Outside Agency Impact Fees			
Novato Unified School District	\$4.08 /sq. ft.	exempt	\$3,264.00
Novato Sanitary District*	\$12,000/dwelling unit	\$7,617.50	\$8,700.00
Novato Fire District	\$.0622/sq. ft.	exempt	exempt
North Marin Water District*	\$7,640/ADU plus	\$8,675.00	\$8,675.00
subtotal		\$16,292.50	\$20,639.00
Subtotal Fees (estimated)			
City		\$2,156.60	\$13,668.07
Outside Agencies		\$16,292.50	\$20,639.00
TOTAL FEES (estimated)			
		\$18,449.10	\$34,307.07

Source: City of Novato Housing Element Update, November 2022, C34-C36, Novato Sanitary District: Pro-rata of 1,200 sq. ft, North Marin Water District, Facility Reserve Charge Study, Final Report, November 15, 2022, Grand Jury interviews. The estimated amounts were calculated March 17, 2023.

Legalizing Marin's Existing Non-Conforming Second Units

According to a 2016 report by McKinsey and Company entitled “A Tool Kit to Close California’s Housing Gap: 3.5 Million Homes by 2025,”⁴⁶ one way to encourage homeowners to add ADUs is to create an amnesty path for ADUs that are not properly permitted.⁴⁷ Some jurisdictions have been at the forefront of encouraging ADUs. Part of their success has been the legalization of existing non-conforming units through amnesty programs. It is estimated that 40 percent to 70 percent of all construction throughout Marin is done without permits.⁴⁸ This number includes all forms of construction, from adding a new water heater to building an in-law unit.

For example, Fairfax has an amnesty program in which all penalties are waived and all ADUs (legalizing illegal existing ones or permitting new ones) housing the elderly get 50 percent off the permit fees normally charged.⁴⁹ San Mateo County had a limited-term ADU Amnesty program (beginning in October/November 2018), which allowed property owners to bring an unpermitted unit into compliance. It featured a low-cost initial inspection as well as detailed guidance on any required improvements necessary to meet the current building code. All fines for unpermitted construction were waived, and planning and building permit fees were either waived or significantly reduced during the initial pilot phase. Code enforcement actions were also suspended, allowing potential applicants the opportunity to explore the program without risk of penalty.⁵⁰

ADUs can help address housing needs of Marin's aging population

Marin County’s Age Forward Plan (2020) suggests that ADUs could help older adults.⁵¹ The share of older adults in Marin will continue to increase and is projected to reach 35 percent of the county’s population by 2025 and 38 percent by 2030.⁵² The Age Forward plan offered three action items in this regard:

- Community: Explore opportunities to build ADUs on properties; advocate for measures to expand ADU programs throughout the county.
- County Leadership: Foster increase of ADUs, encourage greater awareness of and research for ADU programs and opportunities for residents, explore permit fee waivers and fee reductions, including fee adjustments to incentivize affordable rental units

⁴⁶ See

<https://www.mckinsey.com/~/media/mckinsey/featured%20insights/urbanization/closing%20californias%20housing%20gap/closing-californias-housing-gap-full-report.pdf>, (Accessed March 6, 2023).

⁴⁷ <https://ternercenter.berkeley.edu/blog/san-diego-adu-bonus-program/> (Accessed March 6, 2023).

⁴⁸ Marin Builders Exchange survey. <https://www.marinbuilders.com/permit-simplicity-and-customer-satisfaction> (accessed March 6, 2023).

⁴⁹ <https://www.townoffairfax.org/opportunities-for-adu-jadu-permitting-and-construction/> (Accessed March 6, 2023).

⁵⁰ <https://www.smcgov.org/planning/accessory-dwelling-unit-amnesty-health-safety-certification-program> (Accessed March 6, 2023).

⁵¹ “Age Forward, a framework for an Age-Friendly County of Marin,” January 2020 https://www.marinhhs.org/sites/default/files/files/servicepages/2022_06/cc_af_com_plan_final_ada.pdf (Accessed March 15, 2023)

⁵² California Department of Finance. (2019). Population projections for California. Retrieved from <https://dof.ca.gov/Forecasting/Demographics/Projections/> (Accessed March 6, 2023).

- County Departments: Promote ADU programs and facilitate advocacy for greater flexibility, work together to advocate for solutions (Aging & Adult Services, Community Development Agency).⁵³

Confusion Reigns

Much of the public is confused about what the requirements are for an ADU.⁵⁴ The Grand Jury's research has found that some jurisdictions in Marin have not updated their planning and building policies to conform with current California ADU laws. Some people do not know whether an ADU requires a lot split, must be rented, what size refrigerator or sink is required, or what the sewer fees would be. Potential ADU owners (not just those with limited incomes) would benefit from a central "one stop shop" for this information. The County and local municipalities would be better served if this "one stop shop" is identified by each municipality to be the authoritative source for all local information. Ideally it would become linked with Napa Sonoma ADU. At the very least, the ADU Marin effort should become more closely aligned with the Napa Sonoma ADU programs. In addition, each municipality should clearly point to such a source of assistance on its website. For example, Fairfax has a model amnesty program, but there is no obvious link to it from the building department website. In addition to the Napa and Sonoma counties efforts, we reviewed the successful San Mateo "Second Unit Resource Center," which has demonstrated that a one stop shop open to all has value:



Getting Started

Are you interested in building a second unit? Here's information on how to get it one.



Source: <https://secondunitcentersmc.org/how/>

⁵³ "Age Forward, a framework for an Age-Friendly County of Marin," January 2020 https://www.marinhhs.org/sites/default/files/files/servicepages/2022_06/cc_af_com_plan_final_ada.pdf (Accessed March 15, 2023)

⁵⁴ See e.g. https://nextdoor.com/p/y-BghLzP7XWt?view=detail&init_source=search&query=adu (Accessed March 6, 2023).

If Marin is serious about helping individuals build ADUs, our review of current and planned efforts initiated by Marin's cities and municipalities leads us to three obvious conclusions:

- Currently, required information is not easily obtained either from officials or contained on agencies' websites.
- Fee information from Marin's water, fire, sanitary, and school districts is not easy to understand and follow.
- Marin's mandated housing goals can be met when every public agency in the county aligns its policies toward these objectives. Cooperation should be the mantra. It benefits everyone.

FINDINGS

- F1. More housing in Marin is needed and ADUs are one solution.
- F2. Many homeowners lack information and knowledge about ADU development, and Marin's jurisdictions are not always helpful to homeowners seeking information about ADU development.
- F3. It is often difficult, if not impossible, for a Marin homeowner to determine the planning, building, connection, capacity and impact fees associated with developing an ADU in a particular jurisdiction.
- F4. Many Bay Area cities and counties, for example Napa and Sonoma, have implemented comprehensive websites and related support to help homeowners create ADUs.
- F5. ADUs may be rented affordably and provide additional benefits for older adults and their caregivers.
- F6. Most Marin jurisdictions could provide better resources offering or identifying financing incentives for ADU development.
- F7. Impact, connection, and capacity fees vary considerably throughout the County and such fees can be a disincentive to homeowners considering ADU development.
- F8. Not every jurisdiction in Marin has updated its planning and building policies to conform with current California ADU laws.
- F9. Granting amnesty, following safety inspection, to existing non-conforming second units could help Marin meet its housing obligations.
- F10. ADU Marin and HelloADU are a good start. However, compared to several other Bay Area cities and counties, for example Napa and Sonoma, they could be substantially enhanced and expanded.

RECOMMENDATIONS

- R1. On or before December 31, 2023, the Marin County Board of Supervisors should direct the Community Development Agency's Development Priority Setting Committee to:
- 1) Identify available funding/financing information for residents who need help with the cost of building an ADU,
 - 2) Transmit the collected information to all the jurisdictions represented on the Committee.
 - 3) Start a continuous monitoring program to update the information sources as they become available.
- R2. By December 1, 2023, begin investigation to consider an amnesty program to legalize existing unpermitted second units. Add a marketing communications plan so that citizens can be made aware of it.
- R3. By December 1, 2023, begin the process of merging and/or collaborating with Napa/Sonoma ADU, and hiring a full-time Marin ADU Program Coordinator. The program coordinator should work with all jurisdictions on the development of ADUs and identify impact and connection fees within each jurisdiction.
- R4. By December 1, 2023, begin a feasibility assessment of waiving or significantly lowering impact and connection fees for units smaller than 750 square feet.
- R5. By December 1, 2023, begin creating plans to accelerate the permit approval process for ADU applications to within 30 days, or less, of submission. Implement such plans no later than July 1, 2024.
- R6. By December 1, 2023, begin feasibility assessments of new incentives for ADU development, such as pre-approved plans, technical assistance, property tax relief, development fee waivers, and forgivable loans; implement at least one such incentive no later than July 1, 2024.

REQUIRED RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requires responses from the following governing bodies:

- School Districts
 - Bolinas-Stinson School District Board of Trustees (F7, R4)
 - Kentfield School District Board of Trustees (F7, R4)
 - Laguna Joint School District Board of Directors (F7, R4)
 - Lagunitas School District Board of Trustees (F7, R4)
 - Larkspur-Corte Madera School District Board of Trustees (F7, R4)
 - Marin County Office of Education (F7, R4)
 - Mill Valley School District Board of Trustees (F7, R4)
 - Miller Creek Elementary School District Board of Trustees (F7, R4)
 - Nicasio School District Board of Trustee (F7, R4)
 - Novato Unified School District Board of Trustees (F7, R4)
 - Reed Union School District Board of Trustees (F7, R4)
 - Ross School District Board of Trustees (F7, R4)
 - Ross Valley School District Board of Trustees (F7, R4)
 - San Rafael City Schools Board of Education (F7, R4)
 - Sausalito/Marin City School District Board of Trustees (F7, R4)
 - Shoreline Unified School District Board of Trustees (F7, R4)
 - Tamalpais Union High School District Board of Trustees (F7, R4)
- Municipalities
 - City of Belvedere (F1-F13, R1-R6)
 - City of Larkspur (F1-F13, R1-R6)
 - City of Mill Valley (F1-F13, R1-R6)
 - City of Novato (F1-F13, R1-R6)
 - City of San Rafael (F1-F13, R1-R6)
 - City of Sausalito (F1-F13, R1-R6)
 - Marin County Board of Supervisors (F1-F13, R1-R6)
 - Town of Corte Madera (F1-F13, R1-R6)
 - Town of Fairfax (F1-F13, R1-R6)
 - Town of Ross (F1-F13, R1-R6)
 - Town of San Anselmo (F1-F13, R1-R6)
 - Town of Tiburon (F1-F13, R1-R6)
- Water Districts
 - Bolinas Community Public Utility District (F7, R4)
 - Marin Municipal Water District (F7, R4)
 - North Marin Water District (F7, R4)
 - Stinson Beach County Water District (F7, R4)

- Fire Protection Districts
 - Bolinas Fire Protection District (F7, R4)
 - Central Marin Fire Department (F7, R4)
 - Inverness Public Utility District (F7, R4)
 - Kentfield Fire Protection District (F7, R4)
 - Marin County Fire Department (F7, R4)
 - Marinwood Community Services District (F7, R4)
 - Novato Fire Protection District (F7, R4)
 - Ross Valley Fire Department (F7, R4)
 - Southern Marin Fire Protection District (F7, R4)
 - Stinson Beach Fire Protection District (F7, R4)
 - Tiburon Fire Protection District (F7, R4)
- Sanitary Districts
 - Almonte Sanitary District (F7, R4)
 - Alto Sanitary District (F7, R4)
 - Central Marin Sanitation Agency (F7, R4)
 - Corte Madera Sanitary District No. 2 (F7, R4)
 - Homestead Valley Sanitary District (F7, R4)
 - Las Gallinas Valley Sanitary District (F7, R4)
 - Novato Sanitary District (F7, R4)
 - Richardson Bay Sanitary District (F7, R4)
 - Ross Valley Sanitary District (F7, R4)
 - San Rafael Sanitation District (F7, R4)
 - Sausalito Marin City Sanitary District (F7, R4)
 - Sewerage Agency of Southern Marin (F7, R4)
 - Tiburon Sanitary District 5 (F7, R4)

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code section 933 (c) and subject to the notice, agenda and open meeting requirements of the Brown Act.

Note: At the time this report was prepared information was available at the websites listed.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.

APPENDIX A

Impact, connection, and capacity fees vary considerably within these districts throughout Marin County.

<u>School Districts</u>	<u>Water Districts</u>	<u>Fire Protection Districts</u>	<u>Sanitary Districts</u>
Bolinas-Stinson	Bolinas Community Public Utility	Bolinas	Almonte
Kentfield	Marin Municipal	Central Marin	Alto
Laguna	North Marin	Inverness Public Utility	Central Marin
Lagunitas	Stinson Beach County	Kentfield	Corte Madera
Larkspur-Corte Madera		Marin County	Homestead Valley
Marin County Office of Education		Marinwood Community Services	Las Gallinas
Mill Valley		Novato	Novato
Miller Creek		Ross Valley	Richardson Bay
Nicasio		Southern Marin	Ross Valley
Novato Unified		Stinson Beach	San Rafael
Reed Union		Tiburon	Sausalito/Marin City
Ross			Southern Marin
Ross Valley			Tiburon
San Rafael City			
Sausalito/Marin City			
Shoreline Unified			
Tamalpais Union			

APPENDIX B

For reference only: These are the primary laws affecting ADU development:

- AB 68/AB 881 - Requires local agencies to approve or deny an ADU project more quickly and prohibits local agencies from adopting ADU ordinances that impose minimum lot size requirements, set certain maximum dimensions, or require replacement off-street parking in certain situations. Also allows for an ADU as well as a “junior” ADUs where certain access, setback and other criteria are met.
- SB 13 - Provides, until January 1, 2025, that cities may not condition approval of ADU building permit applications on the applicant being the “owner-applicant” of either the primary dwelling or the ADU, and prohibits impact fees on ADUs under 750 square feet.
- AB 587 - Provides that local agencies may now allow ADUs to be sold or conveyed separately from a primary residence if certain conditions are met. This law is expected to increase the ability of affordable housing organizations to sell deed-restricted ADUs to eligible low-income homeowners.
- AB 670 - Prevents homeowners' associations from barring ADUs. AB 670 makes unlawful any HOA condition that "prohibits or unreasonably restricts" the construction of ADUs on single-family residential lots.
- AB 671 - Requires local governments to include in their General Plan housing elements plans to incentivize and promote the creation of affordable ADUs. The law also requires HCD (Housing and Community Development) to develop, by December 31, 2020, a list of state grants and financial incentives for ADU development.
- New California legislation went into effect on January 1st, 2023, that allows 2-story ADUs in some instances, provides more flexibility in where ADUs can be located on a property, and makes obtaining an ADU permit a more transparent and streamlined process.

ARTICLE 2. Adoption of Regulations [65850 - 65863.13] (*Article 2 added by Stats. 1965, Ch. 1880.*)

65852.2. https://california.public.law/codes/ca_gov%27t_code_section_65852.2
(*Amended (as amended by Stats. 2021, Ch. 343, Sec. 1) by Stats. 2022, Ch. 664, Sec. 2.5. (SB 897) Effective January 1, 2023.*)



STAFF REPORT

TOWN OF SAN ANSELMO

Item #: 1.4

MEETING DATE: September 12, 2023

AGENDA TITLE: Accept the 2023 Street Resurfacing Project and Authorize staff to file a Notice of Completion

FROM: Public Works

RECOMMENDATION: That the Town Council accepts the 2023 Street Resurfacing Project and authorizes staff to file a Notice of Completion.

BACKGROUND AND DISCUSSION

The Town Council approved the project at the March 28, 2023 meeting, and authorized staff to bid the project. The Town Council awarded the project at the May 23, 2023 meeting to Ghilotti Bros, Inc. The project included paving the following street segments:

- Jordan Avenue from Cottage Avenue to Southview Terrace
- Amberwood Lane from Jordan Avenue to end
- Hildale Drive from Carolina Avenue to Longview Avenue
- Longview Avenue from Longview Avenue to Hilldale Drive
- Ancho Vista Avenue from Red Hill Avenue to Sequoia Drive
- Park Way from Ancho Vista Avenue to 55 Park Way
- Essex Avenue from Red Hill Avenue to end
- Crescent Road from Raymond Avenue to Woodland Avenue
- San Anselmo Avenue from Sir Francis Drake Boulevard to Morningside Drive
- Morningside Drive from Meadowcroft Drive to Broadmoor Avenue
- Tomahawk Drive from 99' north of Indian Rock Road to end
- Palazzi Court from Ash Avenue to end

Construction started July 17th, and was completed on August 25th.

Following completion of the street resurfacing and slurry seal projects, staff entered the improvements into the StreetSaver program, which computed the Pavement Condition Index (PCI) of the Town's road to be 73, which is the highest PCI in over 20 years.

FISCAL IMPACT

The construction contract was awarded to Ghilotti Bros., Inc. of San Rafael, CA for \$1,038,788. Work was completed substantially in accordance with the project plans and specifications, and fully available for use on August 14, 2023. The final construction cost was \$1,124,017.31.

The Town will be reimbursed by several utilities for adjustments made to manhole and valve covers (approximately \$56,300), as well as by the adjacent property owner for grinding and paving the non-Town-maintained section of Ancho Vista Avenue (approximately \$15,000), and curb and gutter repairs on Crescent Road (approximately \$40,000).

Funding for the project was included in the Town's 2023/2024 Budget and Work Plan from the Road Maintenance Fund, TAM Measure AA funds, SB1 funds, and Measure D/Measure J funds.

CEQA AND CLIMATE ACTION PLAN/BICYCLE AND PEDESTRIAN MASTER PLAN CONSISTENCY

The Town finds this project to be categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 Class 1, because they involve rehabilitation of existing streets, sidewalks, and gutters that will not create additional automobile lanes and involve negligible or no expansion of use. (14 Cal. Code Regs. § 15301). None of the exceptions to this Class 1 categorical exemption apply in this instance (14 Cal. Code Regs. § 15300.2). Specifically, successive projects of the same type in the same location will not cause significant cumulative impacts, as there are no successive projects planned at this time. There are no unusual circumstances presented by this project and the project will not result in damage to scenic resources within a designated state scenic highway. Finally, the project will not cause a substantial adverse change in the significance of a historical resource, as no historical resources will be impacted.

As with any paving project, the Town follows our Complete Streets Policy which aims to improve the street not just for vehicular traffic, but for pedestrians and bicyclists as well as transit. New and modified curb ramps and enhanced crosswalks improve pedestrian safety, and improved pavement condition makes conditions safer for bicyclists. (Climate Action Plan 2030 Transportation Measures T-2 Bicycling and T-3 Walking).



STAFF REPORT

TOWN OF SAN ANSELMO

Item #: 1.5

MEETING DATE: September 12, 2023

AGENDA TITLE: Adopt Ordinance Amending the Town's Green Building Regulations

FROM: Sean Youra, Climate Action Coordinator
Erica Freeman, Building Official

RECOMMENDATION:

Adopt the attached Ordinance entitled, "Ordinance of the Town Council of the Town of San Anselmo Repealing and Replacing San Anselmo Municipal Code Title 9 (Building Regulations) Chapter 19 (Green Building Requirements) to Adopt Amendments to the California Green Building Standards Code to Reflect Local Conditions."

BACKGROUND & DISCUSSION

On August 22, 2023, the Town Council introduced by title only and waived further reading of the attached Ordinance, which if adopted would repeal and replace the Town's existing green building requirements in Title 9, Chapter 19 of the Town Code. Prior to the introduction of the Ordinance, the following modifications were incorporated into the Ordinance and are reflected in the attached Ordinance:

- Add definition of "Conductor Ready" to Section 9-19.020
- Add "conductor ready required for laundry room and kitchen remodels regardless of remodel size" to Section 9-19.020 (11)
- Add "Substantial Improvements to an existing Single-Family residential building" to Section 9-19.020 (11)
- Add definition of "Substantial Improvement" to Section 9-19.020
- Revise requirement to provide on-site bicycle parking for at least one bicycle per every one dwelling unit for new multifamily construction under Section 9-19.040
- Correct typo in Section 9-19.060 to say "Town Council" instead of "Board of Supervisors"
- Update Table 1 to reflect changes made to the text of the Ordinance.

Item #: 1.5

FISCAL IMPACT

There is no fiscal impact to adopt the proposed Ordinance. However, staff time will be required to implement the Ordinance including developing green building checklists and other materials to assist in compliance.

GENERAL PLAN CONSISTENCY

The proposed Ordinance is consistent with the Town's General Plan including the conservation goals in the Conservation Element.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

Adoption of this Ordinance does not require review under the California Environmental Quality Act (CEQA) because it does not constitute a "project" pursuant to California Public Resources Code section 21065 and CEQA Guidelines section 15378, as its adoption does not involve an activity that has the potential to cause a direct or reasonably foreseeable indirect physical change in the environment.

The proposed Ordinance is consistent with the following measures in the Town's Climate Action Plan including:

- **E-4: Green Building Reach Code:** Investigate adopting a green building ordinance for new and remodeled commercial and residential projects that requires green building methods and energy efficiency savings above the State building and energy codes. Consider utilizing the County's green building ordinance as a model and including the use of photovoltaic systems and all-electric building systems as options to achieve compliance.
- **R-3: Building and Appliance Electrification:** Promote electrification of building systems and appliances that currently use natural gas, including heating systems, hot water heaters, stoves, and clothes dryers.

CONCLUSION

Staff respectfully requests the Council's adoption of the proposed Ordinance.

ATTACHMENTS

Attachment 1 – Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO REPEALING AND REPLACING SAN ANSELMO MUNICIPAL CODE TITLE 9 (BUILDING REGULATIONS) CHAPTER 19 (GREEN BUILDING REQUIREMENTS) TO ADOPT AMENDMENTS TO THE CALIFORNIA GREEN BUILDING STANDARDS CODE TO REFLECT LOCAL CONDITIONS

WHEREAS, green building is a practice of design, construction and maintenance techniques that have been demonstrated to have a significant positive effect on energy, water and resource conservation, waste management and pollution generation and on the health and productivity of building occupants over the life of the building; and

WHEREAS, on November 24, 2010, the Town Council adopted a Green Building Ordinance, which was codified in San Anselmo Municipal Code Title 9, Chapter 19; and

WHEREAS, on November 12, 2019, the Town Council adopted by reference the California Construction Codes, including the 2019 California Green Building Standards Code (CALGreen) (Title 24 Part 11); and

WHEREAS, on April 28, 2020, the Town Council adopted the County Green Building provisions into the Town Municipal Code pursuant to Town Ordinance No. 1145; and

WHEREAS, on November 15, 2022, the Town Council adopted by reference the California Construction Codes, including the 2022 version of CALGreen; and

WHEREAS, on November 15, 2022, the County of Marin adopted amendments to CALGreen to reflect local conditions in the County (“County Green Building Ordinance”); and

WHEREAS, the San Anselmo Planning Commission discussed San Anselmo’s potential adoption of the County Green Building Ordinance at its meeting of February 6, 2023; and

WHEREAS, the San Anselmo Climate Action Commission discussed staff recommendations for adoption of the County Green Building Ordinance at its meeting of June 16, 2023 and was supportive of the recommendations; and

WHEREAS, the Town Council discussed the County Green Building Ordinance at its meetings of February 14, 2023 and June 27, 2023; and

WHEREAS, the Town Council desires to adopt the County Green Building Ordinance with modifications, as its provisions are appropriate for the Town and will allow for more consistent Green Building requirements in Marin jurisdictions;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Environmental Review

Adoption of this Ordinance does not require review under the California Environmental Quality Act (CEQA) because it does not constitute a “project” pursuant to California Public Resources Code section 21065 and CEQA Guidelines section 15378, as its adoption does not involve an activity that has the potential to cause a direct or reasonably foreseeable indirect physical change in the environment.

SECTION 2. Findings

Pursuant to Section 17958.5, 17958.7 and 18941.4 of the California Health and Safety Code, the Town Council of the Town of San Anselmo determines that the modifications to the 2022 California Green Building Standards Code Chapters 3, 4 and 5, as set forth in this subchapter, are reasonably necessary because of San Anselmo's local topographical and environmental conditions. Specifically, the steep terrain, narrow roads, proximity to the San Andreas and Hayward seismic faults, and the potential flooding of the San Anselmo Creek are unique conditions that require special consideration whenever construction is proposed within the Town. Additionally, due to the high temperatures, humidity, rainfall, wind, and the lack of water supply for domestic use and fire suppression, the Town is susceptible to wildfires resulting from climate change.

SECTION 3. Repeal and Replace Title 9 (Building Regulations) Chapter 19 (Green Building Requirements).

San Anselmo Municipal Code Title 9, Chapter 19 is hereby repealed and replaced with the following in its entirety.

9-19.010 Purpose.

The purpose of this chapter is to meet or exceed all applicable mandatory measures of the California Green Building Standards Code known as California Code of Regulations, Part 11 of Title 24 and to enhance the long-term public health and welfare by contributing to the overall reduction of greenhouse gas emissions and improving the environmental and economic health of the Town through the efficient design, construction, operation, maintenance and deconstruction of buildings and site development by incorporating green building practices and materials.

The green building provisions referenced in this chapter are designed to achieve the following objectives in San Anselmo:

- (1) Increase energy efficiency in buildings;
- (2) Reduce consumption of fossil fuels;
- (3) Encourage water and resource conservation;
- (4) Reduce waste generated by construction projects;
- (5) Reduce long-term building operating and maintenance costs;
- (6) Improve indoor air quality and occupant health;
- (7) Contribute to meeting state and local commitments to reduce greenhouse gas emissions; and
- (8) Satisfy all applicable mandatory measures of the 2022 California Green Building Standards Code (Title 24, Part 11) of the California Code of Regulations.

9-19.015 - Applicability.

The provisions of this chapter shall apply to all construction or development projects defined below as a "covered project."

9-19.020 - Definitions.

For the purposes of interpreting this chapter and the associated standards for compliance, the following terms are defined as follows. When the definitions below differ from those contained elsewhere in this title, the provisions of this chapter shall apply. These definitions are additional to those outlined in Chapter 2 of the CALGreen Code.

(1) "2022 California Energy Code" refers to the requirements outlined in the 2022 edition of the California Energy Code known as California Code of Regulations, Part 6 of Title 24.

(2) "All-electric Building" or "All-electric Design" means a building or plans for a building that uses a permanent supply of electricity as the source of energy for all space heating (including but not limited to fireplaces), water heating (including but not limited to pools and spas), cooking appliances (including but not limited to barbecues), and clothes drying appliances, and has no natural gas or propane plumbing installed in the building or within the property lines. An all-electric building may also include solar thermal collectors.

(3) "Accessory Dwelling Unit (ADU)" means a residential unit that meets the definition of an accessory dwelling unit as outlined in Section 10-6.102 of the San Anselmo Municipal Code, Title 10, Chapter 6. This states that "an attached or detached residential dwelling unit that provides complete independent living facilities for one (1) or more persons and is located on the same lot as the proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation. An accessory dwelling unit also includes an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, and a manufactured home, as defined in Section 18007 of the Health and Safety Code." For purposes of this subchapter, ADU also covers Junior ADUs and detached or attached ADUs.

(4) "Automatic Load Management System (ALMS)" means a control system designed to manage load across one or more electric vehicle supply equipment (EVSE), circuits, panels, and to share electrical capacity and/or automatically manage power at each connection point. ALMS systems shall be designed to deliver no less than 3.3 kVa (208/240 volt, 16-ampere) to each EV Capable, EV Ready or EVCS space served by the ALMS, and meet the requirements of California Electrical Code Article 625. The connected amperage to the building site for the EV charging infrastructure shall not be lower than the required connected amperage per California Green Building Standards Code, Title 24 Part 11.

(5) "CALGreen" refers to the California Green Building Standards Code, as included in Title 24, Part 11 of the California Code of Regulations.

(6) "CALGreen mandatory" means those measures that are required under Title 24, Part 11. Residential mandatory measures are contained in CALGreen Chapter 4. Nonresidential mandatory measures are contained in CALGreen Chapter 5.

(7) "CALGreen Tier 1" refers to required pre-requisite and elective measures in addition to the CALGreen mandatory measures, as outlined in CALGreen Appendix A4.601.4 for residential projects and CALGreen Appendix A5.601.2 for nonresidential projects.

(8) "Commercial Kitchen" means non-retail food facility devoted to the commercial preparation, production, and cooking of food and beverages for on-site or off-site consumption.

(9) "Conductor Ready" means adding 10 gauge 4 wire for any laundry room remodel for future appliance electric upgrades and/or adding 8 gauge 4 wire for any kitchen remodel for future appliance electric upgrades.

(10) "Cooking Equipment" means equipment intended for commercial use, including ovens, ranges, and cooking appliances for use in a commercial kitchen and restaurant where food is dispensed.

(11) "Covered Project(s)" means a development project provided below as set forth by the standards for compliance outlined in Section 9-19.050 of the San Anselmo Municipal Code, Table 1, 2, or 3 for which one or more building permits are required:

- (i) All residential and nonresidential new construction buildings as defined below in Section 9-19.020 (28); and/or
- (ii) Additions or alterations to an existing Single-Family residential building, except for any projects less than 750 square feet. Conductor ready required for laundry room and kitchen remodels regardless of remodel size.
- (iii) Substantial Improvements to an existing Single-Family residential building.

(12) "Direct Current Fast Charging (DCFC)" means a parking space provided with electrical infrastructure that meets the following conditions:

- (i) A minimum of 48 kVa (480 volt, 100-ampere) capacity wiring.
- (ii) Electric vehicle supply equipment (EVSE) located within three (3) feet of the parking space providing a minimum capacity of 80-ampere.

(13) "Electric Vehicle (EV) Capable Space" means a vehicle space with electrical panel space and load capacity to support a branch circuit and necessary raceways, both underground and/or surface mounted, to support EV charging.

(14) "Electric Vehicle (EV) Ready Space" means a vehicle space which is provided with a branch circuit; any necessary raceways, both underground and/or surface mounted, to support EV charging, terminating in a receptacle or a charger.

(15) "Electric Vehicle Charging Space (EV Space)" means a space intended for future installation of EV charging equipment and charging of electric vehicles.

(16) "Electric Vehicle Charging Station (EVCS)" means a parking space that includes installation of electric vehicle supply equipment (EVSE) at an EV Ready space. An EVCS space may be used to satisfy EV Ready space requirements. EVSE shall be installed in accordance with the California Electrical Code, Article 625.

(17) "Level 1 (L1) EV Ready" means a parking space that is served by a complete electric circuit with the following requirements:

- (i) A minimum of 2.2 kVa (110/120 volt, 20-ampere) capacity wiring.
- (ii) A receptacle labeled "Electric Vehicle Outlet" or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 16-ampere.
- (iii) Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.

(18) "Level 2 (L2) EV Ready" means a parking space that is served by a complete electric circuit with the following requirements:

- (i) A minimum of 8.3 kVa (208/240 volt, 40-ampere) capacity wiring.
- (ii) A receptacle labeled "Electric Vehicle Outlet" or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 30-ampere.

(19) "Electric Vehicle Supply Equipment (EVSE)" means the conductors, including the undergrounded, grounded and equipment grounding conductors and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets or apparatus

installed for the purpose of transferring energy between the premises wiring and the electric vehicle.

(20) “Essential Services Building” means a facility as defined by the California Health and Safety Code [section 16007](#), as amended from time to time. For purposes of this chapter, essential services buildings are publicly owned and/or publicly operated buildings whose purpose is to safeguard the public health and safety. Essential services buildings generally exclude privately owned residences and/or commercial buildings; except that, privately owned commercial buildings may qualify as essential services buildings to the extent they are publicly operated to safeguard the public health and safety.

(21) “Food Service Establishment” means any new construction building with construction plans for a commercial kitchen or cooking equipment.

(22) “Industrial process heat” shall be defined as a process or manufacturing equipment for which sustained temperatures typically in excess of three hundred fifty degrees Fahrenheit are required and demonstrably not achievable with commercial electric equipment.

(23) “Low Power Level 2 Electric Vehicle Charging Receptacle” means a parking space that is served by a complete electric circuit with the following requirements:

- (i) A minimum of 4.1 kVa (208/240 volt, 20-ampere) capacity wiring.
- (ii) A receptacle labeled “Electric Vehicle Outlet” or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 16-ampere.
- (iii) Conduit oversized to accommodate future level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.

(24) “Mixed-fuel” means a building or unit in a building that is plumbed for the use of natural gas or propane as fuel for space heating, water heating, cooking or clothes drying appliances or has gas plumbing within a building or within the property lines of the premises connected to a gas meter or propane tank.

(25) “Modified parking lot” shall be those for which paving material and curbing is removed.

(26) “Natural gas” is the same meaning as “Fuel Gas” as defined in the California Plumbing Code and Mechanical Code.

(27) “Natural gas infrastructure” means fuel gas piping, other than service pipe, in or in connection with a building, structure or within the property lines of premises, extending from the point of delivery at the meter, service meter assembly, outlet of the service regulator, service shutoff valve, or final pressure regulator, whichever is applicable, as specified in the California Mechanical Code and Plumbing Code.

(28) “Newly Constructed” means a building that has never before been used or occupied for any purpose. Also means “Newly Constructed” as defined in the California Building Code 2022.

(29) “Qualified green building rater” means an individual who has been trained and certified as a CALGreen inspector, LEED AP w/a specialty, GreenPoint rater, PHIUS consultant, or has similar qualifications and certifications if acceptable to the chief building official.

(30) “Single-Family” means a building designed for and/or occupied exclusively by one family. It is used herein to describe one and two-family dwellings and townhouses with attached private garages. It also includes factory-built, modular housing units, constructed in compliance with the California Building

(31) “Substantial Improvement” means any repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure’s continued designation as a historic structure.

9-19.030 – Requirements for additions and alterations - Local amendments to 2022 California Energy Code.

Pursuant to Section 9-1.101(h) of the San Anselmo Municipal Code, the Town has adopted the 2022 edition of the California Energy Code known as California Code of Regulations, Part 6 of Title 24 with additions, and deletions as provided in this subchapter.

The provisions of this subchapter shall constitute local amendments to the cross-referenced provisions of the 2022 California Energy Code and shall be deemed to replace the cross-referenced sections of said Code with the respective provisions set forth in this subchapter.

The California Energy Code, Title 24, Part 6, is hereby amended as underlined and struck through:

Section 100.0 of Subchapter 1 of the 2022 California Energy Code is modified to add new section (i) as follows:

- (i) Single-Family Building Remodel Energy Reach Code - Purpose and Intent. In addition to all requirements of the California Energy Code applicable to Existing Single-Family Building additions and alterations, the energy efficiency and renewable energy measures specified in Section 150.0(w) shall be required for Covered Projects of mixed-fuel buildings.

Section 100.1(b) is modified by adding the following definitions:

"All-electric Building" or "All-electric Design" as defined in §9-19.020 (2) of the San Anselmo Municipal Code.

"Covered Project(s)" as defined in §9-19.020 (11), of the San Anselmo Municipal Code.

"Mixed-fuel" building as defined in §9-19.020 (24), of the San Anselmo Municipal Code.

Section 150.0 SINGLE-FAMILY RESIDENTIAL BUILDINGS – MANDATORY FEATURES AND DEVICES, first two paragraphs, are modified to read as follows:

Existing Single-Family residential buildings shall comply with the applicable requirements of Sections 150(a) through 150.0(v), and Covered Existing Single-Family Projects, other than projects identified as all-electric construction for new residential buildings in §9-24.01 et seq. of the San Anselmo Municipal Code, shall comply with the applicable requirements of Section 150.0(w).

NOTE: The requirements of Sections 150.0(a) through 150.0(v) apply to new construction. Sections 150.2(a) and 150.2(b) specify which requirements of Sections 150.0(a) through 150.0(v) also apply to

additions or alterations, with the exception that Covered Existing Single-Family Projects, other than projects identified as all-electric construction for new residential buildings in §9-24.01 et seq. of the San Anselmo Municipal Code, shall also be required to comply with Section 150.0(w).

A new Section, (w), is added to Section 150.0 as follows:

(w) Requirements for a Covered Project are outlined by project type in Table 1 of Section 9-19.050 of the San Anselmo Municipal Code. A Covered Existing Single-Family Project, as defined in Section 9-19.020 (11)(ii) of the San Anselmo Municipal Code, that includes an electrical panel upgrade, a kitchen remodel or a laundry room remodel shall comply with the requirements for Measure ER2 in Table 2 of Section 9-19.050 of the San Anselmo Municipal Code. In addition, a Covered Existing Single-Family Project in a building originally permitted for construction on or before December 31, 2010 shall install a set of measures from the Measure Menu in Table 2 of Section 9-19.050 of the San Anselmo Municipal Code, to achieve a total Measure Point Score that is equal to or greater than the Target Score in said table and shall conform to the List of Measure Specifications in Table 3 of Section 9-19.050 of the San Anselmo Municipal Code, except as otherwise described below:

- (i) Projects identified as all-electric construction for new residential buildings in Section 9-24.01 et. seq. of the San Anselmo Municipal Code.
- (ii) Projects less than 750 square feet that are not considered Substantial Improvements.
- (iii) Projects that are limited solely to a newly created attached Accessory Dwelling Units (ADUs) or Junior Accessory Dwelling Unit (JADU) as defined in Section 9-19.020 (3), San Anselmo Municipal Code. A newly created ADU and JADU shall include either additions or conversions of existing space.
- (iv) Mobile Homes, Manufactured Housing, or Factory-built Housing as defined in Division 13 of the California Health and Safety 12 Code (commencing with section 17000 of the Health and Safety Code).
- (v) If due to conditions specific to the project, it is technically or economically infeasible to achieve compliance, the chief building official may reduce the Target Score and/or waive some or all of the mandatory requirements.
- (vi) If the applicant demonstrates that the Energy Budget of the proposed building, as calculated under Section 150.1(b), would be less than or equal to the Energy Budget of the building if it otherwise complied with this Section, 150.0(w).
- (vii) A resident owner or occupant demonstrates that they qualify for the California Alternative Rates for Energy (CARE) or Family Electric Rate Assistance (FERA) program may comply by installing, to the specifications in Table 3 of Section 9-19.050 of the San Anselmo Municipal Code the following:
 - (a) E1: Lighting Measures; and
 - (b) E2: Water Heating Package

In addition, all mandatory measures listed in Table 2 of Section 9-19.050 of the San Anselmo Municipal Code shall be installed.

9-19.040 Requirements for Electric Vehicle Infrastructure - Local amendments to 2022 CALGreen California Green Building Standards Code.

Pursuant to Section 9-1.101(j) of the San Anselmo Municipal Code, the Town has adopted the 2022 edition of the California Green Building Standards Code known as California Code of Regulations, Part 11 of Title 24 (herein referred to as CALGreen Code), including Division A4.6 for Tier 1 with additions, and deletions as provided in this subchapter. Requirements are outlined by project type in Table 1 of Section 9-19.050 of the San Anselmo Municipal Code.

The provisions of this subchapter shall constitute local amendments to the cross-referenced provisions of the 2022 CALGreen Code and shall be deemed to replace the cross-referenced sections of said Code with the respective provisions set forth in this subchapter.

Section 202 of Chapter 2 of the 2022 CALGreen Code is hereby amended as underlined and struck through:

Automatic Load Management System (ALMS). A control system designed to manage load across one or more electric vehicle supply equipment (EVSE), circuits, panels and to share electrical capacity and/or automatically manage power at each connection point. ALMS systems shall be designed to deliver no less than 3.3 kVa (208/240 volt, 16-ampere) to each EV Capable, EV Ready or EVCS space served by the ALMS, and meet the requirements of California Electrical Code Article 625. The connected amperage to the building site for the EV charging infrastructure shall not be lower than the required connected amperage per California Green Building Standards Code, Title 24 Part 11.

Direct Current Fast Charging (DCFC). A parking space provided with electrical infrastructure that meets the following conditions:

- i. A minimum of 48 kVa (480 volt, 100-ampere) capacity wiring.
- ii. Electric vehicle supply equipment (EVSE) located within three (3) feet of the parking space providing a minimum capacity of 80-ampere.

Electric Vehicle Charging Station (EVCS). One or more electric vehicle charging spaces served by electric vehicle charger(s) or other charging equipment allowing charging of electric vehicles. Electric vehicle charging stations are not considered parking spaces. A parking space that includes installation of electric vehicle supply equipment (EVSE) at an EV Ready space. An EVCS space may be used to satisfy EV Ready space requirements. EVSE shall be installed in accordance with the California Electrical Code, Article 625.

Electric Vehicle (EV) Ready Space. [HCD] A vehicle space which is provided with a branch circuit; any necessary raceways, both underground and/or surface mounted; to accommodate EV charging, terminating in a receptacle or a charger.

Electric Vehicle (EV) Capable Space. A vehicle space with electrical panel space and load capacity to support a branch circuit and necessary raceways, both underground and/or surface mounted, to support EV charging.

Level 2 (L2) EV Capable. A parking space provided with electrical infrastructure that meets the following requirements:

- i. Conduit that links a listed electrical panel with sufficient capacity to a junction box or receptacle located within three (3) feet of the parking space.
- ii. The conduit shall be designed to accommodate at least 8.3 kVa (208/240 volt, 40-ampere) per parking space. Conduit shall have a minimum nominal trade size of 1 inch inside diameter and may be sized for multiple circuits as allowed by the California Electrical Code. Conduit shall be installed at a minimum in spaces that will be inaccessible after construction, either trenched underground or where penetrations to walls, floors, or other partitions would otherwise be required for future installation of branch circuits, and such additional elements deemed necessary by the Building Official. Construction documents shall indicate future completion of conduit from the panel to the parking space, via the installed inaccessible conduit.
- iii. The electrical panel shall reserve a space for a 40-ampere overcurrent protective device space(s) for EV charging, labeled in the panel directory as "EV CAPABLE."

- iv. Electrical load calculations shall demonstrate that the electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at a minimum of 40 amperes.
- v. The parking space shall contain signage with at least a 12" font adjacent to the parking space indicating the space is EV Capable.

Level 1 (L1) EV Ready. A parking space that is served by a complete electric circuit with the following requirements:

- i. A minimum of 2.2 kVa (110/120 volt, 20-ampere) capacity wiring.
- ii. A receptacle labeled "Electric Vehicle Outlet" or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 16-ampere.
- iii. Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.

Level 2 (L2) EV Ready. A parking space that is served by a complete electric circuit with the following requirements:

- i. A minimum of 8.3 kVa (208/240 volt, 40-ampere) capacity wiring.
- ii. A receptacle labeled "Electric Vehicle Outlet" or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 30-ampere.

Low Power Level 2 (L2) EV Ready. A parking space that is served by a complete electric circuit with the following requirements:

- i. A minimum of 4.1 kVa (208/240 Volt, 20-ampere) capacity wiring.
- ii. A receptacle labeled "Electric Vehicle Outlet" or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 16-ampere.
- iii. Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.

~~Low Power Level 2 Electric Vehicle (EV) Charging Receptacle. [HCD] A 208/240 Volt 20-ampere minimum branch circuit and a receptacle for use by an EV driver to charge their electric vehicle or hybrid electric vehicle.~~

Off-Street Loading Spaces. [BSC-CG, DSA-SS] An area, other than a public street, public way, or other property (and exclusive of off-street parking spaces), permanently reserved or set aside for the loading or unloading of motor vehicles, including ways of ingress and egress and maneuvering areas. Whenever the term "loading space" is used, it shall, unless the context clearly requires otherwise, be construed as meaning off-street loading space. This excludes designated passenger loading/unloading.

Section 301.1 of Chapter 3 of the 2022 CALGreen Code is hereby amended as underlined and struck through:

301.1 Scope. Buildings shall be designed to comply with applicable requirements of San Anselmo Green Building Requirements beginning at Section 9-19.010, San Anselmo Municipal Code, and shall also include the green building measures specified as mandatory in the application checklists contained in this code. ~~Voluntary green building measures are also included in the application checklists and may be included in the design and construction of structures covered by this code, but are not required unless adopted by a city, county, or city and county as specified in Section 101.7.~~

Section 301.1.1 of Chapter 3 of the 2022 CALGreen Code is hereby amended as underlined and struck through:

301.1.1 Additions and alterations. [HCD] The mandatory provisions of Chapter 4 shall be applied to additions and alterations of existing residential buildings ~~where the addition or alteration increases the~~

~~building's conditioned area, volume or size, in accordance with applicable requirements of San Anselmo Green Building Requirements beginning at Section 9-19.010, San Anselmo Municipal Code.~~ The requirements shall apply only to and/or within the specific area of the addition or alteration.

The mandatory provisions of section 4.106.4.1.12 may apply to additions or alterations of existing parking facilities or the addition of new parking facilities or the addition of new parking facilities serving existing multifamily buildings. See Section 4.106.4.1.23 for application.

NOTE: Repairs including, but not limited to, resurfacing, restriping, and repairing or maintaining existing lighting fixtures are not considered alterations for the purpose of this section.

Section 301.3 of Chapter 3 of the 2022 CALGreen Code is hereby amended as underlined and struck through:

301.3 Nonresidential additions and alterations. [BSC-CG] The provisions of individual sections of Chapter 5 apply to new construction and building additions and alterations ~~of 1,000 square feet or greater, and/or building alterations with a permit valuation of \$200,000 or above~~ (for occupancies within the authority of California Building standards Commission). Code sections relative to additions and alterations shall only apply to the portions of the building being added or altered within the scope of the permitted work.

Section 4.106.4 of Chapter 4 of the 2022 CALGreen Code is hereby amended as underlined and struck through:

4.106.4 Electric vehicle (EV) charging for new construction. ~~New Residential~~ construction shall comply with Section 4.106.4.1 or 4.106.4.2 to facilitate future installation and use of EV chargers. Electric vehicle supply equipment (EVSE) shall be installed in accordance with the California Electrical Code, Article 625. For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s). Calculation for spaces shall be rounded up to the nearest whole number.

Exceptions:

1. On a case-by-case basis, where the local enforcing agency has determined EV charging and infrastructure are not feasible based upon one or more of the following conditions:
 - 1.1. Where there is no local utility power supply or the local utility is unable to supply adequate power.
 - 1.2. Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 4.106.4, may adversely impact the construction cost of the project.
2. Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) without additional parking facilities and without electrical panel upgrade or new panel installation. Detached ADUs, attached ADUs, and JADUs without additional parking but with electrical panel upgrades or new panels must have reserved breakers and electrical capacity according to the requirements of A4.106.8.1.
3. Multifamily building projects that have approved entitlements before the code effective date.
4. Parking spaces accessible only by automated mechanical car parking systems are not required to comply with this code section.

~~**4.106.4.1 New one- and two-family dwellings and town houses with private garages.**~~ For each dwelling unit, install a listed raceway to accommodate a dedicated 208-240 volt branch circuit. The raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). The raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box or other enclosure in close

proximity to the proposed location of an EV charger. Raceways are required to be continuous at enclosed, inaccessible or concealed areas and spaces. The service panel and/or subpanel shall provide capacity to install a 40-ampere 208/240-volt minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent protective device.

Exception: A raceway is not required if a minimum 40-ampere 208/240-volt dedicated EV branch circuit is installed in close proximity to the proposed location of an EV charger at the time of original construction in accordance with the *California Electrical Code*.

4.106.4.1.1 Identification. The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging as “EV CAPABLE”. The raceway termination location shall be permanently and visibly marked as “EV CAPABLE”.

4.106.4.1.2 New multifamily dwellings, hotels and motels and with new parking facilities. Requirements apply to parking spaces that are assigned or leased to individual dwelling units, as well as unassigned residential parking. Visitor or common area parking is not included.

4.106.4.1.1 New Construction. Fifteen percent (15%) of dwelling units with parking spaces shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Eighty-five percent (85%) of dwelling units with parking spaces shall be provided with a Low Power Level 2 EV Ready space. EV ready spaces and EVCS in multifamily developments shall comply with California Building Code, Chapter 11A, Section 1109A. EVCS shall comply with the accessibility provisions for EV chargers in the California Building Code, Chapter 11B.

NOTE: The total number of EV spaces should be one-hundred percent (100%) of dwelling units or one-hundred percent (100%) of parking spaces, whichever is less.

4.106.4.1.2 Additions and alterations of existing buildings.

1. When parking facilities upgrade the service panel or parking lot surface is modified, including the removal of paving material and curbing, comply with the number of spaces designated for the project type as outlined in Table 1 of Section 9-19.050 of the San Anselmo Municipal Code. Upgrades shall be required at currently designated vehicle parking spaces. Upgrades shall be required for remaining parking spaces after meeting the accessibility requirements of California Building Code Chapters 11A and 11B.
2. When new parking facilities are added and ALMS is installed, the ALMS system must be designed to deliver no less than 2.2 kVa (110/120 volt, 20-ampere).

When parking is provided, parking spaces for new multifamily dwellings, hotels and motels shall meet the requirements of Sections 4.106.4.2.1 and 4.106.4.2.2. Calculations for spaces shall be rounded up to the nearest whole number. A parking space served by electric vehicle supply equipment or designed as a future EV charging space shall count as at least one standard automobile parking space only for the purpose of complying with any applicable minimum parking space requirements established by a local jurisdiction. See Vehicle Code Section 22511.2 for further details.

4.106.4.2.1 Multifamily development projects with less than 20 dwelling units; and hotels and motels with less than 20 sleeping units or guest rooms.

The number of dwelling units, sleeping units or guest rooms shall be based on all buildings on a project site subject to this section.

- a. **EV Capable.** Ten (10) percent of the total number of parking spaces on a building site, provided for all types of parking facilities, shall be electric vehicle charging spaces (EV spaces) capable of supporting future Level 2 EVSE. Electrical load calculations shall demonstrate that the electrical panel service

capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at a minimum of 40 amperes.

The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging purposes as “EV CAPABLE” in accordance with the California Electrical Code.

Exceptions:

1. When EV chargers (Level 2 EVSE) are installed in a number equal to or greater than the required number of EV capable spaces.
2. When EV chargers (Level 2 EVSE) are installed in a number less than the required number of EV capable spaces, the number of EV capable spaces required may be reduced by a number equal to the number of EV chargers installed.

Notes:

- a. Construction documents are intended to demonstrate the project’s capability and capacity for facilitating future EV charging.
 - b. There is no requirement for EV spaces to be constructed or available until receptacles for EV charging or EV chargers are installed for use.
- b. **EV Ready.** Twenty-five (25) percent of the total number of parking spaces shall be equipped with low power Level 2 EV charging receptacles. For multifamily parking facilities, no more than one receptacle is required per dwelling unit when more than one parking space is provided for use by a single dwelling unit.
- Exception: Areas of parking facilities served by parking lifts.

4.106.4.2.2 Multifamily development projects with 20 or more dwelling units, hotels and motels with 20 or more sleeping units or guest rooms.

The number of dwelling units, sleeping units or guest rooms shall be based on all buildings on a project site subject to this section.

- a. **EV Capable.** Ten (10) percent of the total number of parking spaces on a building site, provided for all types of parking facilities, shall be electric vehicle charging spaces (EV spaces) capable of supporting future Level 2 EVSE. Electrical load calculations shall demonstrate that the electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at a minimum of 40 amperes.

The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging purposes as “EV CAPABLE” in accordance with the California Electrical Code.

Exception: When EV chargers (Level 2 EVSE) are installed in a number greater than five (5) percent of parking spaces required by Section 4.106.4.2.2, Item 3, the number of EV capable spaces required may be reduced by a number equal to the number of EV chargers installed over the five (5) percent required.

Notes:

- a. Construction documents are intended to demonstrate the project’s capability and capacity for facilitating future EV charging.
- b. There is no requirement for EV spaces to be constructed or available until receptacles for EV charging or EV chargers are installed for use.

~~b. **EV Ready.** Twenty five (25) percent of the total number of parking spaces shall be equipped with low power Level 2 EV charging receptacles. For multifamily parking facilities, no more than one receptacle is required per dwelling unit when more than one parking space is provided for use by a single dwelling unit.~~

~~Exception: Areas of parking facilities served by parking lifts.~~

~~c. **EV Chargers.** Five (5) percent of the total number of parking spaces shall be equipped with Level 2 EVSE. Where common use parking is provided, at least one EV charger shall be located in the common use parking area and shall be available for use by all residents or guests.~~

~~When low power Level 2 EV charging receptacles or Level 2 EVSE are installed beyond the minimum required, an automatic load management system (ALMS) may be used to reduce the maximum required electrical capacity to each space served by the ALMS. The electrical system and any on-site distribution transformers shall have sufficient capacity to deliver at least 3.3 kW simultaneously to each EV charging station (EVCS) served by the ALMS. The branch circuit shall have a minimum capacity of 40 amperes and installed EVSE shall have a capacity of not less than 30 amperes. ALMS shall not be used to reduce the minimum required electrical capacity to the required EV capable spaces.~~

4.106.4.32.2.1 Electric vehicle charging stations (EVCS).

Electric vehicle charging stations required by Section 4.106.4.12.2, ~~Item 3 and 4.106.4.2~~, shall comply with Section 4.106.4.32.2.1.

Exception: Electric vehicle charging stations serving public accommodations, public housing, motels, and hotels shall not be required to comply with this section. See *California Building Code*, Chapter 11B, for applicable requirements.

4.106.4.3.12.2.1.1 Location.

EVCS shall comply with at least one of the following options:

1. The charging space shall be located adjacent to an accessible parking space meeting the requirements of the *California Building Code*, Chapter 11A, to allow use of the EV charger from the accessible parking space.
2. The charging space shall be located on an accessible route, as defined in the *California Building Code*, Chapter 2, to the building.

Exception: Electric vehicle charging stations designed and constructed in compliance with the *California Building Code*, Chapter 11B, are not required to comply with Section 4.106.4.3.12.2.1.1 and Section 4.106.4.3.22.2.1.2, Item 3.

4.106.4.3.22.2.1.2 Electric vehicle charging stations (EVCS) d Dimensions.

The charging spaces shall be designed to comply with the following:

1. The minimum length of each EV space shall be 18 feet (5486 mm).
2. The minimum width of each EV space shall be 9 feet (2743 mm).
3. One in every 25 charging spaces, but not less than one, shall also have an 8-foot (2438 mm) wide minimum aisle. A 5-foot (1524 mm) wide minimum aisle shall be permitted provided the minimum width of the EV space is 12 feet (3658 mm).
 - a. Surface slope for this EV space and the aisle shall not exceed 1 unit vertical in 48 units horizontal (2.083 percent slope) in any direction.

Exception: Where the Town of San Anselmo Municipal Code permits parking space dimensions that are less than the minimum requirements stated in this section 4.106.4.3.2, and the compliance with which would be infeasible due to particular circumstances of a project, an exception may be granted while

remaining in compliance with California Building Code Section Table 11B-228.3.2.1 and 11B-812, as applicable.

4.106.4.2.2.1.3 Accessible EV spaces. In addition to the requirements in Sections 4.106.4.2.2.1.1 and 4.106.4.2.2.1.2, all EVSE, when installed, shall comply with the accessibility provisions for EV chargers in the *California Building Code*, Chapter 11B. EV ready spaces and EVCS in multifamily developments shall comply with *California Building Code*, Chapter 11A, Section 1109A.

4.106.4.4 Direct current fast charging stations (DCFC). One DCFC may be substituted for up to five (5) EVCS to meet the requirements of 4.106.4.1 and 4.106.4.2. Where ALMS serve DCFC stations, the power demand from the DCFC shall be prioritized above Level 1 and Level 2 spaces.

4.106.4.2.3 EV space requirements.

1. Single EV space required. Install a listed raceway capable of accommodating a 208/240-volt dedicated branch circuit. The raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). The raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box or enclosure in close proximity to the location or the proposed location of the EV space. Construction documents shall identify the raceway termination point, receptacle or charger location, as applicable. The service panel and/or subpanel shall have a 40-ampere minimum dedicated branch circuit, including branch circuit overcurrent protective device installed, or space(s) reserved to permit installation of a branch circuit overcurrent protective device.

Exception: A raceway is not required if a minimum 40-ampere 208/240-volt dedicated EV branch circuit is installed in close proximity to the location or the proposed location of the EV space, at the time of original construction in accordance with the *California Electrical Code*.

1. Multiple EV spaces required. Construction documents shall indicate the raceway termination point and the location of installed or future EV spaces, receptacles, or EV chargers. Construction documents shall also provide information on amperage of installed or future receptacles or EVSE, raceway method(s), wiring schematics and electrical load calculations. Plan design shall be based upon a 40-ampere minimum branch circuit. Required raceways and related components that are planned to be installed underground, enclosed, inaccessible or in concealed areas and spaces shall be installed at the time of original construction.

Exception: A raceway is not required if a minimum 40-ampere 208/240-volt dedicated EV branch circuit is installed in close proximity to the location or the proposed location of the EV space at the time of original construction in accordance with the *California Electrical Code*.

4.106.4.2.4 Identification.

The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging purposes as “EV CAPABLE” in accordance with the *California Electrical Code*.

4.106.4.2.5 Electric Vehicle Ready Space Signage.

Electric vehicle ready spaces shall be identified by signage or pavement markings, in compliance with Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s).

4.106.4.3 Electric vehicle charging for additions and alterations of parking facilities serving existing multifamily buildings.

When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, ten (10) percent of the total number of parking spaces added or altered, shall be electric vehicle charging spaces (EV spaces) capable of supporting future Level 2 EVSE.

Notes:

1. ~~Construction documents are intended to demonstrate the project's capability and capacity for facilitating future EV charging.~~
2. ~~There is no requirement for EV spaces to be constructed or available until EV chargers are installed for use.~~

Section A4.106.8 of the 2022 CALGreen Code is hereby amended as underlined and struck through:

New construction shall comply with Sections A4.106.8.1, ~~A4.106.8.2 or A4.106.8.3~~, to facilitate future installation and use of electric vehicle chargers. Electric vehicle supply equipment (EVSE) shall be installed in accordance with the *California Electrical Code*, Article 625.

Section A4.106.9.2 of the 2022 CALGreen Code is hereby included as a requirement for new Multifamily Buildings.

Provide on-site bicycle parking for at least one bicycle per every one dwelling unit. Acceptable parking facilities shall be conveniently reached from the street and may include, but not be limited to:

1. Covered, lockable enclosures with permanently anchored racks for bicycles.
2. Lockable bicycle rooms with permanently anchored racks.
3. Lockable, permanently anchored bicycle lockers.

Section 5.106.5.3 of the 2022 CALGreen Code is hereby amended as underlined and struck through:

5.106.5.3 Electric vehicle (EV) charging.

~~[N]~~ Construction to provide electric vehicle infrastructure and facilitate electric vehicle charging shall comply with Section 5.106.5.3.1 and shall be provided in accordance with regulations in the *California Building Code* and the *California Electrical Code*. Accessible EVCS shall be provided in accordance with the *California Building Code Chapter 11B Section 11B-228.3*. For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s). Calculation for spaces shall be rounded up to the nearest whole number.

Exceptions:

1. On a case-by-case basis, where the local enforcing agency has determined EV charging and infrastructure are not feasible based upon one or more of the following conditions:
 - a. Where there is no local utility power supply
 - b. Where the local utility is unable to supply adequate power.
 - c. Where there is evidence suitable to the local enforcement agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 5.106.5.3, may adversely impact the construction cost of the project.
2. Parking spaces accessible only by automated mechanical car parking systems are not required to comply with this code section.

Section A5.106.5 of Appendix A5 of the 2022 CALGreen Code is hereby amended as struck through:

~~A5.106.5.1 Designated parking for clean air vehicles.~~

~~In new projects or additions or alterations that add 10 or more vehicular parking spaces, provide designated parking for any combination of zero-emitting, fuel-efficient and carpool/van pool vehicles as listed in code Sections A5.106.5.1.1 or A5.106.5.1.2.~~

~~A5.106.1.1.1 Tier 1.~~

~~Provide 35 percent designated parking spaces of the total number of parking spaces, for any combination of zero-emitting, fuel-efficient and carpool/van pool vehicles. Calculation for spaces shall be rounded up to the whole number.~~

~~**Note:** Designated parking for clean air vehicles shall count toward the total parking spaces required by the local enforcing agencies.~~

~~A5.106.1.1.2 Tier 2:~~

~~Provide 50 percent designated parking spaces of the total number of parking spaces, for any combination of zero-emitting, fuel-efficient and carpool/van pool vehicles. Calculation for spaces shall be rounded up to the whole number.~~

~~**Note:** Designated parking for clean air vehicles shall count toward the total parking spaces required by the local enforcing agencies.~~

~~A5.06.5.1.3 Parking stall marking:~~

~~Paint, in the paint for stall striping, the following characters such that the lower edge of the last word aligns with the end of the stall striping and is visible beneath a parked vehicle:~~

~~CLEAN AIR/~~

~~VANPOOL/EV~~

~~**Note:** Vehicles bearing Clean Air Vehicle stickers from expired HOV lane programs may be considered eligible for designated parking spaces.~~

~~A5.106.5.1.1 Vehicle designations:~~

~~Building managers may consult with local Transit Management Associations (TMAs) for methods of designating qualifying vehicles, such as issuing parking stickers.~~

~~Notes:~~

- ~~1. Information on qualifying vehicles, car labeling regulations and DMV CAV decals may be obtained from the following sources:
 - ~~a. California DriveClean.~~
 - ~~b. California Air Resources Board.~~
 - ~~c. US EPA fuel economy regulations and standards.~~
 - ~~d. DMV Registration Operations.~~~~
- ~~2. Purchasing policy and refueling sites for zero-emitting vehicles for state employees use can be found at the Department of General Services.~~

A5.106.5.3 Electric Vehicle (EV) charging. [N]

Construction shall comply with Section A5.106.5.3.1 or A5.106.5.3.2, and in accordance with regulations in the *California Building Code* and the *California Electrical Code*. Accessible EVCS shall be provided in accordance with the *California Building Code Chapter 11B Section 11B-228.3*. For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s). Calculation for spaces shall be rounded up to the nearest whole number.

Exceptions:

1. On a case-by-case basis where the local enforcing agency has determined compliance with this section is not feasible based upon one of the following conditions:
 - a. Where there is no local utility power supply.
 - b. Where the local utility is unable to supply adequate power.
 - c. Where there is evidence suitable to the local enforcement agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section A5.106.5, may adversely impact the construction cost of the project.

2. Parking spaces accessible only by automated mechanical car parking systems are not required to comply with this code section.

A5.106.5.3 Nonresidential Occupancies – Shared Parking Facilities.

A5.106.5.3.1 New Construction - Tier 1.

Table A5.106.5.3.1 shall be used to determine the number of EV capable spaces required. Refer to section 5.106.5.3 for design space requirements.

When EV capable spaces are provided with EVSE to create EVCS per Table A5.106.5.3.1.

TABLE A5.106.5.3.1

TOTAL NUMBER OF ACTUAL PARKING SPACES	TIER 1 NUMBER OF REQUIRED EV CAPABLE SPACES	TIER 1 NUMBER OF EVCS (EV CAPABLE SPACES PROVIDED WITH EVSE) ²
0-9	2	0
10-25	5	0
26-50	11	2
51-75	19	3
76-100	26	4
101-150	38	6
151-200	53	9
201 and over	30 percent of total ¹	25 percent of EV capable spaces ¹

1. Calculation for spaces shall be rounded up to the nearest whole number.

2. The number of required EVCS (EV capable spaces provided with EVSE) in column 3 count toward the total number of required EV capable spaces shown in column 2.

A5.106.5.3.2 Additions and alterations of existing buildings Tier 2.

1. When parking facilities upgrade the service panel or parking lot surface is modified, including the removal of paving material and curbing, comply with the number of spaces designated for the project type as outlined in Table 1 of Section 9-19.050 of the San Anselmo Municipal Code. Upgrades shall be required at currently designated vehicle parking spaces. Upgrades shall be required for remaining parking spaces after meeting the accessibility requirements of California Building Code Chapters 11A and 11B.
2. When new parking facilities are added and ALMS is installed, the ALMS system must be designed to deliver no less than 2.2 kVa (110/120 volt, 20-ampere).

A5.106.5.4 Direct current fast charging stations. One DCFC may be substituted for up to five (5) EVCS to meet the requirements of 5.106.5.3. Where ALMS serve DCFC stations, the power demand from the DCFC shall be prioritized above Level 1 and Level 2 spaces.

Table A5.106.5.3.2 shall be used to determine the number of EV capable spaces required. Refer to section 5.106.5.3 for design space requirements.

When EV capable spaces are provided with EVSE to create EVCS per Table A5.106.5.3.1, refer to Section 5.106.5.3.2 for the allowed use of Level 2 or Direct Current Fast Charger (DCFC) and Section 5.106.5.3.3 for the allowed use of Automatic Load Management Systems (ALMS).

TABLE A5.106.5.3.2

TOTAL NUMBER OF ACTUAL PARKING SPACES	TIER 2 NUMBER OF REQUIRED EV-CAPABLE SPACES	TIER 2 NUMBER OF EVCS (EV-CAPABLE SPACES PROVIDED WITH EVSE)²
0-9	3	0
10-25	8	3
26-50	17	6
51-75	28	9
76-100	40	13
101-150	57	19
151-200	79	26
201 and over	45 percent of total ¹	33 percent of EV capable spaces ¹

1.

Calculation for spaces shall be rounded up to the nearest whole number.

2. The number of required EVCS (EV-capable spaces provided with EVSE) in column 3 count toward the total number of required EV-capable spaces shown in column 2.

Section 5.106.5.4 of the 2022 CALGreen Code is hereby amended as struck through:

5.106.5.4 Electric vehicle (EV) charging readiness: medium-duty and heavy-duty. [N]

Construction shall comply with Section 5.106.5.4.1 to facilitate future installation of electric vehicle supply equipment (EVSE). Construction for warehouses, grocery stores and retail stores with planned off-street loading spaces shall also comply with Section 5.106.5.4.1 for future installation of medium- and heavy-duty EVSE. Accessible EVCS shall be provided in accordance with the *California Building Code Chapter 11B Section 11B-228.3*. For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s).

Exceptions:

1. On a case-by-case basis where the local enforcing agency has determined compliance with this section is not feasible based upon one of the following conditions:
 - a. Where there is no local utility power supply.
 - b. Where the local utility is unable to supply adequate power.
 - c. Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 5.106.5.3, may adversely impact the construction cost of the project.

When EVCS(s) are installed, it shall be in accordance with the *California Building Code*, the *California Electrical Code* as follows:

5.106.5.4.1 Electric vehicle charging readiness requirements for warehouses, grocery stores and retail stores with planned off-street loading spaces.

[N] In order to avoid future demolition when adding EV supply and distribution equipment, spare raceway(s) or busway(s) and adequate capacity for transformer(s), service panel(s) or subpanel(s) shall be installed at the time of construction in accordance with the *California Electrical Code*. Construction plans and specifications shall include, but are not limited to, the following:

1. The transformer, main service equipment and subpanels shall meet the minimum power requirement in Table 5.106.5.4.1 to accommodate the dedicated branch circuits for the future installation of EVSE.
2. The construction documents shall indicate one or more location(s) convenient to the planned off-street loading space(s) reserved for medium- and heavy-duty ZEV charging cabinets and charging dispensers, and a pathway reserved for routing of conduit from the termination of the raceway(s) or busway(s) to the charging cabinet(s) and dispenser(s), as shown in Table 5.106.5.4.1.
3. Raceway(s) or busway(s) originating at a main service panel or a subpanel(s) serving the area where potential future medium- and heavy-duty EVSE will be located and shall terminate in close proximity to the potential future location of the charging equipment for medium- and heavy-duty vehicles.
4. The raceway(s) or busway(s) shall be of sufficient size to carry the minimum additional system load to the future location of the charging for medium- and heavy-duty EVs as shown in Table 5.106.5.4.1.

TABLE 5.106.5.4.1, Raceway Conduit and Panel power Requirements for Medium-and-Heavy-Duty EVSE
[N]

Building type	Building Size (sq. ft.)	Number of Off-street loading spaces	Additional capacity Required (kVa) for Raceway & Busway and Transformer & Panel
Grocery	10,000 to 90,000	1 or 2	200
		3 or Greater	400
	Greater than 90,000	1 or Greater	400
Retail	10,000 to 135,000	1 or 2	200
		3 or Greater	400
	Greater than 135,000	1 or Greater	400
Warehouse	20,000 to 256,000	1 or 2	200
		3 or Greater	400
	Greater than 256,000	1 or Greater	400

9-19.050 Standards for compliance.

The San Anselmo Green Building Requirements define compliance thresholds for different projects that are covered by this ordinance. These standards are summarized below in Table 1. The energy efficiency and electrification measures menu and specifications are detailed in Tables 2 and 3.

Table 1: Requirements by Project Type and Size			
Project Type and Size	Green Building Requirements	Energy Efficiency Requirements	Electric Vehicle Requirements
Single and Two-Family New Construction	CALGreen Tier 1	Meet the standards outlined for the project in the 2022 California Energy Code	Comply with CALGreen Measure A4.106.8.1, Tier 1
Multifamily Residential New Construction	<u>CALGreen Tier 1</u> <u>Install long-term bike parking per CALGreen A4.106.9.2, as modified by Section 9-19.040</u>		Of the total parking spaces, (i) 15% Level 2 (L2) EVCS (ii) 85% Low-Power Level 2 (LPL2) EV Ready
Nonresidential New Construction	<u>CALGreen Tier 1</u>	Meet the standards outlined for the project in the 2022 California Energy Code	For Nonresidential: comply with CALGreen Measure A5.106.5.3.1, Tier 1; AND For Nonresidential Grocery, Retail, or Warehouses planning off-street medium-heavy-duty loading spaces: comply with CALGreen Measure 5.106.5.4
Single and Two-Family Additions and Alterations less than 750 square feet	CALGreen Mandatory Conductor ready required for laundry room and kitchen remodels regardless of remodel size.	Meet the standards outlined for the project in the 2022 California Energy Code	If the project is upgrading the main electrical service panel, comply with CALGreen Measure A4.106.8.1, Tier 1

Table 1: Requirements by Project Type and Size			
Project Type and Size	Green Building Requirements	Energy Efficiency Requirements	Electric Vehicle Requirements
Single and Two-Family Additions and Alterations 750 square feet or greater; and Substantial Improvements	CALGreen Tier 1	Using the Measure Menu in Table 2, achieve a total score that is equal to or greater than the Target Score for the applicable climate zone and install the electric readiness measures (ER2) as applicable in Table 3	If the project is upgrading the main electrical service panel, comply with CALGreen Measure A4.106.8.1, Tier 1
Multifamily Residential Additions and Alterations less than 750 square feet	CALGreen Mandatory Conductor ready required for laundry room and kitchen remodels regardless of remodel size.	Meet the standards outlined for the project in the 2022 California Energy Code	If the service panel is modified, add designated electrical capacity for 20% of onsite parking spaces to be Level 2 EV Ready. If parking lot surface is modified (paving material and curbing removed): (i) add raceway to a minimum of 50% of exposed parking spaces, OR (ii) add raceway to a minimum of 20% of exposed parking spaces and install at minimum 5% EVCS to parking spaces requiring any combination of Level 2 and Direct Current Fast Charging EVSE, except at least one Level 2 EVSE shall be provided. Where existing electrical service will not be upgraded in the existing project scope, designate capacity for parking spaces to the maximum extent that does not require an upgrade to existing electrical service.
Multifamily Residential Additions and Alterations 750 square feet or greater; and Substantial Improvements	CALGreen Tier 1		
Nonresidential Additions and Alterations			

The following conditions also apply to Table 1:

- (a) Cumulative new construction or remodels during the preceding 36-month period from the acceptance of this application shall be considered as a single covered project, and subject to the highest compliance threshold based on the cumulative project size or valuation.
- (b) Mixed use (residential and commercial) projects must comply either with the applicable covered project requirements for the respective residential and commercial portions of the project or may propose to utilize a mixed-use rating system, subject to approval by the chief building official.

The following are exceptions to Table 1:

(1) Where the requirements of Tier 1 are infeasible as a result of the market, economy, or technology available as determined by the chief building official (CBO), the CBO may provide an alternative or waive the requirement.

Table 2: Energy and Electrification Menu of Measures by Climate Zone			
Measure		Climate Zone	Steps
		2	1) Choose your Climate Zone using CEC toolfinder ¹
Specification	Spec. ID (Refer to Table 3)	Target Score	2) Minimum Target Score needed to comply (1 point = 1MMBTU savings per yr.)
		8	
Lighting	E1	Mandatory	3) Choose a measure or a combination of measures that adds up to the minimum target score above based on CZ. Measures listed as “Mandatory” MUST be installed. 4) Use the Specification Number (Spec. ID) column as a key and conform to the specifications in Table 3 below. Table 3 describes, specifies, and details compliance with each corresponding measure.
Water Heating Package	E2	1	
Air Sealing	E3	1	
R-49 Attic Insulation	E4	1	
Duct Sealing	E5	1	
New Ducts + Duct Sealing	E6	2	
PV + Electric Ready Pre-Wire	ER1	12	
Electric Readiness Measures	ER2	Mandatory (if remodeling kitchen, laundry, or upgrading panel)	
HPWH	FS1	12	
High Eff HPWH	FS2	13	
HVAC Heat Pump	FS3	13	
High Eff HVAC Heat Pump	FS4	14	
Heat Pump Clothes Dryer	FS5	1	
Induction Cooktop	FS6	1	
¹ California Energy Commission climate zone tool finder at https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/climate-zone-tool-maps-and .			

The following conditions also apply to Table 2:

(a) Unless otherwise specified, the requirements shall apply to the entire dwelling unit, not just the additional or altered portion.

(b) Measures from the Measure Menu in Table 2 and specified in Table 3, that already exist in the home, may be counted towards compliance with these requirements, unless otherwise specified in Table 3.

(c) Measures from the Measure Menu in Table 2 that are to be installed to satisfy requirements under the State Energy Code, Title 24, Part 6, may also be counted towards compliance with these requirements. Where these requirements conflict with other Energy Code requirements, the stricter requirements shall prevail.

Table 3. List of Measure Specifications

ID	Measure Specification
Energy Measures	
E1	Lighting Measures – Replace all interior and exterior screw-in incandescent, halogen, and compact fluorescent lamps with LED lamps. Install photocell controls on all exterior lighting luminaires.
E2	Water Heating Package: Add exterior insulation meeting a minimum of R-6 to existing storage water heaters. Insulate all accessible hot water pipes with pipe insulation a minimum of ¾ inch thick. This includes insulating the supply pipe leaving the water heater, piping to faucets underneath sinks, and accessible pipes in attic spaces or crawlspaces. Upgrade fittings in sinks and showers to meet current California Green Building Standards Code (Title 24, Part 11) Section 4.303 water efficiency requirements. Exception 1: Water heater blanket is not required on water heaters less than 20 gallons. Exception 2: Water heater blanket not required if application of a water heater blanket voids the warranty on the water heater. Exception 3: Upgraded fixtures are not required if existing fixtures have rated or measured flow rates of no more than ten percent greater than 2022 California Green Building Standards Code (Title 24, Part 11) Section 4.303 water efficiency requirements. Exception 4: Water heaters with factory installed insulation of R-24 or greater
E3	Air Sealing: Seal all accessible cracks, holes, and gaps in the building envelope at walls, floors, and ceilings. Pay special attention to penetrations including plumbing, electrical, and mechanical vents, recessed can light luminaires, and windows. Weather-strip doors if not already present. Verification shall be conducted following a prescriptive checklist that outlines which building aspects need to be addressed by the permit applicant and verified by an inspector. Compliance can also be demonstrated with blower door testing conducted by a certified HERS Rater no more than three years prior to the permit application date that either: a) shows at least a 30 percent reduction from pre-retrofit conditions; or b) shows that the number of air changes per hour at 50 Pascals pressure difference (ACH50) does not exceed ten. If combustion appliances are located within the pressure boundary of the building, conduct a combustion safety test by a professional certified by the Building Performance Institute in accordance with the ANSI/BPI-1200-S-2017 Standard Practice for Basic Analysis of Buildings¹, the Whole House Combustion Appliance Safety Test Procedure for the Comfortable Home Rebates Program 2020 or the California Community Services and Development Combustion Appliance Safety Testing Protocol.
E4	R-49 Attic Insulation: Attic insulation shall be installed to achieve a weighted assembly U-factor of 0.020 or insulation installed at the ceiling level shall have a thermal resistance of R-49 or greater for the insulation alone. Recessed downlight luminaires in

	the ceiling shall be covered with insulation to the same depth as the rest of the ceiling. Luminaires not rated for insulation contact must be replaced or fitted with a fire-proof cover that allows for insulation to be installed directly over the cover. Exception: In buildings where existing R-30 is present and existing recessed downlight luminaires are not rated for insulation contact, insulation is not required to be installed over the luminaires.
E5	Duct Sealing: Air seal all space conditioning ductwork to meet the requirements of the 2022 Title 24 Section 150.2(b)1E. The duct system must be tested by a HERS Rater no more than three years prior to the Covered Single Family Project permit application date to verify the duct sealing and confirm that the requirements have been met. This measure may not be combined with the New Ducts and Duct Sealing measure in this Table.
E6	New Ducts + Duct Sealing: Replace existing space conditioning ductwork with new R-8 ducts that meet the requirements of 2022 Title 24 Section 150.0(m)11. This measure may not be combined with the Duct Sealing measure in this Table. To qualify, a preexisting measure must have been installed no more than three years before the Covered Single Family Project permit application date.
E7	Windows: Replace all existing windows with high performance windows with an area-weighted average U-factor no greater than 0.32.
E8	R-13 Wall Insulation: Install wall insulation in all exterior walls to achieve a weighted U-factor of 0.102 or install wall insulation in all exterior wall cavities that shall result in an installed thermal resistance of R-13 or greater for the insulation alone.
Fuel Substitution Measures	
FS1	Heat Pump Water Heater (HPWH): Replace all existing electric resistance and natural gas storage water heaters with heat pump water heaters.
FS2	High Efficiency Heat Pump Water Heater (HPWH): Replace all existing electric resistance and natural gas storage water heaters with heat pump water heaters with a Northwest Energy Efficiency Alliance (NEEA) Tier 3 or higher rating.
FS3	HVAC Heat Pump: Replace all existing gas space heating system and existing electric resistance heating systems with electric heat pump systems.
FS4	High Efficiency HVAC Heat Pump: Replace all existing gas space heating system and existing electric resistance heating systems with electric heat pump systems with a SEER rating of 21 or greater and an HSPF rating of 11 or greater.
FS5	Heat Pump Clothes Dryer: Replace all existing gas or electric resistance clothes dryers with heat pump dryers with no resistance element and cap the gas lines.
FS6	Induction Cooktop: Replace all existing gas and electric resistance stove tops with inductive stove tops and cap the gas lines.
Solar PV and Electric-Readiness Measures	
ER1	PV+ Electric Ready Pre-Wire: For New PV Systems: Install a new solar PV system that meets the requirements of 2022 Title 24 Section 150.1(c)14 and upgrade the service panel to meet the requirements of ER2.G. and install any two of the other measures from ER2.A – ER2.F. For Existing PV Systems: If the home already has an existing PV system, to claim credit for this measure, ER1, upgrade the service panel to meet the requirements of ER2.G.

	and install any two of the other measures from ER2.A – ER2.F.
ER2	Electric Readiness Measures: To claim credit for Item ER1, in addition to the solar PV system installed, upgrade the panelboard to meet the requirements of Item ER2.G and install any two of the other measures ER2.A – ER2.F, below to allow for installation of electric appliances at a future date. For any Covered Project, if the service panel is being upgraded, install any two of the other measures below. If the laundry room is being remodeled, comply with Item ER2.D and upgrade the panelboard to meet the requirements of Item ER2.G. If the kitchen is being remodeled, comply with Item ER2.C and upgrade the service panel to meet the requirements of Item ER2.G. A. Heat Pump Water Heater Ready, as specified in Section 150.0(n)1. B. Heat Pump Space Heater Ready, as specified in Section 150.0(t). C. Electric Cooktop Ready, as specified in Section 150.0(u). D. Electric Clothes Dryer Ready, as specified in Section 150.0(v). E. Energy Storage Systems (ESS) Ready, as specified in Section 150.0(s). F. EV Charger Ready. Install a listed raceway for an EV charger, that meets the requirements of the California Green Building Standards Code (Title 24, Part 11) Section A4.106.8.1, Tier 1 and 2, which otherwise applies to new construction. G. Upgrade the panelboard serving the individual dwelling to either: (i) a minimum 200 amp panel with a minimum 225 amp busbar rating to accommodate future connection of electric appliances, including heat pump water heaters, heat pump space heaters, electric cooktops, electric clothes dryers as specified in California Energy Code Section 150.0 (n), (t), (u) and (v) and Level 2 electric vehicle supply equipment; or, (ii) provide electrical load calculations and appliance specifications for serving all of these end-uses with a minimum 100-amp panel. Exception: If an electrical permit is not otherwise required for the project other than compliance with this Item, ER2.

9-19.060 Incentives for compliance.

In addition to the required standards for compliance, the Town Council may establish by resolution, financial or application processing incentives and/or award or recognition programs to encourage higher levels of green building compliance for a project.

9-19.070 Administrative procedures.

The procedures for compliance with the provisions of this chapter shall include, but not be limited to the following:

- (a) *Project design.* Applicants for a covered project are strongly encouraged to involve a qualified green building rater in the initial design phases of the project in advance of submittal of an application to determine applicable green building compliance thresholds and the most cost effective and appropriate means of achieving compliance.
- (b) *Planning applications.* If a discretionary planning application is required for a covered project, applicants should be prepared to identify expected green building measures to be included in the project to achieve the compliance thresholds. Applicants should identify any anticipated difficulties in achieving compliance and any exemptions from the requirements of this chapter that may be requested.
- (c) *Building plan check review.* Upon submittal of an application for a building permit, building plans for any covered project shall include a green building program description and completed checklist. The checklist shall be incorporated onto a separate full-sized plan sheet included with the building plans. Evidence that the project, as indicated by the project plans and green building program description, will achieve the standards for compliance outlined in Section 9-19.050 shall be provided prior to issuance of a building permit.
- (d) *Changes during construction.* During the construction process, alternate green building measures may be substituted, provided that documentation of the proposed change and the project's continued ability to achieve the standards for compliance to the chief building official shall be provided.
- (e) *Final building inspection.* Prior to final building inspection and occupancy for any covered project, evidence that project construction has achieved the required compliance set forth in the standards for compliance outlined in Section 9-19.050 shall be provided. The chief building official shall review the documentation submitted by the applicant and determine whether the project has achieved the compliance threshold as set forth in the standards for compliance outlined in Section 19.04.140. If the chief building official determines that the applicant has met these requirements, the final building inspection may proceed.
- (f) *Conflict with other laws.* The provisions of this chapter are intended to be in addition to and not in conflict with other laws, regulations and ordinances relating to building construction and site development. If any provision of this chapter conflicts with any duly adopted and valid statutes or regulations of the federal government or the state of California, the federal or state statutes or regulations shall take precedence.

19.04.170 Exemptions.

- (a) The provisions of this chapter shall not apply to:
 - (1) Buildings which are temporary (such as construction trailers).
 - (2) Building area which is not or is not intended to be conditioned space.
 - (3) Any requirements of this chapter which would impair the historic integrity of any building listed on a local, state or federal register of historic structures, as determined by the chief building official and as regulated by the California Historic Building Code (Title 24, Part 8). In making such a determination, the chief building official may require the submittal of an evaluation by an architectural historian or similar expert.
- (b) As outlined in the 2022 CALGreen code, section 4.106.4 and A5.106.5, applicants may be exempted from the electric vehicle charging requirements on a case-by-case basis where the local enforcing agency has determined EV charging and infrastructure are not feasible based upon one or more of the following conditions:
 - (1) Where there is no commercial power supply or the local utility is unable to supply adequate power.
 - (2) Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of section 4.106.4 and A5.106.5 may adversely impact the construction cost of the project.

- (3) ADUs and JADUs without additional parking facilities.
 - (4) Parking spaces accessible only by automated mechanical car parking systems are not required to comply with CALGreen Code section 4.106.4 and A5.106.5
- (c) **Hardship or infeasibility exemption.** If an applicant for a covered project believes that circumstances exist that make it a hardship or infeasible to meet the requirements of this chapter, the applicant may request an exemption as set forth below. In applying for an exemption, the burden is on the applicant to show hardship or infeasibility.
- (1) *Application.* Based on the following, the applicant shall identify in writing the specific requirements of the standards for compliance that the project is unable to achieve and the circumstances that make it a hardship or infeasible for the project to comply with this chapter. The applicant may not petition for relief from any requirement of the 2022 California Energy Code (Title 24, Part 6) and referenced standards, or the 2022 California Green Building Standards (Title 24, Part 11) of the California Building Standards Code. Circumstances that constitute hardship or infeasibility shall include one of the following:
 - a. That the cost of achieving compliance is disproportionate to the overall cost of the project;
 - b. That strict compliance with these standards would create or maintain a hazardous condition(s) and present a life safety risk to the occupants.
 - (2) *Granting of exemption.* If the chief building official determines that it is a hardship or infeasible for the applicant to fully meet the requirements of this chapter and that granting the requested exemption will not cause the building to fail to comply with the 2022 California Energy Code (Title 24, Part 6) and referenced standards, or the 2022 California Green Building Standards (Title 24, Part 11) of the California Building Standards Code, the chief building official shall determine the maximum feasible threshold of compliance reasonably achievable for the project. In making this determination, the chief building official shall consider whether alternate, practical means of achieving the objectives of this chapter can be satisfied, such as reducing comparable energy use at an off-site location within the county. If an exemption is granted, the applicant shall be required to comply with this chapter in all other respects and shall be required to achieve the threshold of compliance determined to be achievable by the chief building official.
 - (3) *Denial of exception.* If the chief building official determines that it is reasonably possible for the applicant to fully meet the requirements of this chapter, the request shall be denied, and the applicant shall be notified of the decision in writing. The project and compliance documentation shall be modified to comply with the standards for compliance.
 - (4) *Appeal.* Any aggrieved applicant or person may appeal the determination of the chief building official regarding the granting or denial of an exemption or compliance with any other provision of this chapter. An appeal of a determination of the chief building official shall be filed in writing and processed in accordance with the provisions of Section 10-1.06 of this code.
- (4) *Appeal.* Any aggrieved applicant or person may appeal the determination of the chief building official regarding the granting or denial of an exemption or compliance with any other provision of this chapter. An appeal of a determination of the chief building official shall be filed in writing and processed in accordance with the provisions of Section 10-1.06 of the San Anselmo Municipal Code.

SECTION 5. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or unlawful, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Council hereby declares that it would have passed this

ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or unlawful.

SECTION 6. Effective Date. This ordinance shall take effect and be in force thirty (30) days after the date of its passage, provided that the additional energy efficiency requirements of this Ordinance cannot be enforced by the Town until it has further been approved by the California Energy Commission (Cal. Pub. Res. Code §25402.1(h)(2)). Within fifteen (15) days following its passage, the ordinance shall be published with the names of those Town Council members voting for and against the ordinance and the Town Clerk shall post in the office of the town clerk a certified copy of the full text of the adopted ordinance along with the names of the members voting for and against the ordinance. Prior to the effective date, a copy of this Ordinance shall be filed with the California Building Standards Commission complete with local findings for each local amendment to the California Building Standards Code, as required by Cal. Health and Safety § 17959.

The foregoing ordinance was introduced at a regular meeting of the San Anselmo Town Council on the 22nd day of August, 2023 and was adopted at a regular meeting on the 12th day of September, 2023 by the following vote:

AYES:

NOES:

ABSENT:

Steve Burdo, Mayor

ATTEST

Serge Avila, Town Clerk



STAFF REPORT

TOWN OF SAN ANSELMO

Item #: 1.6

MEETING DATE: September 12, 2023

AGENDA TITLE: Second Amendment to the Community Development Block Grant Cooperation 2023 Agreement

FROM: Serge Avila, Town Clerk

RECOMMENDATION: Authorize the Mayor to execute, on behalf of the Town, a second amendment to the Community Development Block Grant Cooperation Agreement with the County of Marin.

BACKGROUND

The Community Development Block Grant Program (CDBG) provides grants from the U.S. Department of Housing and Urban Development (HUD) to local governments for housing, community facility, and human service programs serving lower-income people. HOME (Investment Partnerships Program) provides additional assistance for housing activities. Marin County qualifies for these programs because the cities and towns have signed cooperation agreements to participate with the County government in a single joint countywide program. This qualifies Marin County as a HUD “urban county,” enabling Marin to receive annual CDBG and HOME grant allocations established by formula.

In 2014, all eleven Marin cities/towns entered into three-year CDBG Cooperation Agreements enabling to obtain formula funds as an urban county. On May 26, 2020 the Council approved the renewal of the Cooperation Agreement to remain eligible to receive funds for the next three fiscal years.

DISCUSSION/ANALYSIS

The 2023 First Amendment to the Cooperation Agreement with the County’s minor changes to the language as required to comply with the latest HUD guidelines for the urban county qualification was approved by the San Anselmo Town Council during its meeting on May 23, 2023.

Since then, HUD has requested an additional amendment to paragraph 9 of the Cooperation Agreement please see Attachment 1.

Item #: 1.6

FISCAL IMPACT

None

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

The Council's discussion of this item is not a "project" under the California Environmental Quality Act, because it does not involve an activity that has the potential to cause a direct or reasonably foreseeable indirect physical change in the environment. (Cal. Pub. Res. Code § 21065).

ATTACHMENTS

Attachment 1- Cooperation Agreement- Second Amendment

Attachment 2- Cooperation Agreement- First Amendment- Executed Copy May 23, 2023

SECOND AMENDMENT TO THE COOPERATION AGREEMENT BETWEEN THE COUNTY OF MARIN AND TOWN OF SAN ANSELMO FOR A COMMUNITY DEVELOPMENT PROGRAM

This SECOND AMENDMENT (“Second Amendment”) to that certain Community Development Block Grant and Home Investment Partnerships Program Cooperation Agreement between the County of Marin, a political subdivision of the State of California, hereinafter called "County," and Town of San Anselmo, a municipal corporation of the State of California, located in the County of Marin, hereinafter called "City," collectively referred to as “Parties,” dated on or about May 26, 2020 (“Original Agreement”), as amended by that certain First Amendment to the Cooperation Agreement between the Parties effective July 25, 2023 (First Amendment, and together with the Original Agreement, the “Cooperation Agreement”), is hereby entered into between the Parties, effective September 30, 2023.

The purpose of this Second Amendment is to incorporate into the Cooperation Agreement language the U.S. Department of Housing and Urban Development (HUD), Office of Community Planning and Development (CPD) Notice 23-02 requires be included in the Cooperation Agreement. The Parties intended to include such required language in the Cooperation through the First Amendment, but inadvertently failed to do so. This Second Amendment is intended to correct that omission.

Accordingly, the County of Marin and the City hereby agree as follows:

1. Amendment to Paragraph 9. Paragraph 9 of the Cooperation Agreement is hereby amended as follows:

County, City, and all other cooperating cities shall take all actions necessary to assure compliance with the urban county’s certification under section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, and that the grant will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and the implementing regulations at [24 CFR part 1](#), 24 CFR part 100, and will affirmatively further fair housing. See 24 CFR § 91.225(a) and Affirmatively Furthering Fair Housing Definitions and Certifications (86 FR 30779, June 10, 2021), to be codified at 24 CFR 5.151 and 5.152. County, City, and all other cooperating cities shall also take all actions necessary to assure compliance with Section 109 of Title I of the Housing and Community Development Act of 1974 (which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975), and the implementing regulations at 24 CFR part 6, which incorporates Section 504 of the Rehabilitation Act of 1973, and the implementing regulations at 24 CFR part 8, Title II of the Americans with Disabilities Act, and the implementing regulations at 28 CFR part 35, the Age Discrimination Act of 1975, and the implementing regulation at 24 CFR part 146, and Section 3 of the Housing and Urban Development Act of 1968, and other applicable laws.

IN WITNESS WHEREOF, the Parties have executed the above instrument on the day and year first above written.

COUNTY OF MARIN

TOWN OF SAN ANSELMO

By: _____
Stephanie Moulton-Peters, President
Board of Supervisors

By: _____
Mayor

ATTEST:

ATTEST:

Deputy Clerk of the Board

Clerk

MASTER FORM APPROVED AS TO FORM:

Brandon Halter
Deputy County Counsel
County of Marin

FIRST AMENDMENT TO THE COOPERATION AGREEMENT BETWEEN THE COUNTY OF MARIN AND TOWN OF SAN ANSELMO FOR A COMMUNITY DEVELOPMENT PROGRAM

This FIRST AMENDMENT ("First Amendment") to that certain Community Development Block Grant and Home Investment Partnerships Program Cooperation Agreement between the County of Marin, a political subdivision of the State of California, hereinafter called "County," and Town of San Anselmo, a municipal corporation of the State of California, located in the County of Marin, hereinafter called "City," collectively referred to as "Parties," dated on or about May 26, 2020 ("Cooperation Agreement"), is hereby entered into between the Parties, effective July 25, 2023.

The purpose of this First Amendment is to renew the Cooperation Agreement for federal fiscal years 2024-2026 and to incorporate into the Cooperation Agreement language as required by the U.S. Department of Housing and Urban Development (HUD), Office of Community Planning and Development (CPD) Notice 23-02.

Accordingly, the County of Marin and the City hereby agree as follows:

1. Amendment to Paragraph 9. Paragraph 9 of the Cooperation Agreement is hereby amended as follows:

County, City, and all other cooperating cities shall take all actions necessary to assure compliance with the urban county's certification under section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, and that the grant will be conducted and administered in conformity with ~~regarding~~ Title VI of the Civil Rights Act of 1964, the Fair Housing Act, ~~affirmatively furthering fair housing~~ and the implementing regulations at 24 CFR part 100, and will affirmatively further fair housing. See 24 CFR § 91.225(a) and Affirmatively Furthering Fair Housing Definitions and Certifications (86 FR 30779, June 10, 2021), to be codified at 24 CFR 5.151 and 5.152. County, City, and all other cooperating cities shall also take all actions necessary to assure compliance with Section 109 of Title I of the Housing and Community Development Act of 1974 (which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975), and the implementing regulations at 24 CFR part 6, which incorporates Section 504 of the Rehabilitation Act of 1973, and the implementing regulations at 24 CFR part 8, Title II of the Americans with Disabilities Act, and the implementing regulations at 28 CFR part 35, the Age Discrimination Act of 1975, and the implementing regulation at 24 CFR part 146, and Section 3 of the Housing and Urban Development Act of 1968, and other applicable laws.

Use of urban county funds for activities in, or in support of, any cooperating city that does not affirmatively further fair housing within its own jurisdiction or that impedes the county's actions to comply with the county's fair housing certification shall be prohibited. The City must also sign the assurances and certifications in the HUD 424-B, attached hereto.

Pursuant to 24 CFR 570.501(b), City is subject to the same requirements applicable to subrecipients, including the requirement of a written agreement as described in 24 CFR 570.503.

County, City, all other cooperating cities, metropolitan cities, urban counties, units of general local government, Indian tribes, and insular areas that directly or indirectly receive funds provided under Title I of the Housing and Community Development Act of 1974, as amended, may not sell, trade, or otherwise transfer all or any portion of such funds to another such entity in exchange for any other funds, credits, or non-Federal considerations, but must use such funds for activities eligible under Title I of the Housing and Community Development Act of 1974, as amended.

2. Amendment to Fiscal Year References. All references in the Cooperation Agreement to "federal fiscal years 2021, 2022, and 2023" are hereby amended to refer to "federal fiscal years 2021, 2022, 2023, 2024, 2025, and 2026."
3. All Other Provisions Unchanged. All provisions of the Cooperation Agreement not explicitly amended through this First Amendment remain in full force and effect.
4. Authority to Execute Amendment. The person signing on behalf of the Town of San Anselmo certifies to the County that he/she/they has the authority to execute this First Amendment, and that execution of this First Amendment on behalf of the City is in accord with all City processes for obtaining such signature. The person executing this First Amendment on behalf of the City recognizes that the County will rely on this certification in order to procure funds from HUD for use by the City.

IN WITNESS WHEREOF, the Parties have executed the above instrument on the day and year first above written.

COUNTY OF MARIN

TOWN OF SAN ANSELMO

By: Stephanie Moulton-Peters
Stephanie Moulton-Peters, President
Board of Supervisors

By: Steph V.B.
Mayor

ATTEST:

ATTEST:

n. Henderson
Deputy Clerk of the Board

Steph V.B.
Clerk

MASTER FORM APPROVED AS TO FORM:



Brandon Halter
Deputy County Counsel
County of Marin

Steve Burdo
Mayor

Brian Colbert
Council Member

Eileen Burke
Vice Mayor

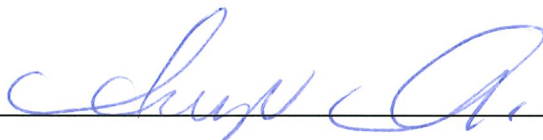
Alexis Fineman
Council Member

Tarrell Kullaway
Council Member



Town of San Anselmo
525 San Anselmo Avenue, San Anselmo, CA 94960-2682
(415) 258-4600
www.townofsananselmo.org

I, Serge Avila, Town Clerk of the Town of San Anselmo, California. DO HEREBY CERTIFY that the foregoing First Amendment to the Cooperation Agreement between the County of Marin and Town of San Anselmo for a Community Development Program was duly introduced, approved and adopted by Resolution No. 4495 by the Town Council of the Town of San Anselmo at a regular meeting of said Town Council held on the 23rd day of May, 2023.

(s)  Town Clerk



Seal of the Town of San Anselmo

RESOLUTION NO. 4495

**RESOLUTION OF THE SAN ANSELMO TOWN COUNCIL
AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO
THE COOPERATION AGREEMENT WITH THE COUNTY OF MARIN FOR THE
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME PROGRAMS**

WHEREAS, it is mutually desired by the Town of San Anselmo and the County of Marin that they may enter into a Cooperation Agreement, in accordance with the Housing and Community Development Act of 1974, as amended, in order to jointly undertake community renewal and lower income housing assistance activities; and

WHEREAS, as a result of the Cooperation Agreement between the Marin cities and towns and the County of Marin, Marin has received over \$79 Million in CDBG and HOME funding for housing and community facilities and public service projects benefitting lower income persons since 1975.

NOW THEREFORE IT IS HEREBY RESOLVED that the Town Council of the Town of San Anselmo approves and authorizes the Mayor, on behalf of the Town, to execute a three-year First Amendment to the Cooperation Agreement with the County of Marin for the Community Development Block Grant Program, the HOME Investment Partnerships Program and the Emergency Solutions Grants Program. The three-year period shall be for the federal Fiscal Years 204, 2025, 2026.

BE IT FURTHER RESOLVED, that the Town hereby adopts the policies included in the First Amendment to the Cooperation Agreement.

I, Serge Avila, Town Clerk of the Town of San Anselmo, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the Town Council of said Town held on the 23rd day of May, 2023 by the following vote:
by the following vote:

AYES:	Councilmember:	Kullaway, Fineman, Colbert, Burke, Mayor Burdo
NOES:	Councilmember:	None
ABSENT:	Councilmember:	None
ABSTAIN:	Councilmember:	None

ATTEST:

DocuSigned by:

*Serge Avila***SERGE AVILA****TOWN CLERK**

DocuSigned by:

*Steve Burdo***STEVE BURDO****MAYOR**

Applicant and Recipient Assurances and Certifications

U.S. Department of Housing
and Urban Development

OMB Number: 2510-0017
Expiration Date: 1/31/2026

Instructions for the HUD 424-B Assurances and Certifications

As part of your application for HUD funding, you, as the official authorized to sign on behalf of your organization or as an individual, must provide the following assurances and certifications. The Responsible Civil Rights Official has specified this form for use for purposes of general compliance with 24 CFR §§ 1.5, 3.115, 8.50, and 146.25, as applicable. The Responsible Civil Rights Official may require specific civil rights assurances to be furnished consistent with those authorities and will specify the form on which such assurances must be made. A failure to furnish or comply with the civil rights assurances contained in this form may result in the procedures to effect compliance at 24 CFR §§ 1.8, 3.115, 8.57, or 146.39.

By submitting this form, you are stating that all assertions made in this form are true, accurate, and correct.

As the duly representative of the applicant, I certify that the applicant: [Insert below the Name and title of the Authorized Representative, name of Organization and the date of signature]:

*Authorized Representative Name:

*Title:

*Applicant/Recipient Organization:

1. Has the legal authority to apply for Federal assistance, has the institutional, managerial and financial capability (including funds to pay the non-Federal share of program costs) to plan, manage and complete the program as described in the application and the governing body has duly authorized the submission of the application, including these assurances and certifications, and authorized me as the official representative of the application to act in connection with the application and to provide any additional information as may be required.

2. Will administer the grant in compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d)) and implementing regulations (24 CFR part 1), which provide that no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any program or activity that receives Federal financial assistance OR if the applicant is a Federally recognized Indian tribe or its tribally designated housing entity, is subject to the Indian Civil Rights Act (25 U.S.C. 1301-1303).

3. Will administer the grant in compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended, and implementing regulations at 24 CFR part 8, the American Disabilities Act (42 U.S.C. §§ 12101 et seq.), and implementing regulations at 28 CFR part 35 or 36, as applicable, and the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) as amended, and implementing regulations at 24 CFR part 146 which together provide that no person in the United States shall, on the grounds of disability or age, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance; except if the grant program authorizes or limits participation to designated populations, then the applicant will comply with the nondiscrimination requirements within the designated population.

4. Will comply with the Fair Housing Act (42 U.S.C. 3601-19), as amended, and the implementing regulations at 24 CFR part 100, which prohibit discrimination in housing on the basis of race, color, religion sex (including gender identity and sexual orientation), disability, familial status, or national origin and will affirmatively further fair housing; except an

applicant which is an Indian tribe or its instrumentality which is excluded by statute from coverage does not make this certification; and further except if the grant program authorizes or limits participation to designated populations, then the applicant will comply with the nondiscrimination requirements within the designated population.

5. Will comply with all applicable Federal nondiscrimination requirements, including those listed at 24 CFR §§ 5.105(a) and 5.106 as applicable.

6. Will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601) and implementing regulations at 49 CFR part 24 and, as applicable, Section 104(d) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(d)) and implementing regulations at 24 CFR part 42, subpart A.

7. Will comply with the environmental requirements of the National Environmental Policy Act (42 U.S.C. 4321 et seq.) and related Federal authorities prior to the commitment or expenditure of funds for property.

8. That no Federal appropriated funds have been paid, or will be paid, by or on behalf of the applicant, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress, in connection with the awarding of this Federal grant or its extension, renewal, amendment or modification. If funds other than Federal appropriated funds have or will be paid for influencing or attempting to influence the persons listed above, I shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying. I certify that I shall require all subawards at all tiers (including sub-grants and contracts) to similarly certify and disclose accordingly. Federally recognized Indian Tribes and tribally designated housing entities (TDHEs) established by Federally-recognized Indian tribes as a result of the exercise of the tribe's sovereign power are excluded from coverage by the Byrd Amendment, but State-recognized Indian tribes and TDHs established under State law are not excluded from the statute's coverage.

I/We, the undersigned, certify under penalty of perjury that the information provided above is true and correct. WARNING: Anyone who knowingly submits a false claim or makes a false statement is subject to criminal and/or civil penalties, including confinement for up to 5 years, fines, and civil and administrative penalties. (18 U.S.C. §§287, 1001, 1010, 1012, 1014; 31 U.S.C. §3729, 3802).

* Signature:

* Date: (mm/dd/yyyy):

06/30/2023

Form HUD 424-B (1/27/2023)

Public Reporting Burden Statement: The public reporting burden for this collection of information is estimated to average 0.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding the accuracy of this burden estimate and any suggestions for reducing this burden can be sent to: U.S. Department of Housing and Urban Development, Office of the Chief Data Officer, R, 451 7th St SW, Room 4176, Washington, DC 20410-5000. **Do not send completed HUD-424B forms to this address.** This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid OMB control number. The Department of Housing and Urban Development is authorized to collect this information under the authority cited in the Notice of Funding Opportunity for this grant program. The information collected provides assurances and certifications for legal requirements related to the administration of this grant program. HUD will use this information to ensure compliance of its grantees. This information is required to obtain the benefit sought in the grant program. This information will not be held confidential and may be made available to the public in accordance with the Freedom of Information Act (5 U.S.C. §552).



STAFF REPORT

TOWN OF SAN ANSELMO

Item #: 3.1

MEETING DATE: September 12, 2023

AGENDA TITLE: Traffic Calming Guidelines Discussion

FROM: Sean Condry, P.E., Public Works Director

RECOMMENDATION:

That the Town Council receive an update on the Traffic Calming Guideline procedures.

BACKGROUND

In the early 2000s the Town created the Traffic Calming Guidebook, which was intended to provide a process for residents and staff to address traffic safety concerns throughout San Anselmo. While this guidebook has been beneficial and still has many relevant traffic calming tools, the guidebook needs needed to be updated in response to traffic safety concerns throughout the Town at the time.

On May 9th of 2015, the Town held a Traffic Calming Open House to introduce the idea of traffic calming and the potential tools that San Anselmo could use on their neighborhood streets. The Central Marin Police Authority (CMPA), Ross Valley Fire Department (RVFD), Town Staff, and transportation consultants were present to facilitate and answer questions and comments from the public.

Based on input received at the Open House and lessons learned from implementing traffic calming programs throughout Marin County and the Bay Area, Staff along with David Parisi of Parisi Transportation Consultants prepared the attached Traffic Calming Guidebook (Attachment 1). A key element of the updated guidebook is a description of the process required of residents and Town staff to implement neighborhood traffic calming policies. The guidebook also updates the toolbox of traffic calming measures that can be implemented in the Town.

On March 8, 2016, a staff report, Attachment 1, on the draft Traffic Calming Guidebook was presented to Council to review. On May 10, 2016, the Town Council approved the Traffic Calming Guidelines. Traffic Calming is defined as the management of vehicular

traffic speeds and volumes through educational, enforcement and/or engineering measures so their negative impacts on residents, pedestrians, bicyclists and schools are minimized.

The goals of the Town's Traffic Calming Program are to:

- Improve the safety and quality of life for residents, pedestrians, bicyclists, motorists, and students.
- Promote compliance with traffic laws while minimizing reliance on police resources.
- Approach residential traffic problems in a fair, consistent, and comprehensive manner.
- Establish a program that functions consistently with, and as a complement to, other Town transportation programs and policies (particularly those related to Safe Routes to Schools and the Town's adopted Bicycle and Pedestrian Plan).
- Recognize the unique character and integrated nature of the town's streets, so that traffic and inappropriate driver behavior is not shifted onto other neighborhood streets.
- Regularly use all available means of community outreach to encourage the availability and use of the program to interested residents, as well as inform the broader community.
- Monitor and evaluate traffic calming measures and procedures over time so that the adopted program remains timely and effective.
- Use traffic calming measures appropriate to the traffic problems, and problems and limit any potential adverse aesthetic and cumulative impacts to individual streets, the neighborhood, and the community.

DISCUSSION

The Town has many local narrow and winding streets with a state prima facie vehicular speed limit of 25 mph. However, 25 mph on many of the local streets can appear to be much faster and, in many instances, may be too fast. Therefore, many concerns are received throughout the year on an ongoing basis and the guidelines are a tool to help residents and staff identify, manage, and address traffic related issues in an organized and thorough manner.

Typically, initial contact is made by a resident regarding a concern on a town street. Staff will often meet at the area of concern and gather some information while also directing residents to the Traffic Calming Guidelines and the process thereof. The typical approach is as follows:

1. **Education** is first consisting of reaching out to other neighbors, schools and or assistance from Safe Routes to School. If this step doesn't address the issues at hand, then step 2 follows.

2. **Enforcement** is second and often includes Central Marin Police increasing traffic enforcement in the area and installing a temporary stealth radar to determine the 85th percentile speed.
3. **Engineering** is the third tool and is typically last as it is the most expensive option and may include design and actual infrastructure improvements.

Over the past several months, staff has received requests for traffic calming from residents in several residential neighborhoods, and in particular, on San Anselmo Avenue between Center Boulevard and Sir Francis Drake Boulevard. The residents have concerns over apparent speeding vehicles over the state prima facie of 25 mph since few signs are posted. In addition, the residents initially supported new red curbs, but were worried that fewer parked cars may increase vehicle speeds.

The new red curbs on local streets are part of a Town program which staff has been implementing over the years to provide better emergency vehicle access and specifically for large fire engines. This program was previously presented to Council on May 14, 2019 and is a very important program to ensure first responders can safely and quickly respond to emergencies throughout Town including fires, medical emergencies like heart attacks, flooding, etc.

On San Anselmo Avenue, residents believed that the red curbs may have exacerbated the speeding issue. However, as can be seen on Attachment 2 - speed survey, the 85th percentile speed, which is the speed for 85% of the vehicles and the enforceable speed limit, was only 24 mph. This speed survey was conducted when school was out so another survey will be done during the school season.

While the speed was within the prima facie speed limit of 25 mph, there were some vehicles going too fast, but less than 10% of the total vehicles. This information could be used in theory to reduce the speed limit to 20 mph, which the staff is currently reviewing.

In addition, the Town is looking at a shared sign campaign to slow vehicles down on San Anselmo Avenue and potentially other streets. Safe Routes to School also has signage that can be used to educate the public. Lastly, the Town is also looking at potential improvements to the corner of Sir Francis Drake and San Anselmo Avenue which could slow down vehicles making the turn onto San Anselmo Avenue.

CONCLUSION

While traffic concerns and their impact to our Town and neighborhoods are always an ongoing issue, the Traffic Calming Guidelines provide a comprehensive and systematic approach to addressing issues that arise. There is no “one size fits all” for each area or issue that arises, but the current guidelines, when used correctly, can address many issues that arise related to vehicular, bicycle, or pedestrian travel.

FISCAL IMPACT

For each neighborhood traffic calming analysis, there is a significant fiscal impact in staff time. If ultimately any infrastructure improvements are designed and implemented, costs could be significant. Given the recent loss of one engineer, staff has limited bandwidth for the many neighborhood requests.

GENERAL PLAN CONSISTENCY

The Traffic Calming Guidelines are consistent with the Town's General Plan including the goals of the Circulation Element.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

The existing Traffic Calming Guidelines are consistent with the Town's Climate Action Plan including:

T-2: Bicycling

Encourage bicycling as an alternative to vehicular travel. Establish and maintain a system of bicycle facilities that are consistent with the Town's Bicycle and Pedestrian Plan and Complete Streets policies.

T-3: Walking

Encourage walking as an alternative to vehicular travel through outreach channels and partner agencies. Establish and maintain a system of pedestrian facilities that are consistent with the Town's Bicycle and Pedestrian Master Plan and Complete Streets policies. Develop a sidewalk improvement program and consider when property owners will be required to install sidewalks or pay fees in lieu of providing sidewalks to fund sidewalk improvement program.

T-4: Safe Routes to School

Continue to support the Safe Routes to School Program and strive to increase bicycling, walking, carpooling, and taking public transit to school. Promote school participation, identify issues associated with unsafe bicycle and pedestrian facilities between neighborhoods and schools, apply for Safe Routes to School grants, and execute plans to improve pedestrian and bicycle facilities.

ATTACHMENTS

Attachment 1 - Traffic Calming Guidelines

Attachment 2 – Speed Survey on San Anselmo Avenue

SAN ANSELMO TRAFFIC CALMING GUIDEBOOK



ACKNOWLEDGEMENTS

The Town of San Anselmo wishes to thank the following people for their assistance in the development of the Neighborhood Traffic Calming Guidebook:

Town of San Anselmo Town Council:

Ford Greene, *Mayor*

Kay Coleman, *Vice Mayor*

Matt Brown, *Council Member*

Tom McInerney, *Council Member*

John Wright, *Council Member*

Traffic Safety Committee

Ross Valley Fire Department

Central Marin Police Authority

Town of San Anselmo Staff:

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Curt Harrington, *Parisi Transportation Consulting*

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All traffic calming measures described in this guide may not be feasible for all San Anselmo streets. For measures to be approved (in particular related to infrastructure improvements), community support, engineering evaluation, and Council approval are required as discussed in this guide.



The Town of San Anselmo's Neighborhood Traffic Calming Guidebook is designed to effectively manage traffic related concerns in residential areas. It provides San Anselmo residents with information on the available tools, as well as the necessary steps to seek traffic calming measures for their neighborhood. Residents participate in developing and evaluating the various requirements, consider the benefits and trade-offs of different traffic calming measures, and become actively involved in the decision-making process.

The traffic calming program does not replace a resident's ability to contact Public Works or the Police Department about maintenance, speeding, or other issues that do not fit the definition of traffic calming. These requests will be handled through standard Town procedures. Please go to the Town website and follow the link to the "Report a Concern" form in order to place maintenance-related issues.

On May 9th of 2015, the Town held a Traffic Calming Open House to introduce the idea of traffic calming and the potential tools that San Anselmo could use on their neighborhood streets. The Central Marin Police Authority (CMPA), Ross Valley Fire Department (RVFD), Town Staff, and transportation consultants were present to facilitate and answer questions and comments from the public. A brief presentation was given to summarize the purpose of traffic calming and the various education, enforcement and engineering tools that are used in similar towns that could also be used in San Anselmo. After the presentation, the public was encouraged to walk around and check out various traffic calming tool posters,

and to provide their comments. Aerial posters were provided to help the public identify locations where traffic calming tools could potentially be useful.

Town Staff, CMPA, RVFD, the Traffic Safety Committee, and town consultants proceeded in creating the Traffic Calming Guidebook by incorporating comments from the open house. Staff met the various stakeholders throughout the draft process to fine tune the Guidebook. A final draft Neighborhood Traffic Calming Guidebook will be presented to the Town Council for review and adoption.



The Town of San Anselmo defines traffic calming as “the management of vehicular traffic speeds and volumes through educational, enforcement and/or engineering measures so that their negative impacts on residents, pedestrians, bicyclists and schools are minimized.” Many residents of San Anselmo are concerned with traffic speeds and volumes on their neighborhood streets.



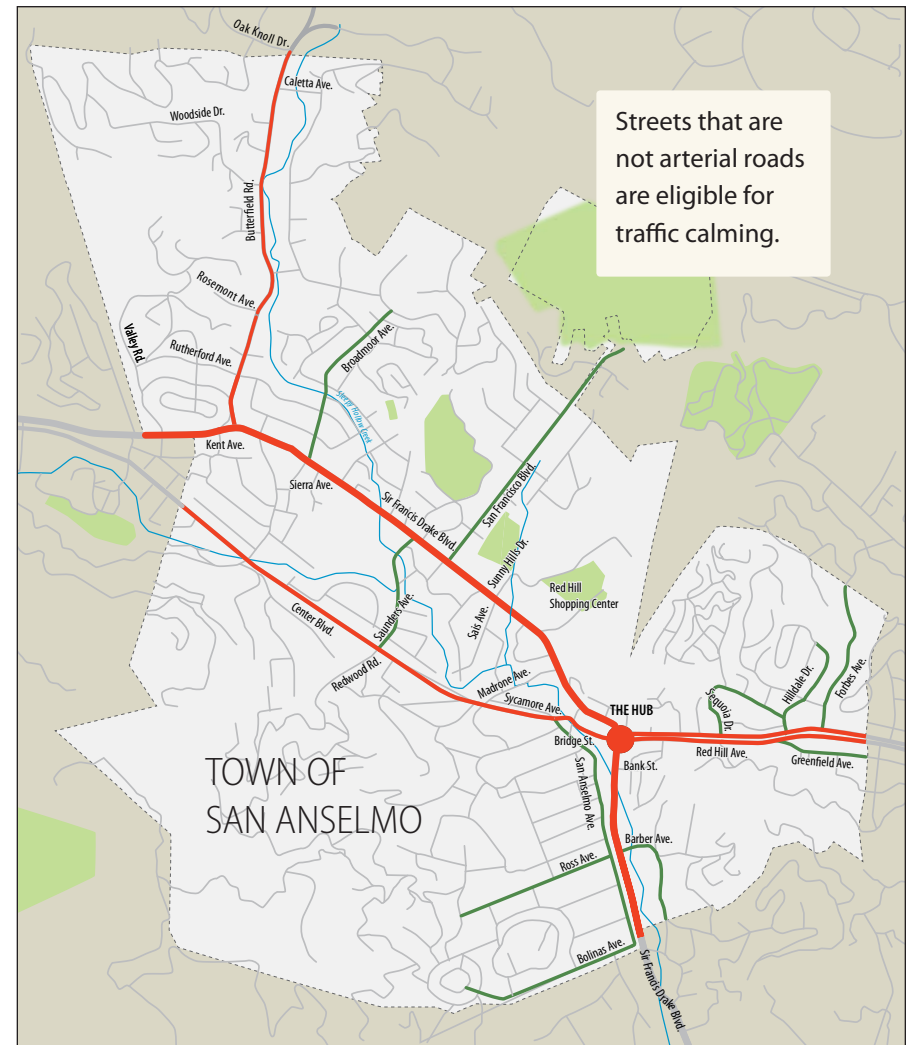
The goals of the Town’s Traffic Calming Program are to:

- Improve the safety and quality of life for residents, pedestrians, bicyclists, motorists, and students.
- Promote compliance with traffic laws while minimizing reliance on police resources.
- Approach residential traffic problems in a fair, consistent, and comprehensive manner.
- Establish a program that functions consistently with, and as a complement to, other Town transportation programs and policies (particularly those related to Safe Routes to Schools and the Town’s adopted Bicycle and Pedestrian Plan).
- Recognize the unique character and integrated nature of the town’s streets, so that traffic and inappropriate driver behavior is not shifted onto other neighborhood streets.
- Regularly use all available means of community outreach to encourage the availability and use of the program to interested residents, as well as inform the broader community.
- Monitor and evaluate traffic calming measures and procedures over time so that the adopted program remains timely and effective.
- Use traffic calming measures appropriate to the traffic problems, and limit any potential adverse aesthetic and cumulative impacts to individual streets, the neighborhood, and the community.

Streets Eligible for Traffic Calming

All neighborhood streets in the Town of San Anselmo with dedicated public right of way are eligible for traffic calming. However, the Town's arterial roadways, such as Sir Francis Drake Boulevard, Center Boulevard, Butterfield Road, and Red Hill Avenue are not eligible for neighborhood street traffic calming. It is the intention of this Guidebook to keep traffic on these arterials whenever possible. Arterial roadways provide a higher degree of mobility, serve key emergency response and truck routes, and through traffic is encouraged to use such roadways.

The use of any major engineering measures along collector roadways, evacuation routes, and truck and bus routes must be approved by the Central Marin Police Authority, Ross Valley Fire Department, and Public Works departments. Some of these measures can result in significant problems for emergency response vehicles (e.g., fire trucks, ambulances), large numbers of motorists evacuating an area, trucks transporting delicate goods, or passenger buses. Collector streets in San Anselmo include San Francisco Boulevard, Broadmoor Avenue, Forbes Avenue, San Anselmo Avenue, Ross Avenue, Bolinas Avenue, Greenfield Avenue, Sequoia Drive, Hilldale Drive, Barber Avenue, and Saunders Avenue.



LEGEND

- Arterial roadways, which are not eligible for traffic calming
- Collector roadways, which require Police, Fire and Public Works approval for major engineering measures

The Neighborhood Traffic Calming Process

This section describes the process required to implement neighborhood traffic calming policies. The following table is a summary of the key steps, who is responsible for initiating each step, and the applicable documents to use.

Applicants must complete each step before continuing to the next one. Samples of the forms mentioned below can be found in Appendix I.

DESCRIPTION	RESPONSIBILITY	RELEVANT DOCUMENTS
STEP 1 – REQUESTING ACTION		
Report the concern to the Town's Public Works Department	Applicant	Traffic Safety Request (Online)
Provide educational materials to applicant if location is eligible for traffic calming	Town Staff	Traffic Calming Guidebook
STEP 2 – NEIGHBORHOOD TRAFFIC SAFETY EDUCATION AND ENFORCEMENT		
If applicable, ensure adequate neighborhood support (minimum of 5 individual property owners)	Applicant	Petition for Neighborhood Traffic & Safety Education
Determine the affected area/neighborhood boundary	Town Staff	
Implement a Neighborhood Traffic and Safety Education program for no less than 6 months	Applicant	
Evaluate effectiveness of education and enforcement measures, and determine if further steps are necessary	Town Staff, Applicant	
STEP 3 – LEVEL 1 ENGINEERING MEASURES		
Collect data to document issue, including traffic counts, collision history, and travel speeds, etc.	Town Staff	
Complete a Traffic Calming Priority Worksheet for all traffic calming requests eligible for Level 1 traffic calming measures	Town Staff	Traffic Calming Priority Worksheet
Establish a Neighborhood Committee to study and implement Level 1 traffic calming solutions	Applicant, Town Staff	
Within 6 months of implementation, collect data and prepare a report documenting "before & after" conditions to determine success of Level 1 actions	Town Staff	Level 1 Traffic Calming Evaluation Report

The Neighborhood Traffic Calming Process

DESCRIPTION	RESPONSIBILITY	RELEVANT DOCUMENTS
STEP 4 – LEVEL 2 ENGINEERING MEASURES		
Hold an Open House to determine neighborhood support of Level 2 traffic calming measures (more than 50% of the property owners within the affected area/neighborhood)	Town Staff	Voting Postcards
Develop a Traffic Calming Plan that describes recommended traffic calming options, tools, costs, and financing	Neighborhood Committee	Draft Traffic Calming Plan
Meet with the Bicycle and Pedestrian Advisory Committee and the Safe Routes to Schools Task Force for input on the Draft Plan	Neighborhood Committee	
Host a second public Open House to share the findings and traffic calming recommendations	Neighborhood Committee	
Revise and develop a final Level 2 Traffic Calming Plan	Neighborhood Committee	Final Draft Traffic Calming Plan
Distribute a summary of the proposed Traffic Calming Plan, along with a voting card, to all households in the affected area/neighborhood	Town Staff	Traffic Calming Plan Summary with voting card
Ensure necessary support for Level 2 Traffic Calming Plan (minimum 60% of the returned ballots)	Neighborhood Committee, Town Staff	
Present the proposed Plan to the Town Council for approval or further refinement	Neighborhood Committee, Town Staff	Final Traffic Calming Plan
STEP 5 – TRAFFIC CALMING EVALUATION		
After a minimum of one year, evaluate the effectiveness of the Plan and report to the affected area/neighborhood and Town Council	Town Staff	Technical Memorandum

STEP 1 – REQUESTING ACTION

The first step in the traffic calming process is to report the issue of concern to the Town of San Anselmo Public Works Department using the Traffic Safety Request form, available online or as a hardcopy. A request can be filed by an individual, on behalf of a group of residents, or by any concerned group.

If the issue is related to traffic calming and the subject street(s) is (are) eligible for traffic calming (i.e., on an approved collector street or a neighborhood street, not an arterial roadway and owned or maintained by the Town of San Anselmo), Public Works staff will notify the applicant and provide them with a copy of the Town's Neighborhood Traffic Calming Guidebook.

If the issue is maintenance-related (e.g., vegetation removal, curb painting, sign replacement) or deemed an immediate safety hazard, Public Works staff will notify the applicant, generally within 10 working days from the receipt of the request, and provide a proposed response and timeline to address the issue. In these cases, traffic calming is not applicable and no further steps related to traffic calming will be taken.

STEP 2 – NEIGHBORHOOD TRAFFIC EDUCATION AND ENFORCEMENT

To begin the Neighborhood Traffic and Safety Education program, an individual applicant will be required to confirm widespread neighborhood concern and interest in the issue raised. In order to do so, the applicant is required to submit a petition supported by a minimum of five individual property owners in the vicinity of, and potentially affected by, the traffic calming issue. A petition is not required if the original Traffic Safety Request form was filed on behalf of a neighborhood or homeowners' association, or other concerned group.

In consultation with other Town departments, Public Works staff will determine the affected area/neighborhood for the Neighborhood Traffic Safety and Education program. The boundaries of an affected area/neighborhood can be



Traffic Safety Request

This form is to request review of your transportation concern along a San Anselmo neighborhood public street. Please fill out all sections and submit to:
Town of San Anselmo, Attn: Traffic Safety Committee, 525 San Anselmo Avenue, San Anselmo, CA 94940

Contact Person(s) Information Requested by:

Printed name: _____	Individual property owner or resident _____
Address: _____	Neighborhood / condo association _____
Phone: _____	Other interested group (specify): _____
Email: _____	_____
Date: _____	_____

Location of Concern

Please describe the location of concern, as well as the affected area (other streets, neighborhood).

Traffic and/or Safety Concern

Please describe the nature of the neighborhood traffic and/or safety issue you are concerned with.

(Additional forms showing "USE ONLY" section visible in background)

modified in response to succeeding levels of traffic calming, and the need to consider a wider area of potential impact. The final determination of the affected area/neighborhood boundary shall be made by the Director of Public Works.

Any costs associated with producing and disseminating the education materials will be borne by the Town. Multiple applications pertaining to the same traffic calming issues and affected area/neighborhood may be combined at this point in the process in order to address the issue collectively.

The Neighborhood Traffic Calming Process

For any Traffic Safety Request that is eligible for traffic calming, the affected area/neighborhood must initiate and actively engage in a Neighborhood Traffic Safety and Education program for a period of time (to be determined by Public Works in consultation with the applicant, but not less than six months) sufficient to determine its impact before any further traffic calming steps are taken. Depending on the characteristics of the traffic calming issue, the Neighborhood Traffic Safety and Education program may be expanded beyond the boundaries of the affected area/neighborhood in order to ensure adequate coverage and dissemination of education materials.

If the applicant feels that the education and enforcement measures have not sufficiently addressed the issue, he/she can request that further traffic calming steps be taken. Based on consultation with the applicant, the Town will evaluate the effectiveness of the education and enforcement program, and determine if Level 1 engineering measures may be appropriate.

STEP 3 – LEVEL 1 ENGINEERING MEASURES

As the next step in the traffic calming process, Public Works staff will collect specific data to document the issue, potentially including but not limited to, traffic counts, collision history, travel speed information, etc. In addition, Public Works will complete a Traffic Calming Priority Worksheet for all traffic calming requests eligible for Level 1 traffic calming measures. It is important to note that the prioritization process only allows the Town to commit resources to conduct an evaluation of potential Level 1 engineering measures.

Public Works staff will identify street(s) eligible for potential traffic calming action based on the overall score from the Traffic Calming Priority Worksheet. Although the worksheet may be filled out at any time, the actual ranking of eligible traffic calming applications will occur as part of the Town's Capital Improvement Program and Budget. Depending on the number of eligible applications and the availability of funding resources, there may be some years when traffic calming applications are funded in a future budget cycle.

Neighborhood Traffic Calming Priority Worksheet

This worksheet will be completed by the Town of San Anselmo staff in accordance with the Town's Neighborhood Traffic Calming Program. It will be used to prioritize the potential initiation of specific neighborhood traffic calming processes. Note that the highest scoring "street" will be used if multiple streets are included in the study area.

Date: _____ Name of neighborhood: _____

Limits of study area: _____

1. Traffic Volumes (mid-week volumes within last two years)

- Greater than 2000 vehicles per day = 8 points
- 1,500 to 2,000 vehicles per day = 6 points
- 1,000 to 1,500 vehicles per day = 4 points
- Less than 1,000 vehicles per day = 0 points

2. Reported Collision History on Local Streets

- More than 5 collisions in a 3-year period = 12 points
- 2 to 4 collisions in a 3-year period = 9 points
- 1-3 collisions in a 3-year period = 6 points

3. Travel Speeds

- 85th percentile speed > 10+ mph over speed limit = 10 points
- 85th percentile speed > 5+ mph over speed limit = 6 points
- 85th percentile speed > 3+ mph over speed limit = 3 points

4. Pedestrian Facilities

- There is essentially no pedestrian space available = 5 points
- The pedestrian space needs improvement = 3 points

5. Schools and Activity Centers

- The street is used as a primary access route to school, transit, shops, community facilities, etc.
- 3 points for each school, 2 points for each other activity center destination.
- (10 points maximum total.)

Unique Conditions

- Unique conditions prevail such as sight distance constraints, parking on sidewalks, high truck volumes. (5 points maximum total.)

Total Score (Maximum of 50):

Prepared by: _____

For the affected area(s)/neighborhood(s) selected for traffic calming, Public Works staff will work with the applicant(s) to establish a Neighborhood Committee which will include a Resident Coordinator. This group will consist of a broad representation of residents (including affected businesses, schools, neighborhood or homeowners' associations), Town staff (including representatives from the Fire, Police, and Public Works departments), and key stakeholders (including members of the Bicycle and Pedestrian Advisory Committee and the Safe Routes to Schools Task Force). The Resident Coordinator will be responsible for representing the affected businesses, schools, neighborhood or homeowners' associations and coordinating with the Town Staff within the Neighborhood Committee.

The Neighborhood Traffic Calming Process

The goal of this phase of the program is for the Neighborhood Committee to investigate and implement possible solutions that do not involve the use of physical controls on the roadway system. These will primarily be additional and more focused education and enforcement-based measures, as well as traffic signing and pavement markers.

Within six months after implementation, Public Works staff will collect data to determine if the Level 1 actions are successful. Staff will prepare a report to document the “before and after” conditions and provide the results to the Neighborhood Committee. The report will also evaluate whether or not Level 2 traffic calming measures could potentially be appropriate in the future. If it is determined that Level 1 measures have been effective, no further traffic calming steps will be taken.

STEP 4 – LEVEL 2 ENGINEERING MEASURES

Level 2 traffic calming measures will only be considered when Public Works staff determines that the following criteria have been met:

1. The affected area/neighborhood has effectively applied all appropriate measures of the Neighborhood Traffic Safety and Education program;
2. The affected area/neighborhood received the highest priority ranking for Level 1 traffic calming;
3. The Level 1 Traffic Calming Evaluation Report finds that Level 2 measures could potentially be appropriate; and
4. More than 50% of the property owners within the affected area/neighborhood support consideration of Level 2 traffic calming measures.

To meet the last criterion, an Open House will be held by the Neighborhood Committee to discuss their progress and the possibility of pursuing Level 2 traffic calming measures. Property owners will then be polled using a postcard (with return postage provided) sent via regular mail by the Town. Interest in Level 2

Potential Traffic Calming Tools: **Engineering**



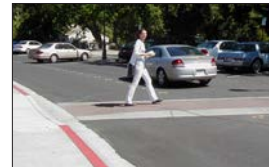
Crosswalk Improvements



Sidewalks and Pathways



Intersection Curb Extensions / Chokers



Raised Crosswalks



Median Islands



Bicycle Route Signings / Markings

traffic calming will be based on the overall number of postcards received, i.e., no response from a property owner will be deemed a “no” vote.

The Neighborhood Committee will meet regularly to review issues, observe user behaviors and field conditions, identify specific goals, confirm the affected area/neighborhood, determine data needs, request additional data, participate in collecting data, discuss appropriate Level 2 traffic calming measures, develop and evaluate options, estimate costs, and discuss funding. Multiple meetings will be needed.

The Neighborhood Committee will coordinate with the Town’s Bicycle and Pedestrian Advisory Committee and Safe Routes to School Task Force, as appropriate.

The goal of the Neighborhood Committee will be to develop a Traffic Calming Plan that is appropriate for the affected area/neighborhood, consistent with the goals of the Town’s traffic calming program, and that will describe recommended traffic calming options, tools, costs, and financing (including potential contributions from property owners).

The Neighborhood Traffic Calming Process

The Neighborhood Committee will host a second public Open House to share the findings and traffic calming recommendations. The Town will notify all households in the affected area/neighborhood about the public open house using the Town's website, newsletters, social networking, and other means, as appropriate. Based on input received at the public Open House, the Neighborhood Committee will revise and develop a final Level 2 Traffic Calming Plan. Town staff will summarize the proposed plan and distribute it by regular and electronic mail to all households in the affected area/neighborhood. Along with the plan, the Town will distribute a voting card to be returned by the residents.

To be eligible for final approval by the Town Council, at least 50% of the property owners within the affected area/neighborhood must vote on the proposed Level 2 Traffic Calming Plan. Of those voting, a minimum of 60 percent must support the proposed Level 2 measures, including, where necessary, a commitment to share the costs of the improvements.

Once the Town has determined the necessary support for the Level 2 Traffic Calming Plan, the proposal will be brought to the Town Council. Following a duly noticed public hearing, the Town Council will either:

1. Approve the plan and funding allocation, including whether or not the property owners in the affected area/neighborhood shall share in the costs of the proposed traffic calming measures, and direct Public Works to develop an implementation schedule; or
2. Send the plan back to the Neighborhood Committee for further refinements based on the input from the public hearing.

STEP 5 – TRAFFIC CALMING EVALUATION

Once a Level 2 Traffic Calming Plan has been fully implemented and in effect for a period not less than one year, Public Works staff, in conjunction with other Town departments, will evaluate the effectiveness of the plan (including benefits, impacts, etc.). The results will be summarized in a Technical Memorandum, and submitted to the affected area/neighborhood, as well as the Town Council. Based on this evaluation, Town staff may recommend modifications to, or removal of, Level 2 traffic calming features.



TRAFFIC CALMING TOOLBOX

The following sections include a brief description, the advantages and disadvantages, and photographs of each tool. In addition, approximate relative costs have been included.

COST LEGEND			
\$ = Least Expensive	\$ = Moderately Expensive		
\$\$\$ = Very Expensive	\$\$\$\$ = Most Expensive		

NEIGHBORHOOD TRAFFIC EDUCATION

By empowering residents to influence driving behavior, education can be a very effective traffic calming tool. Neighborhood education campaigns typically focus on subjects such as pedestrian safety, bicyclist behavior, vehicular speeding, distracted driving, stop sign running, vehicles parked on sidewalks, overgrown shrubbery blocking sidewalks and sightlines, and many more issues. It can take a variety of forms, some of which can be applied on a townwide basis, while others are more localized.

- Advantages:**
- Allows residents to discuss views
 - Information can be aimed at specific issues and audiences
 - Can be applied quickly without a formal review process
 - Heightens awareness of some undesired behaviors
- Disadvantages:**
- Requires periodic reminders and reinforcement
 - Requires dedicated time on behalf of Town staff and on resident volunteers

Approx. Cost: \$



STREET SMARTS

Street Smarts is a traffic calming educational program offered in Marin that works on many levels through outdoor advertising (neighborhood signs and banners) and the press, community events, school activities, and neighborhood initiatives. Street Smarts offers a community traffic safety program available for communities to present in order to raise awareness, change attitudes and improve driving, pedestrian and bicycling behaviors. Aimed at “hot spot” locations where traffic infractions often occur, Street Smarts has proven to be highly successful in encouraging positive change.

- Advantages:**
- Information can be aimed at specific issues and locations
 - Proven effective in reminding roadway users of inappropriate behaviors
 - Provides a consistent message and format across several jurisdictions in Marin County
- Disadvantages:**
- Should be deployed selectively to maintain effectiveness
 - Most effective when deployed in combination with other education and enforcement tools

Approx. Cost: \$



NEIGHBORHOOD SIGN CAMPAIGN

The Town can loan yard signs to a neighborhood on a short-term basis to encourage motorists to respect the neighborhood and to drive responsibly. Every few days, residents may move the signs around the neighborhood to different yards so drivers and pedestrians notice the newly placed signs.

- Advantages:**
- Novelty of new signs draws attention to the message
 - Requires multiple neighbors to support, therefore broadening the reach of the message
 - Short duration of sign placement help[s] keeps the message fresh

- Disadvantages:**
- Requires regular sign replacement and updates as signs wear down
 - Effectiveness may diminish with repeat usage

Approx. Cost: \$



NEIGHBORHOOD PLEDGE PROGRAM

This program promotes safe and courteous driving through the use of two elements: a pledge and a bumper sticker. Residents are asked to sign a pledge and implement it into their own driving habits and lifestyles. A bumper sticker promotes courteous driving and identifies the person as a “pace” car driver. By setting the example for proper driving, the vehicle sets the pace or speed for other vehicles on the road by requiring cars behind the pace car to also drive within the speed limit. The intended benefit of a neighborhood pledge program is to get residents to recognize that their driving behavior impacts the livability of other residents’ streets.

- Advantages:**
- Heightens awareness of vehicle travel speeds
 - Residents set the “pace” for drivers behind them
 - Demonstrates neighborhood support for courteous driving habits

- Disadvantages:**
- Requires broad participation and/or education of program’s goals
 - May create ill will or tension among neighbors

Approx. Cost: \$



TRASH CAN BRIGADE

Residents place stickers encouraging proper driving on their curbside garbage and recycling containers, as to be visible without blocking sidewalks and pathways. Large format stickers remind motorists to obey the speed limit, drive responsibly, or other desired behavior. Once each week, when the containers are placed at the curb, residents and passers-by are reminded, en-masse, of the safety message.

- Advantages:**
- Limited appearance of stickers heightens impact
 - Demonstrates a neighborhood's values and support for appropriate driving behavior
 - Message may reach motorists driving through the neighborhood who aren't usually reached by education efforts
- Disadvantages:**
- Messages appear only one day a week
 - Over time, stickers will need to be replaced
 - May require coordination with trash and recycling companies

Approx. Cost: \$



DANGEROUS DRIVER – TRAFFIC COMPLAINT

Citizens can report a speed ing or dangerous driver to the Central Marin Police Authority (CMPA) via their Citizen's Concern Form found online at: <https://ca-marinpolice.civicplus.com/requesttracker.aspx>. After receiving the complaint, the CMPA will send out a warning letter to the registered owner of the offending vehicle.

- Advantages:**
- Provides warning letter to inform registered owner that their vehicle was spotted driving too fast or dangerously
 - May influence driver's future behavior
- Disadvantages:**
- Does not address immediate potential safety danger
 - May apply to another person driving car (not the registered owner) or may be ignored by registered owner

Approx. Cost: \$



NEIGHBORHOOD SPEED WATCH

A neighborhood speed watch is designed to identify speeding drivers and remind them to slow down and exercise caution on neighborhood streets. In order to conduct a speed watch, a trained resident borrows a radar gun from the Town, and then collects traffic information for the area of concern (e.g., date, time, direction of travel, vehicle license number, and speed). Typically, two people are needed—one person to measure the vehicle speeds and read out the license plate numbers, and another to record the information. After receiving the results of the study, the Town sends the owners of the most egregious speeding vehicles a letter stating when, where, and by how much their vehicle was observed speeding. The owners also receive educational information about the problems generated by speeding.

- Advantages:**
- Letter from local law enforcement may increase driver awareness and compliance
 - May allow parents to become aware of a child's driving habits
- Disadvantages:**
- Registered vehicle owner who receives letter may not be the high-speed driver
 - Program requires monitoring by staff to avoid potential abuse or harassment
 - Requires accurate notation of vehicle license plate

Approx. Cost: \$

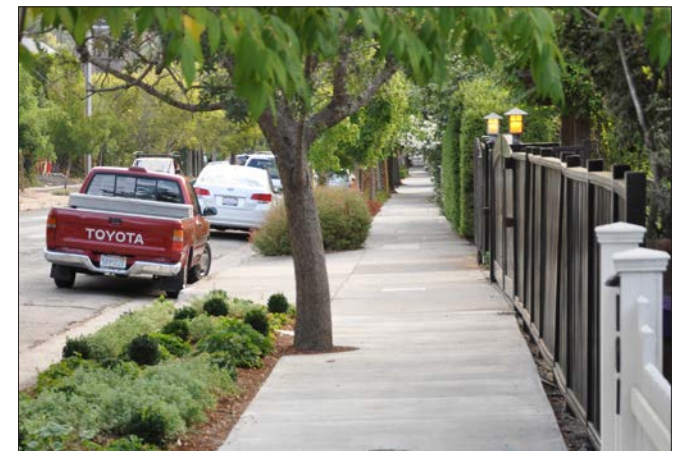


NEIGHBORHOOD MAINTENANCE

It is critical to traffic safety that a driver's line of sight remain free and clear of obstructions. Streets and sidewalks that are covered with overgrown vegetation or other objects may block signs, sidewalks, and obstruct vision of pedestrians, bicyclists and motorists. Maintenance of sidewalks and parkway spaces is the homeowner's responsibility under State Streets and Highways Code and San Anselmo Municipal Code (Section 7-5.02). Homeowners have an obligation to take care of any vegetation or obstructions that represent a potential traffic safety hazard.

- Advantages:**
- Provides early action to correct or prevent problems
- Disadvantages:**
- Some residents with overgrown vegetation at a critical location may refuse, or be physically unable, to maintain their property
 - If a problem is identified, the Town may require additional pruning

Approx. Cost: \$



PORTABLE SPEED DISPLAY

A speed display unit is a portable trailer that measures each approaching vehicle's speed. The vehicle's speed is often displayed next to the legal speed limit, reminding speeding drivers to slow to the speed limit. The trailer can be placed on a street for a limited amount of time and then relocated to another street, allowing a single device to be effective in many locations.

Speed display units can be used on streets where speeding is a problem and there is adequate space to accommodate the trailer.

- Advantages:**
- Provides immediate feedback to drivers on their driving speed
 - Does not slow emergency vehicles
 - Effective in reducing speeds in the short-term

- Disadvantages:**
- Not an enforcement tool
 - Requires Town staff set-up and removal
 - Effectiveness may be temporary
 - Less effective on multi-lane roads
 - Subject to vandalism

Approx. Cost: \$



TARGETED POLICE ENFORCEMENT

On neighborhood streets with documented traffic issues, the Central Marin Police Authority can deploy officers to perform targeted enforcement and issue citations when necessary. The intended benefit of increasing police presence is to make drivers aware of local speed limits and other traffic laws. It is most applicable on streets with documented speeding problems or notable stop sign/red light violations that need quick mitigation.

- Advantages:**
- Visible enforcement very effective
 - Driver awareness increased
 - Can be used on short notice
 - Can reduce speeds temporarily
 - May influence the behavior of other motorists by seeing a citation or warning being issued

- Disadvantages:**
- Labor intensive for the police
 - Effect may be temporary unless there is regular reinforcement by police

Approx. Cost: \$\$



► LEVEL 1 ENGINEERING TOOLS

CROSSWALK IMPROVEMENTS

Pedestrian crosswalks create a safer walking environment by increasing motorist awareness to pedestrian crossing locations. Improvements can consist of installing new crosswalks or providing higher visibility crosswalks. In order to increase crosswalk visibility to drivers, higher visibility crosswalks use a series of stripes oriented perpendicular to traffic instead of two longitudinal lines, additional crosswalk-related signing, and/or advance pavement markings. New crosswalks, when warranted, designate pedestrian crossing areas and require ADA compliance.

Advantages:

- Indicates preferred crossing location and focuses crossing pedestrians at a single location
- May slow travel speeds when pedestrians are present
- Focuses crossing pedestrians at one location

Disadvantages:

- Provides a lesser degree of control over traffic compared to stop signs and traffic signals
- Require more maintenance than traditional crosswalks
- May require additional improvements to comply with ADA standards, e.g., curb ramps

Approx. Cost: \$\$



BICYCLE ROUTE SIGNINGS / MARKINGS

A bicycle route along a residential street may be signed with bicycle route signs and marked with shared lane pavement markings (bicycle plus arrow marking). Shared lane pavement markings do not designate a particular part of the street for exclusive use by bicyclists but simply guide bicyclists to the best place to ride. Shared lane markings also help motorists expect to see and share the travel lane with bicyclists. Any new bicycle route signing or markings must undergo traffic engineering analysis and be approved by the Town.

Advantages:

- Guides bicyclists to align themselves in the lane outside the “door zone” of parked cars
- Guides bicyclists to ride in the same direction of traffic, and not on the sidewalk
- Improves the position of motorists and bicyclists on roads without bike lanes
- Can reduce aggressive motorist behavior and increase comfort of bicyclists on shared roads

Disadvantages:

- Requires maintenance of shared lane pavement markings

Approx. Cost: \$\$



► LEVEL 1 ENGINEERING TOOLS

LANDSCAPING

The presence of street trees, and other landscaping, can provide a perception of a narrower street width to the driver. It creates a slower speed environment that is more conducive to pedestrians. Before planting any trees or shrubs, residents should check their property lines, as well as with their neighborhood associations and local arborist for appropriate plant selections. Planting trees in the public right of way requires an Encroachment Permit from the Town. The Town also has a list of recommended tree species.

- Advantages:**
- May slow the speed of traffic
 - Aesthetically pleasing
- Disadvantages:**
- Residents are responsible for maintaining landscaping and keeping pedestrian sidewalks and paths free from obstructions
 - Landscaping would increase maintenance costs
- Approx. Cost:** \$\$



SUPPLEMENTAL SIGNS AND PAVEMENT MARKINGS

On some streets, additional signage or pavement markings could assist in drawing motorist's attention to particular roadway conditions. Advance warning signs (e.g., pedestrian crossing ahead), supplemental regulatory signs (e.g., an added speed limit sign), "Share the Road" signs, and pavement markings (e.g., "Keep Clear", "Ped Xing") can be used, when warranted, based on engineering studies.

- Advantages:**
- May highlight lesser-known roadway features
 - Increases awareness
 - Inexpensive to install
- Disadvantages:**
- Excessive signage or markings reduces effectiveness
- Approx. Cost:** \$\$



► LEVEL 1 ENGINEERING TOOLS

STRIPING CENTERLINES

Striping for traffic calming is typically used to narrow lanes to about 10 feet wide. The primary benefit is to delineate lanes and to slow vehicle speeds. In addition, a centerline stripe helps drivers stay on the “right” side of the road and not use the entire roadway width as a travel lane. This is particularly useful on the narrow, curving neighborhood streets in the town. On wide roadways, the “unused” pavement created by restriping can sometimes be used to stripe a bicycle lane, a parking lane, or a pedestrian shoulder.

- Advantages:**
- Can be quickly implemented
 - Can slow travel speeds
 - Improves safety by clearly designating travel paths for vehicles
- Disadvantages:**
- May require additional reinforcement through education and enforcement
 - May be incongruous with the typical look of a neighborhood street

Approx. Cost: \$\$



STRIPING NARROW LANES

Edge-line striping is used to create narrow travel lanes (e.g., 10-foot), in order to give the impression of a skinny street. This visual narrowing encourages drivers to lower their speed. Edge-line striping is most applicable on wider residential streets where speeding is an issue. Any “unused” pavement created by re-striping can sometimes be used to stripe a parking lane or a pedestrian shoulder.

- Advantages:**
- Inexpensive to install
 - Can be implemented quickly
 - Can be used to delineate on-street parking
 - Can improve safety by clearly delineating travel paths for various roadway users
 - Does not slow emergency vehicles
- Disadvantages:**
- Increases regular maintenance cost

Approx. Cost: \$\$



► LEVEL 1 ENGINEERING TOOLS

ROADWAY SHOULDER STRIPING

Striping a shoulder narrows the vehicular lane while providing space for a pedestrian shoulder or parking lane.

- Advantages:**
- Inexpensive to install
 - Shoulder can be used for pedestrian or bicyclist right-of-way or parking
 - Can be implemented quickly
 - Can be used to delineate on-street parking
 - Can improve safety by clearly delineating travel paths for various roadway users
 - Does not slow emergency vehicles

- Disadvantages:**
- Increases regular maintenance cost

Approx. Cost: \$\$



STAGGERED STREET PARKING

Providing designated spaces with markings can reduce the effective width of travel lanes, thereby slowing travel speeds. On streets with enough width, parallel parking alternating between sides of the road forms S-shaped driving path curves which slows driving speeds.

- Advantages:**
- Can slow travel speeds
 - Can add parking capacity
 - Illustrates legal parking areas to drivers

- Disadvantages:**
- May require additional reinforcement through education and enforcement

Approx. Cost: \$\$



► LEVEL 1 ENGINEERING TOOLS

RESTRICTED MOVEMENTS

Movement restrictions prevent cut-through traffic and undesired turns onto neighborhood streets from collector and arterial streets. Measures may include signs and traffic channelizers. While they are inexpensive to install, they can divert traffic to other neighborhood streets and require enforcement to be fully effective.

Advantages:

- Reduces cut-through traffic
- Low-cost
- Can be designed to not restrict bicycle traffic

Disadvantages:

- Requires enforcement to be fully effective
- May divert traffic onto other neighborhood streets

Approx. Cost: \$\$



► LEVEL 2 ENGINEERING TOOLS

SIDEWALK AND PATHWAY IMPROVEMENTS

Continuous sidewalks and pathways are a critical component in creating a safe environment for pedestrians. Because of the semi-rural setting in many parts of the Town, however, residential streets often do not have any frontage improvements (e.g., curb and gutter, and sidewalks). To best serve the needs of pedestrians, sidewalk facilities should be improved as part of a traffic calming project where possible.

- Advantages:**
- Enhances pedestrian safety
 - Opportunity for landscaping
 - Can slow vehicle travel speeds due to narrower lanes
- Disadvantages:**
- Can change rural characteristic of neighborhood
 - May remove some on-street parking
 - Landscaping requires maintenance by residents
 - May decrease street drainage
 - May require construction of gutters or other storm drain features
- Approx. Cost:** \$\$\$



INTERSECTION CURB EXTENSIONS / CHOKERS

Curb extensions reduce a roadway's width between its curbs, thereby increasing pedestrian visibility to oncoming vehicles and reducing the intersection crossing distance. Curb extensions can be accomplished by extending the curbs at an intersection towards the center of the roadway, or by building raised islands in the roadway, which allow for drainage and bike lane passage. Both measures tighten curb radii at the corner, shortening the pedestrian crossing distance and reducing the speeds of turning vehicles.

- Advantages:**
- Improves pedestrian circulation and space
 - Through and left-turn movements are easily negotiable by large vehicles
 - Creates protected on-street parking bays
 - Shortens pedestrian crossing distance
 - Opportunity for landscaping and entrance feature
 - Reduces speeds (especially right-turning vehicles) and traffic volumes

- Disadvantages:**
- May slow right-turning emergency vehicles and large trucks
 - Potential loss of on-street parking
 - May require reconstruction of gutters and storm drain features
 - May require bicyclists to briefly merge with vehicular traffic

Approx. Cost: \$\$\$



► LEVEL 2 ENGINEERING TOOLS

RAISED CROSSWALKS

By raising the level of the crossing, pedestrians are more visible to approaching motorists. Raised crosswalks can be up to six inches high, 12 to 24 feet in length, and stretch the width of the street. They are outfitted with crosswalk markings and signage. Raised crosswalks are intended to reduce vehicle speeds where there is a large pedestrian crossing volume.

- Advantages:**
- Improves pedestrian visibility to oncoming vehicles
 - Can provide positive aesthetic value with pavement treatments
 - Effective in reducing speeds

- Disadvantages:**
- Textured materials, if used, can be expensive
 - Impact to drainage needs to be considered
 - May slow emergency vehicle response time
 - Increased noise to adjacent residences

Approx. Cost: \$\$\$



RAISED MEDIAN ISLANDS

Raised islands, whether median barriers or channelizing islands, can be used to narrow lanes for speed control and/or to prohibit certain turning movements. Median barriers are raised islands that are located along the centerline of a street and continue through an intersection so as to block through movement at a cross street. Channelizing islands are raised islands that block certain movements on approaches to an intersection. Both can also be used for pedestrian refuges at mid-crosswalk locations.

- Advantages:**
- May reduce collision potential
 - Can reduce pedestrian crossing distance when used as a pedestrian refuge
 - Provides opportunity for landscaping or other aesthetic features
 - Redirects traffic to major streets and reduces cut-through traffic

- Disadvantages:**
- If designed improperly, drivers can maneuver around a channelizing island to make an illegal movement
 - Limits turns to and from the side street for local residents and emergency vehicles
 - Can shift traffic to other street(s)
 - Landscaping requires maintenance by Town or residents

Approx. Cost: \$\$\$



► LEVEL 2 ENGINEERING TOOLS

SPECIAL AND TEXTURED PAVEMENT

Intended to reduce vehicle speeds, textured pavement is usually provided at crosswalks or within entire intersections with colored paving material and stamped patterns, such as a brick design.

- Advantages:**
- Aesthetically pleasing
 - May reduce vehicle speeds
 - May be used at an intersection or crosswalk location to increase visibility

- Disadvantages:**
- High maintenance costs
 - Effectiveness may be limited

Approx. Cost: \$\$



GATEWAY TREATMENTS

Gateway entrance treatments are meant to slow drivers down by providing visual cues that tell drivers they are entering a local residential area or that the surrounding land uses are changing. Usually located at key entryways into a neighborhood, gateway treatments may consist of physical, textured, and visual changes to streets. They often consist of design features, such as changes in pavement, signage, planted medians, or chokers that narrow a street.

- Advantages:**
- Can reduce vehicle speeds
 - Announces a difference in driving environments
 - Creates identity for neighborhood community, school or park area
 - Can discourage cut-through traffic
 - Creates opportunity for landscaping or other aesthetic feature

- Disadvantages:**
- May require regular maintenance and irrigation
 - May require localized removal of parking
 - May create physical obstruction

Approx. Cost: \$\$\$



► LEVEL 2 ENGINEERING TOOLS

FIXED SPEED DISPLAY FEEDBACK SIGNS

A speed display feedback sign is a device that measures each approaching vehicle's speed. The vehicle's speed is displayed next to the legal speed limit, reminding speeding drivers to slow to the speed limit. The device is attached to a pole and is not easily transferable to another location.

- Advantages:**
- Provides immediate feedback to drivers on their driving speed
 - Does not slow emergency vehicles
 - Does not require Town staff set-up and removal after the initial installation
 - Effective in reducing speeds in the short-term

- Disadvantages:**
- Not an enforcement tool
 - Effectiveness may be temporary
 - Less effective on multi-lane roads
 - Subject to vandalism

Approx. Cost: \$\$\$



SPEED HUMPS

Speed humps are rounded raised areas of pavement typically 12 to 14 feet in length. They are often placed in a series (typically spaced 300 to 600 feet apart).

- Advantages:**
- Reduces traffic cut through volume and collision rate
- Disadvantages:**
- May cause jarring of emergency rescue vehicles
 - May divert traffic to other neighborhood streets
 - Vertical deflection may cause distress to elderly or injured persons
 - May encourage rapid acceleration between speed humps

Approx. Cost: \$\$\$



► LEVEL 2 ENGINEERING TOOLS

SPEED CUSHIONS

Speed cushions are a variation of a speed hump with a shorter height and space between the cushions. Cushions are approximately 3-inches high, rectangular in shape, 6 feet wide, and 6 to 14 feet in length.

- Advantages:**
- Effectively reduces vehicle speeds
 - Does not require parking removal
 - May reduce vehicular volumes
- Disadvantages:**
- May divert traffic to other neighborhood streets
 - May encourage rapid acceleration between speed humps
 - May slow emergency vehicles

Approx. Cost: \$\$\$



MID-BLOCK CHOKERS

Chokers are midblock curb extensions that narrow a street by extending the sidewalk or widening the planting strip. Chokers are intended to reduce traffic volumes by making the roadway narrow so that only one car at a time can pass through it, or two cars can pass very slowly in opposite directions.

- Advantages:**
- Reduces traffic volumes and speeds
 - Reduces pedestrian crossing width and increases visibility of pedestrians
 - May be preferred by emergency response agencies over other traffic calming measures
- Disadvantages:**
- Potential loss of on-street parking
 - May require reconstruction of gutters and storm drain features
 - May require bicyclists to briefly merge with vehicular traffic

Approx. Cost: \$\$\$



► LEVEL 2 ENGINEERING TOOLS

TRAFFIC CIRCLES

Traffic circles are raised circular islands, placed in intersections of local streets, around which traffic circulates. They are typically controlled by yield or stop signs on all approaches. Circles prevent drivers from speeding through intersections by impeding the straight-through movement and forcing drivers to slow down to yield. Drivers must first turn to the right, then to the left as they pass the circle, and then back to the right again after clearing the circle. Traffic circles are appropriate on streets with low to moderate traffic volumes and speed limits of 35 miles per hour or less. The islands are often landscaped.

- Advantages:**
- If designed well, can have positive aesthetic value
 - May reduce collision potential and collision severity
 - Effective in moderating speeds and improving safety
- Disadvantages:**
- Difficult for large vehicles (such as fire trucks) to circumnavigate
 - Must be designed so that the circulating lane does not encroach on crosswalks
 - May slow emergency vehicle response time
 - Potential loss of on-street parking
 - Landscaping must be maintained, either by Town or by residents
- Approx. Cost:** \$\$\$



CHICANES

A chicane is a series of two or more staggered curb extensions on alternating sides of a roadway. Horizontal deflections like these cause motorists to reduce speed through the serpentine roadway.

- Advantages:**
- Provides opportunity for landscaping
 - Reduces vehicle speeds
 - Enhances visual breaks in the streetscape
- Disadvantages:**
- Poorly designed chicanes may still permit speeding by drivers cutting straight paths across center line
 - Can impact driveway access and remove on-street parking
 - Landscaping must be maintained, either by Town or by residents
- Approx. Cost:** \$\$\$



► LEVEL 2 ENGINEERING TOOLS

FORCED-TURN CHANNELIZATION

Channelization at three-legged intersections forces previous straight-through movements to make slower turning maneuvers. The purpose of realigning intersections includes slowing traffic down, redirecting traffic, or providing a neighborhood gateway.

- Advantages:**
- Reduces cut-through traffic
 - May provide a neighborhood gateway
 - More self-enforcing than signs
- Disadvantages:**
- May divert traffic to other streets
 - Can increase trip lengths
- Approx. Cost:** \$\$\$



SEMI-DIVERTERS

Raised areas placed diagonally across a four-legged intersection. They prohibit through movements by creating two "L" shaped intersections. Semi-diverters are curb extensions that restrict movements onto a street. They are constructed to approximately the center of the street, obstructing one-way traffic. A one-way segment is created at the intersection, while two-way traffic is maintained for the remainder of the block.

- Advantages:**
- Reduces cut-through traffic
 - Opportunity for landscaping
 - Reduces pedestrian crossing widths
 - Maintains bicycle and pedestrian movement in the neighborhood
- Disadvantages:**
- May divert traffic to other streets
 - May increase emergency response times
 - Increased maintenance
- Approx. Cost:** \$\$



► LEVEL 2 ENGINEERING TOOLS

RAISED INTERSECTION

A raised intersection is a flat, raised area covering an entire intersection with ramps on all approaches. It is typically about 4" high and finished with textured pavement.

- Advantages:**
- Effectively reduces vehicle speeds at intersections
 - Enhances pedestrian safety
 - Aesthetically pleasing
- Disadvantages:**
- May require bollards to define the edge of roadway
 - Storm drainage modifications are necessary
 - Slows emergency response times

Approx. Cost: \$\$



TWO-WAY TO ONE-WAY STREET CONVERSION

This measure converts a segment of a two-way street to one-way operations. The primary benefit of two-way to one-way street conversions is reduction in cut-through traffic. May be used in conjunction with a semi-diverter.

- Advantages:**
- Creates opportunity for active transportation and livable space
 - Reduces cut-through traffic
- Disadvantages:**
- May increase trip travel time
 - Forces traffic onto parallel routes
 - May increase vehicular speeds

Approx. Cost: \$\$



► LEVEL 2 ENGINEERING TOOLS

WOONERFS / MODIFIED STREET DESIGN

“Woonerf” is a Dutch term meaning “living yard.” The street is designed with physical constraints that limit motorists to speeds under 10 mph. Streets can be completely redesigned to remove the need for sidewalks or curbs.

- Advantages:**
- Reduces vehicle speeds and traffic volumes
 - Provides a public space for social interaction
 - Provides opportunity for landscaping

- Disadvantages:**
- Very expensive, especially as a retrofit

Approx. Cost: \$\$\$\$



COMPLETE STREET CLOSURE

Full street closures are barriers placed across the entire width of the street. Consequently, through traffic is diverted from using the street, and the street is only open to pedestrians, bicyclists, and the residents living on the street. A full closure functions similar to a cul-de-sac or dead-end because these designs include only one point of entry/exit minimizing cut-through traffic. Full closure barricades are usually landscaped walls, gates, side-by-side bollards, or other constructed obstructions. Full closures should be designed to allow access for bicyclists.

- Advantages:**
- Creates opportunity for active transportation and livable space
 - Removes all vehicular traffic from the street
 - Provides opportunity for landscaping
 - Increases safety for pedestrians, bicyclists and residents

- Disadvantages:**
- May increase trip travel time
 - May result in increased traffic on parallel routes
 - Increases emergency response times

Approx. Cost: \$\$\$\$



APPENDIX I: Traffic Safety Request Form



Traffic Safety Request

This form is to request review of your transportation concern along a San Anselmo neighborhood public street.
Please fill out all sections and submit to:
Town of San Anselmo, Attn: Traffic Safety Committee, 525 San Anselmo Avenue, San Anselmo, CA 94940

Contact Person(s) Information Requested by:

Printed name: _____ Individual property owner or resident _____

Address: _____ Neighborhood / condo association _____

Phone: _____ Other interested group (specify): _____

Email: _____

Date: _____

Location of Concern

Please describe the location of concern, as well as the affected area (other streets, neighborhood).

Traffic and/or Safety Concern

Please describe the nature of the neighborhood traffic and/or safety issue you are concerned with.

Thank you. Additional Comments and/or Photo or Sketch

Provide attach any additional comments and/or a photograph or sketch , if necessary, to further explain concerns or suggested changes.

FOR TOWN OF SAN ANSELMO STAFF USE ONLY

Date request received: _____

Tracking number: _____

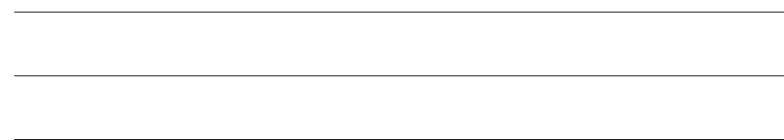
Action taken: _____

Action description: _____

Work order number and date (if applicable): _____

Applicant notified of outcome on: _____

Completed on: _____

[illegible]

APPENDIX I: Neighborhood Traffic Calming Priority Worksheet



Neighborhood Traffic Calming Priority Worksheet

This worksheet will be completed by the Town of San Anselmo staff in accordance with the Town's Neighborhood Traffic Calming Program. It will be used to prioritize the potential initiation of specific neighborhood traffic calming processes. Note that the highest scoring "street" will be used if multiple streets are included in the study area.

Date: _____ Name of neighborhood: _____

Limits of study area: _____

1. Traffic Volumes (mid-week volumes within last two years)

Greater than 2000 vehicles per day = 8 points

1,500 to 2,000 vehicles per day = 6 points

1,000 to 1,500 vehicles per day = 4 points

Less than 1,000 vehicles per day = 0 points

2. Reported Collision History on Local Streets

More than 5 collisions in a 3-year period = 12 points

2 to 4 collisions in a 3-year period = 9 points

1-3 collisions in a 3-year period = 6 points

3. Travel Speeds

85th percentile speed > 10+ mph over speed limit = 10 points

85th percentile speed > 5+ mph over speed limit = 6 points

85th percentile speed > 3+ mph over speed limit = 3 points

4. Pedestrian Facilities

There is essentially no pedestrian space available = 5 points

The pedestrian space needs improvement = 3 points

5. Schools and Activity Centers

The street is used as a primary access route to school,

transit, shops, community facilities, etc.

3 points for each school, 2 points for each other activity center destination.

(10 points maximum total.)

Unique Conditions

Unique conditions prevail such as sight distance constraints,

parking on sidewalks, high truck volumes. (5 points maximum total.)

Total Score (Maximum of 50):

Prepared by: _____

APPENDIX II: FREQUENTLY ASKED QUESTIONS

Question: What is “Traffic Calming?”

Answer: Traffic calming is defined by the Town of San Anselmo as the management of vehicular traffic speeds and volumes through educational, enforcement and/or engineering measures so that their negative impacts on residents, pedestrians, bicyclists and schools are minimized.

Question: Is any road a candidate for traffic calming?

Answer: All neighborhood streets in the Town of San Anselmo with dedicated public right of way are eligible for traffic calming. However, the Town’s arterial roadways, such as Sir Francis Drake Boulevard, Center Boulevard, Butterfield Road, and Red Hill Avenue are not eligible for neighborhood street traffic calming. It is the intention of this Guide to keep traffic on these arterials whenever possible. Arterial roadways provide a higher degree of mobility, serve key emergency response and truck routes, and through traffic is encouraged to use such roadways.

The use of any Level 2 engineering measures along collector roadways, evacuation routes, and truck and bus routes must be approved by the Central Marin Police Authority, Ross Valley Fire Department, and Public Works departments. Some measures could result in significant problems for emergency response vehicles (e.g., fire trucks, ambulances), large numbers of motorists evacuating an area, trucks transporting delicate goods, or passenger buses. Collector streets in San Anselmo include San Francisco Boulevard, Broadmoor Avenue, Forbes Avenue, San Anselmo Avenue, Ross Avenue, Bolinas Avenue, Greenfield Avenue, Sequoia Drive, Hillsdale Drive, Barber Avenue, and Saunders Avenue.

Question: What is Street Smarts Marin?

Answer: Street Smarts Marin is a traffic safety program that educates drivers, pedestrians, and bicyclists about safety issues in order to encourage positive behavior change. Street Smarts is designed to make Marin’s streets safer and friendlier and to reduce the number of traffic-related accidents. Through grant funding and community partnerships, Street Smarts offers engaging

traffic safety programs at elementary, middle and high schools and the community at large. Find more information about Street Smarts at <http://www.streetsmartsmarin.org/>.

Question: How can I install a stop sign near my house?

Answer: Stop signs are installed for right of way management at intersections where current traffic control is inefficient; and when the proposed location meets the stop sign installation criteria. Stop signs are not installed to slow vehicles or serve as traffic calming mitigation.

In order to analyze the effectiveness of stop sign control at an intersection, many factors must be considered, which include: traffic volumes, traffic accident history, pedestrian volumes, etc. Because stop signs are intended for right of way management, a specific traffic concern may be addressed through other traffic mitigation measures found in the Traffic Calming Program.

Question: Why is it necessary to maintain landscaping near the sidewalk and roadway near my property?

Answer: It is important to maintain clear sight lines and sidewalks so that roadway users have sufficient time to react to other roadway users and obstacles.

Question: What types of physical measures can be used?

Answer: Physical engineering measures involve altering the road layout or appearance, customarily with horizontal or vertical deflection. To learn about the different types of measures that could potentially be used in San Anselmo see the Traffic Calming Toolbox, pages 12 – 32.

Question: Are there less expensive options than physical measures?

Answer: Increasing community awareness about the problem is an important first step. San Anselmo staff are available to speak to homeowners associations about traffic calming measures and to help raise awareness about advantages, disadvantages, approximate costs and funding options.

Your Company Name

Street Address

Location, Zip or Postal Code

Change These in File > Preferences > Titles

Speed Enforcement Evaluator

Location:
San Anselmo Av

**Total Percentage of
Enforceable Violations**

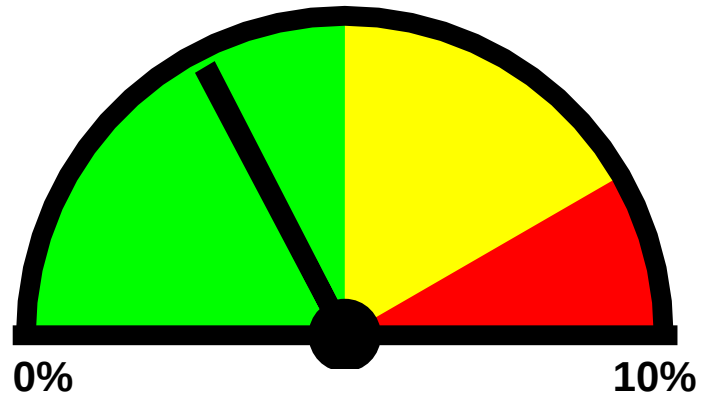
Closest Cross Street:
Klare Av

Analysis Dates:
Wednesday, August 9, 2023
Monday, August 14, 2023

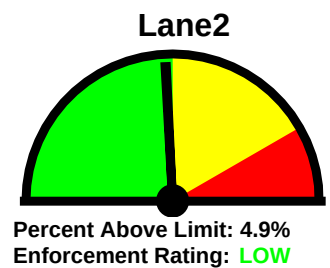
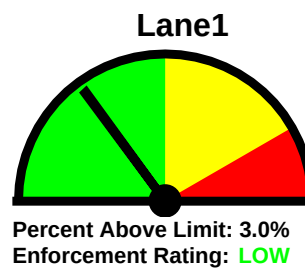
Equipment Used:

Installed By:
026

Requested By:
SADPW



Posted Speed Limit: 25 MPH
Enforcement Tolerance: 3 MPH
Enforcement Limit: 29 MPH & Up
Percentage Above Limit: 3.5%
Enforcement Rating: **LOW**



Central Marin Police Authority Speed Counter Data

															Lane1
Date\Speed (MPH)	1-5	6-10	11-15	16-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	>65	Total
8/9/2023	0	1	0	9	16	3	0	0	0	0	0	0	0	0	29
14:00	0	2	11	10	9	3	0	0	0	0	0	0	0	0	35
15:00	0	5	9	17	11	0	0	0	0	0	0	0	0	0	42
16:00	0	2	4	10	17	4	0	0	0	0	0	0	0	0	37
17:00	0	1	5	9	16	2	0	0	0	0	0	0	0	0	33
18:00	0	1	0	17	12	3	0	0	0	0	0	0	0	0	33
19:00	0	0	2	4	9	1	0	0	0	0	0	0	0	0	16
20:00	0	3	3	8	7	0	0	0	0	0	0	0	0	0	21
21:00	0	0	0	6	4	0	0	0	0	0	0	0	0	0	10
22:00	0	0	0	5	1	0	0	0	0	0	0	0	0	0	6
23:00	0	0	1	1	3	0	1	0	0	0	0	0	0	0	6
Day Total	0	15	35	96	105	16	1	0	0	0	0	0	0	0	268
8/10/2023	0	0	0	1	1	2	0	0	0	0	0	0	0	0	4
01:00	0	0	0	0	4	1	0	0	0	0	0	0	0	0	5
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
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13:00	0	1	3	10	3	6	1	0	0	0	0	0	0	0	24
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15:00	0	1	3	8	14	2	0	0	0	0	0	0	0	0	28
16:00	0	1	9	21	12	4	0	0	0	0	0	0	0	0	47
17:00	0	0	4	11	16	5	0	0	0	0	0	0	0	0	36
18:00	0	0	3	7	9	4	0	0	0	0	0	0	0	0	23
19:00	0	0	2	13	12	1	0	0	0	0	0	0	0	0	28
20:00	0	0	1	4	8	2	0	0	0	0	0	0	0	0	15
21:00	0	1	0	4	4	2	1	0	0	0	0	0	0	0	12
22:00	0	0	0	3	3	0	0	0	0	0	0	0	0	0	6
23:00	0	0	0	0	4	1	0	0	0	0	0	0	0	0	5
Day Total	0	14	45	155	170	50	2	1	0	0	0	0	0	0	437

Central Marin Police Authority **Speed Counter Data**

Date\Speed (MPH)															Lane1 Total
	1-5	6-10	11-15	16-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	>65	
8/11/2023	0	0	0	3	2	1	0	0	0	0	0	0	0	0	6
01:00	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00	0	0	0	1	1	0	0	0	0	0	0	0	0	0	2
06:00	0	1	2	3	4	0	0	0	0	0	0	0	0	0	10
07:00	0	0	1	6	5	0	0	0	0	0	0	0	0	0	12
08:00	0	1	3	8	20	5	0	0	0	0	0	0	0	0	37
09:00	0	0	1	14	11	4	0	0	0	0	0	0	0	0	30
10:00	0	1	9	19	17	3	0	0	0	0	0	0	0	0	49
11:00	0	1	3	12	15	2	0	0	0	0	0	0	0	0	33
12:00	0	1	4	8	18	3	0	0	0	0	0	0	0	0	34
13:00	0	0	3	9	19	2	0	0	0	0	0	0	0	0	33
14:00	0	0	5	16	24	4	1	0	0	0	0	0	0	0	50
15:00	0	1	4	8	10	1	0	0	0	0	0	0	0	0	24
16:00	0	2	2	6	13	7	1	0	0	0	0	0	0	0	31
17:00	0	0	2	12	18	4	0	0	0	0	0	0	0	0	36
18:00	0	0	1	7	13	2	0	0	0	0	0	0	0	0	23
19:00	0	0	0	10	6	3	1	0	0	0	0	0	0	0	20
20:00	0	0	1	9	7	4	0	0	0	0	0	0	0	0	21
21:00	0	3	1	5	7	2	0	0	0	0	0	0	0	0	18
22:00	0	0	1	5	6	1	0	0	0	0	0	0	0	0	13
23:00	0	0	0	3	5	0	0	0	0	0	0	0	0	0	8
Day Total	0	11	43	164	221	48	4	0	0	0	0	0	0	0	491

8/12/2023	0	0	1	2	4	0	0	0	0	0	0	0	0	0	7
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:00	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
05:00	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
06:00	0	0	2	1	0	0	0	0	0	0	0	0	0	0	3
07:00	0	0	2	2	3	2	0	0	0	0	0	0	0	0	9
08:00	0	2	4	2	8	0	0	0	0	0	0	0	0	0	16
09:00	0	0	2	13	10	4	0	0	0	0	0	0	0	0	29
10:00	0	4	1	10	13	1	0	0	0	0	0	0	0	0	29
11:00	0	1	2	14	17	5	0	0	0	0	0	0	0	0	39
12:00	0	3	4	8	18	3	0	0	0	0	0	0	0	0	36
13:00	0	0	6	14	5	3	0	0	0	0	0	0	0	0	28
14:00	0	1	3	3	10	1	0	0	0	0	0	0	0	0	18
15:00	0	0	0	10	9	2	0	0	0	0	0	0	0	0	21
16:00	0	0	1	8	12	3	0	0	0	0	0	0	0	0	24
17:00	0	3	1	7	14	1	0	0	0	0	0	0	0	0	26
18:00	0	0	0	4	14	1	0	0	0	0	0	0	0	0	19
19:00	0	0	1	12	7	2	0	0	0	0	0	0	0	0	22
20:00	0	1	6	9	13	5	0	0	0	0	0	0	0	0	34
21:00	0	0	3	5	6	0	0	0	0	0	0	0	0	0	14
22:00	0	0	0	4	3	1	0	0	0	0	0	0	0	0	8
23:00	0	0	1	1	3	2	0	0	0	0	0	0	0	0	7
Day Total	0	15	41	130	170	36	0	0	0	0	0	0	0	0	392

Central Marin Police Authority Speed Counter Data

															Lane1
Date\Speed (MPH)	1-5	6-10	11-15	16-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	>65	Total
8/13/2023	0	0	0	2	5	0	0	0	0	0	0	0	0	0	7
01:00	0	0	0	1	1	0	0	0	0	0	0	0	0	0	2
02:00	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
03:00	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00	0	1	0	1	1	0	0	0	0	0	0	0	0	0	3
06:00	0	0	1	0	0	1	0	0	0	0	0	0	0	0	2
07:00	0	1	1	1	0	1	0	0	0	0	0	0	0	0	4
08:00	0	1	0	4	6	1	0	0	0	0	0	0	0	0	12
09:00	0	0	1	8	6	1	0	0	0	0	0	0	0	0	16
10:00	0	1	2	10	11	3	0	0	0	0	0	0	0	0	27
11:00	0	0	2	13	8	2	0	0	0	0	0	0	0	0	25
12:00	0	1	2	11	23	2	0	0	0	0	0	0	0	0	39
13:00	0	0	1	19	22	2	0	0	0	0	0	0	0	0	44
14:00	0	0	4	10	11	5	1	0	0	0	0	0	0	0	31
15:00	0	0	2	8	13	4	0	0	0	0	0	0	0	0	27
16:00	0	0	2	8	18	4	1	0	0	0	0	0	0	0	33
17:00	0	4	4	4	21	5	0	0	0	0	0	0	0	0	38
18:00	0	1	0	8	6	3	1	0	0	0	0	0	0	0	19
19:00	0	1	1	8	11	0	0	0	0	0	0	0	0	0	21
20:00	0	0	0	7	12	1	0	0	0	0	0	0	0	0	20
21:00	0	0	3	5	5	3	0	0	0	0	0	0	0	0	16
22:00	0	1	2	0	3	1	0	0	1	0	0	0	0	0	8
23:00	0	0	0	3	5	1	0	0	0	0	0	0	0	0	9
Day Total	0	12	28	132	189	40	3	0	1	0	0	0	0	0	405
8/14/2023	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
01:00	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
05:00	0	0	1	4	2	0	0	0	0	0	0	0	0	0	7
06:00	0	1	1	2	5	0	0	0	0	0	0	0	0	0	9
07:00	0	0	0	2	10	2	0	0	0	0	0	0	0	0	14
08:00	0	3	6	14	18	2	1	0	0	0	0	0	0	0	44
09:00	0	0	0	3	5	2	0	0	0	0	0	0	0	0	10
Lane1 Total	0	71	200	703	897	196	11	1	1	0	0	0	0	0	2080

85 percentile = 24

Central Marin Police Authority Speed Counter Data

Date\Speed (MPH)															Lane2 Total
	1-5	6-10	11-15	16-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	>65	
8/9/2023	0	0	2	2	2	1	0	0	0	0	0	0	0	0	7
14:00	0	2	5	2	10	1	0	0	0	0	0	0	0	0	20
15:00	0	2	2	8	2	1	0	0	0	0	0	0	0	0	15
16:00	0	1	7	2	2	2	0	0	0	0	0	0	0	0	14
17:00	0	2	3	2	2	1	0	0	0	0	0	0	0	0	10
18:00	0	1	4	4	3	2	0	1	0	0	0	0	0	0	15
19:00	0	0	0	7	3	0	0	0	0	0	0	0	0	0	10
20:00	0	4	1	2	2	1	0	0	0	0	0	0	0	0	10
21:00	0	0	0	0	3	0	0	0	0	0	0	0	0	0	3
22:00	0	0	0	2	1	1	0	0	0	1	0	0	0	0	5
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Day Total	0	16	32	57	72	16	1	1	0	1	0	0	0	0	196
8/10/2023	0	0	0	1	1	1	0	0	0	0	0	0	0	0	3
01:00	0	0	0	0	1	2	0	0	0	0	0	0	0	0	3
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
06:00	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
07:00	0	0	2	3	3	2	0	0	0	0	0	0	0	0	10
08:00	0	1	1	4	3	2	0	0	0	0	0	0	0	0	11
09:00	0	1	3	4	4	0	0	0	0	0	0	0	0	0	12
10:00	0	0	2	1	6	2	0	0	0	0	0	0	0	0	11
11:00	0	0	3	2	5	3	0	0	0	0	0	0	0	0	13
12:00	0	1	4	8	3	0	0	0	0	0	0	0	0	0	16
13:00	0	0	1	4	3	2	0	0	0	0	0	0	0	0	10
14:00	0	0	0	4	4	1	0	0	0	0	0	0	0	0	9
15:00	0	0	1	3	2	1	0	0	0	0	0	0	0	0	7
16:00	0	2	2	4	6	5	0	0	0	0	0	0	0	0	19
17:00	0	0	1	4	9	0	0	0	0	0	0	0	0	0	14
18:00	0	0	1	3	5	1	0	0	0	0	0	0	0	0	10
19:00	0	0	0	2	2	0	0	0	0	0	0	0	0	0	4
20:00	0	0	0	1	1	0	0	0	0	0	0	0	0	0	2
21:00	0	1	0	3	4	0	0	0	1	0	0	0	0	0	9
22:00	0	0	0	1	1	0	0	0	0	0	0	0	0	0	2
23:00	0	0	1	0	2	0	1	0	0	0	0	0	0	0	4
Day Total	0	7	22	52	67	22	1	0	1	0	0	0	0	0	172

Central Marin Police Authority **Speed Counter Data**

Date\Speed (MPH)															Lane2 Total
	1-5	6-10	11-15	16-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	>65	
8/11/2023	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
06:00	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
07:00	0	0	0	3	3	0	1	0	0	0	0	0	0	0	7
08:00	0	2	1	1	5	1	0	0	0	0	0	0	0	0	10
09:00	0	1	1	2	1	0	0	0	0	0	0	0	0	0	5
10:00	0	1	4	4	3	0	0	0	0	0	0	0	0	0	12
11:00	0	0	3	4	0	2	0	0	0	0	0	0	0	0	9
12:00	0	0	3	6	5	0	0	0	0	0	0	0	0	0	14
13:00	0	1	3	2	8	1	0	0	0	0	0	0	0	0	15
14:00	0	0	4	6	2	0	0	0	0	0	0	0	0	0	12
15:00	0	0	0	4	3	1	0	0	0	0	0	0	0	0	8
16:00	0	3	1	3	4	1	0	0	0	0	0	0	0	0	12
17:00	0	0	0	7	6	1	0	0	0	0	0	0	0	0	14
18:00	0	1	3	2	3	1	0	0	0	0	0	0	0	0	10
19:00	0	1	0	2	4	0	0	0	0	0	0	0	0	0	7
20:00	0	1	0	2	3	0	0	0	0	0	0	0	0	0	6
21:00	0	1	2	0	3	2	0	0	0	0	0	0	0	0	8
22:00	0	1	0	1	1	0	0	0	0	0	0	0	0	0	3
23:00	0	0	0	2	2	0	0	0	0	0	0	0	0	0	4
Day Total	0	13	25	52	58	10	1	0	0	0	0	0	0	0	159

8/12/2023	0	0	0	1	2	0	0	0	0	0	0	0	0	0	3
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06:00	0	0	0	1	1	1	0	0	0	0	0	0	0	0	3
07:00	0	0	0	1	0	2	0	0	0	0	0	0	0	0	3
08:00	0	1	0	1	2	0	0	0	0	0	0	0	0	0	4
09:00	0	0	0	1	1	2	0	0	0	0	0	0	0	0	4
10:00	0	2	1	2	3	0	0	0	0	0	0	0	0	0	8
11:00	0	0	2	8	1	1	0	0	0	0	0	0	0	0	12
12:00	0	2	1	3	7	2	0	0	0	0	0	0	0	0	15
13:00	0	0	1	1	4	2	0	0	0	0	0	0	0	0	8
14:00	0	2	0	1	6	0	0	0	0	0	0	0	0	0	9
15:00	0	0	1	8	4	1	0	0	0	0	0	0	0	0	14
16:00	0	0	0	3	2	0	0	0	0	0	0	0	0	0	5
17:00	0	3	2	5	3	0	0	0	0	0	0	0	0	0	13
18:00	0	2	0	1	1	3	0	0	0	0	0	0	0	0	7
19:00	0	0	0	2	3	0	0	0	0	0	0	0	0	0	5
20:00	0	0	1	2	1	1	0	0	0	0	0	0	0	0	5
21:00	0	0	2	2	4	0	0	0	0	0	0	0	0	0	8
22:00	0	0	1	2	1	0	0	0	0	0	0	0	0	0	4
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Day Total	0	12	12	45	46	15	0	0	0	0	0	0	0	0	130

Central Marin Police Authority Speed Counter Data

Date\Speed (MPH)															Lane2 Total
	1-5	6-10	11-15	16-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	>65	
8/13/2023	0	0	0	0	1	1	0	0	0	0	0	0	0	0	2
01:00	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
06:00	0	0	1	0	0	1	0	0	0	0	0	0	0	0	2
07:00	0	0	1	0	3	0	0	0	0	0	0	0	0	0	4
08:00	0	0	0	4	2	0	0	0	0	0	0	0	0	0	6
09:00	0	0	0	1	4	2	0	0	0	0	0	0	0	0	7
10:00	0	1	1	3	2	2	0	0	0	0	0	0	0	0	9
11:00	0	0	2	3	3	0	0	0	0	0	0	0	0	0	8
12:00	0	3	1	4	6	1	0	0	0	0	0	0	0	0	15
13:00	0	0	0	5	5	0	1	1	0	0	0	0	0	0	12
14:00	0	0	3	3	4	1	0	0	0	0	0	0	0	0	11
15:00	0	0	1	1	1	1	1	0	0	0	0	0	0	0	5
16:00	0	1	0	4	5	1	0	0	0	0	0	0	0	0	11
17:00	0	2	1	0	2	1	0	0	0	0	0	0	0	0	6
18:00	0	1	1	2	3	1	1	0	0	0	0	0	0	0	9
19:00	0	2	3	2	4	2	0	0	0	0	0	0	0	0	13
20:00	0	0	3	2	3	1	1	0	0	0	0	0	0	0	10
21:00	0	0	0	0	2	0	0	0	0	0	0	0	0	0	2
22:00	0	0	3	0	2	0	0	0	0	0	0	0	0	0	5
23:00	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Day Total	0	10	21	35	53	16	4	1	0	0	0	0	0	0	140
8/14/2023	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
01:00	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00	0	0	0	1	1	0	0	0	0	0	0	0	0	0	2
06:00	0	0	0	1	2	0	2	0	0	0	0	0	0	0	5
07:00	0	0	0	4	4	0	0	0	0	0	0	0	0	0	8
08:00	0	6	1	2	6	0	0	0	0	0	0	0	0	0	15
09:00	0	0	0	1	3	1	0	0	0	0	0	0	0	0	5
Lane2 Total	0	60	105	224	271	75	8	2	1	1	0	0	0	0	747

85 percentile = 24

Central Marin Police Authority Speed Counter Data

Date\Speed (MPH)	1-5	6-10	11-15	16-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	>65	Combined
															Total
8/9/2023	0	1	2	11	18	4	0	0	0	0	0	0	0	0	36
14:00	0	4	16	12	19	4	0	0	0	0	0	0	0	0	55
15:00	0	7	11	25	13	1	0	0	0	0	0	0	0	0	57
16:00	0	3	11	12	19	6	0	0	0	0	0	0	0	0	51
17:00	0	3	8	11	18	3	0	0	0	0	0	0	0	0	43
18:00	0	2	4	21	15	5	0	1	0	0	0	0	0	0	48
19:00	0	0	2	11	12	1	0	0	0	0	0	0	0	0	26
20:00	0	7	4	10	9	1	0	0	0	0	0	0	0	0	31
21:00	0	0	0	6	7	0	0	0	0	0	0	0	0	0	13
22:00	0	0	0	7	2	1	0	0	0	1	0	0	0	0	11
23:00	0	0	1	1	3	0	1	0	0	0	0	0	0	0	6
Day Total	0	33	60	136	152	28	3	1	0	1	0	0	0	0	414
8/10/2023	0	0	0	2	2	3	0	0	0	0	0	0	0	0	7
01:00	0	0	0	0	5	3	0	0	0	0	0	0	0	0	8
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
06:00	0	0	2	2	5	0	0	0	0	0	0	0	0	0	9
07:00	0	0	2	7	9	5	0	0	0	0	0	0	0	0	23
08:00	0	4	2	12	15	8	0	0	0	0	0	0	0	0	41
09:00	0	3	8	15	13	1	0	0	0	0	0	0	0	0	40
10:00	0	2	3	10	17	4	0	0	0	0	0	0	0	0	36
11:00	0	0	6	8	14	5	0	0	0	0	0	0	0	0	33
12:00	0	2	10	25	21	4	0	1	0	0	0	0	0	0	63
13:00	0	1	4	14	6	8	1	0	0	0	0	0	0	0	34
14:00	0	1	2	20	15	3	0	0	0	0	0	0	0	0	41
15:00	0	1	4	11	16	3	0	0	0	0	0	0	0	0	35
16:00	0	3	11	25	18	9	0	0	0	0	0	0	0	0	66
17:00	0	0	5	15	25	5	0	0	0	0	0	0	0	0	50
18:00	0	0	4	10	14	5	0	0	0	0	0	0	0	0	33
19:00	0	0	2	15	14	1	0	0	0	0	0	0	0	0	32
20:00	0	0	1	5	9	2	0	0	0	0	0	0	0	0	17
21:00	0	2	0	7	8	2	1	0	1	0	0	0	0	0	21
22:00	0	0	0	4	4	0	0	0	0	0	0	0	0	0	8
23:00	0	0	1	0	6	1	1	0	0	0	0	0	0	0	9
Day Total	0	21	67	207	237	72	3	1	1	0	0	0	0	0	609

Central Marin Police Authority **Speed Counter Data**

Date\Speed (MPH)	1-5	6-10	11-15	16-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	Combined	
														>65	Total
8/11/2023	0	0	0	3	3	1	0	0	0	0	0	0	0	0	7
01:00	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00	0	0	0	2	1	0	0	0	0	0	0	0	0	0	3
06:00	0	1	2	3	5	0	0	0	0	0	0	0	0	0	11
07:00	0	0	1	9	8	0	1	0	0	0	0	0	0	0	19
08:00	0	3	4	9	25	6	0	0	0	0	0	0	0	0	47
09:00	0	1	2	16	12	4	0	0	0	0	0	0	0	0	35
10:00	0	2	13	23	20	3	0	0	0	0	0	0	0	0	61
11:00	0	1	6	16	15	4	0	0	0	0	0	0	0	0	42
12:00	0	1	7	14	23	3	0	0	0	0	0	0	0	0	48
13:00	0	1	6	11	27	3	0	0	0	0	0	0	0	0	48
14:00	0	0	9	22	26	4	1	0	0	0	0	0	0	0	62
15:00	0	1	4	12	13	2	0	0	0	0	0	0	0	0	32
16:00	0	5	3	9	17	8	1	0	0	0	0	0	0	0	43
17:00	0	0	2	19	24	5	0	0	0	0	0	0	0	0	50
18:00	0	1	4	9	16	3	0	0	0	0	0	0	0	0	33
19:00	0	1	0	12	10	3	1	0	0	0	0	0	0	0	27
20:00	0	1	1	11	10	4	0	0	0	0	0	0	0	0	27
21:00	0	4	3	5	10	4	0	0	0	0	0	0	0	0	26
22:00	0	1	1	6	7	1	0	0	0	0	0	0	0	0	16
23:00	0	0	0	5	7	0	0	0	0	0	0	0	0	0	12
Day Total	0	24	68	216	279	58	5	0	0	0	0	0	0	0	650

8/12/2023	0	0	1	3	6	0	0	0	0	0	0	0	0	0	10
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:00	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
05:00	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
06:00	0	0	2	2	1	1	0	0	0	0	0	0	0	0	6
07:00	0	0	2	3	3	4	0	0	0	0	0	0	0	0	12
08:00	0	3	4	3	10	0	0	0	0	0	0	0	0	0	20
09:00	0	0	2	14	11	6	0	0	0	0	0	0	0	0	33
10:00	0	6	2	12	16	1	0	0	0	0	0	0	0	0	37
11:00	0	1	4	22	18	6	0	0	0	0	0	0	0	0	51
12:00	0	5	5	11	25	5	0	0	0	0	0	0	0	0	51
13:00	0	0	7	15	9	5	0	0	0	0	0	0	0	0	36
14:00	0	3	3	4	16	1	0	0	0	0	0	0	0	0	27
15:00	0	0	1	18	13	3	0	0	0	0	0	0	0	0	35
16:00	0	0	1	11	14	3	0	0	0	0	0	0	0	0	29
17:00	0	6	3	12	17	1	0	0	0	0	0	0	0	0	39
18:00	0	2	0	5	15	4	0	0	0	0	0	0	0	0	26
19:00	0	0	1	14	10	2	0	0	0	0	0	0	0	0	27
20:00	0	1	7	11	14	6	0	0	0	0	0	0	0	0	39
21:00	0	0	5	7	10	0	0	0	0	0	0	0	0	0	22
22:00	0	0	1	6	4	1	0	0	0	0	0	0	0	0	12
23:00	0	0	1	1	3	2	0	0	0	0	0	0	0	0	7
Day Total	0	27	53	175	216	51	0	0	0	0	0	0	0	0	522

Central Marin Police Authority Speed Counter Data

Date\Speed (MPH)	Combined														Total
	1-5	6-10	11-15	16-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	>65	
8/13/2023	0	0	0	2	6	1	0	0	0	0	0	0	0	0	9
01:00	0	0	0	1	2	0	0	0	0	0	0	0	0	0	3
02:00	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
03:00	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00	0	1	0	2	1	0	0	0	0	0	0	0	0	0	4
06:00	0	0	2	0	0	2	0	0	0	0	0	0	0	0	4
07:00	0	1	2	1	3	1	0	0	0	0	0	0	0	0	8
08:00	0	1	0	8	8	1	0	0	0	0	0	0	0	0	18
09:00	0	0	1	9	10	3	0	0	0	0	0	0	0	0	23
10:00	0	2	3	13	13	5	0	0	0	0	0	0	0	0	36
11:00	0	0	4	16	11	2	0	0	0	0	0	0	0	0	33
12:00	0	4	3	15	29	3	0	0	0	0	0	0	0	0	54
13:00	0	0	1	24	27	2	1	1	0	0	0	0	0	0	56
14:00	0	0	7	13	15	6	1	0	0	0	0	0	0	0	42
15:00	0	0	3	9	14	5	1	0	0	0	0	0	0	0	32
16:00	0	1	2	12	23	5	1	0	0	0	0	0	0	0	44
17:00	0	6	5	4	23	6	0	0	0	0	0	0	0	0	44
18:00	0	2	1	10	9	4	2	0	0	0	0	0	0	0	28
19:00	0	3	4	10	15	2	0	0	0	0	0	0	0	0	34
20:00	0	0	3	9	15	2	1	0	0	0	0	0	0	0	30
21:00	0	0	3	5	7	3	0	0	0	0	0	0	0	0	18
22:00	0	1	5	0	5	1	0	0	1	0	0	0	0	0	13
23:00	0	0	0	3	5	2	0	0	0	0	0	0	0	0	10
Day Total	0	22	49	167	242	56	7	1	1	0	0	0	0	0	545
8/14/2023	0	0	0	0	1	1	0	0	0	0	0	0	0	0	2
01:00	0	0	0	0	2	0	0	0	0	0	0	0	0	0	2
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
05:00	0	0	1	5	3	0	0	0	0	0	0	0	0	0	9
06:00	0	1	1	3	7	0	2	0	0	0	0	0	0	0	14
07:00	0	0	0	6	14	2	0	0	0	0	0	0	0	0	22
08:00	0	9	7	16	24	2	1	0	0	0	0	0	0	0	59
09:00	0	0	0	4	8	3	0	0	0	0	0	0	0	0	15
Combined Total	0	131	305	927	1168	271	19	3	2	1	0	0	0	0	2827

85 percentile = 24

Central Marin Police Authority Speed Counter Data

Best Times for Enforcement

Location:

San Anselmo Av

GPS:

Not Available

Closest Cross Street:

Klare Av

Analysis Dates:

Wednesday, August 9, 2023

Monday, August 14, 2023

Equipment Used:

Installed By:

026

Requested By:

SADPW

Sun

Combined: 5 PM to 7 PM

Lane1: 4 PM to 6 PM

Lane2: Noon to 2 PM

Mon

Combined: 6 AM to 8 AM

Lane1: 7 AM to 9 AM

Lane2: 5 AM to 7 AM

Tue

Wed

Combined: 5 PM to 7 PM

Lane1: 5 PM to 7 PM

Lane2: 3 PM to 5 PM

Thu

Combined: Noon to 2 PM

Lane1: Noon to 2 PM

Lane2: 10 AM to Noon

Fri

Combined: 8 AM to 10 AM

Lane1: 4 PM to 6 PM

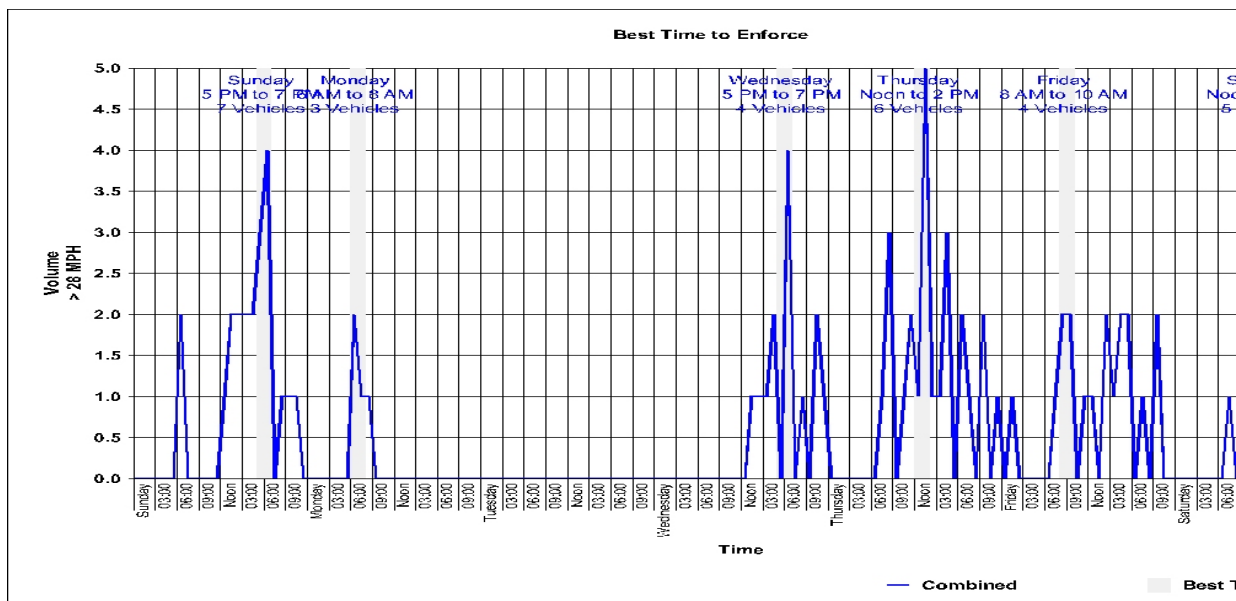
Lane2: 7 AM to 9 AM

Sat

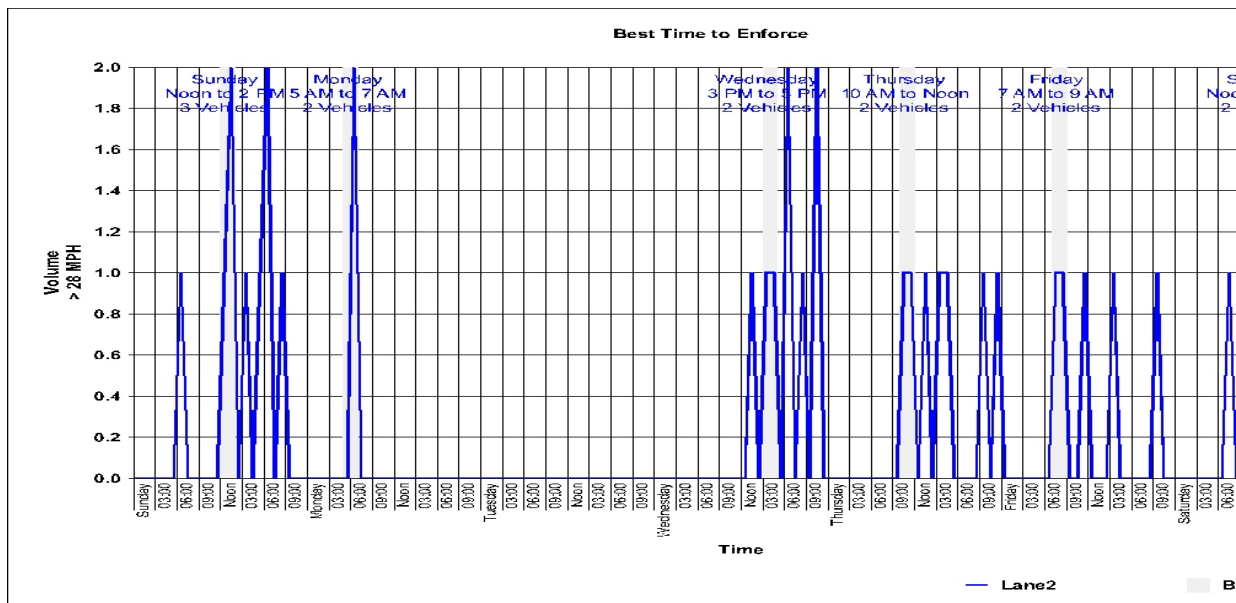
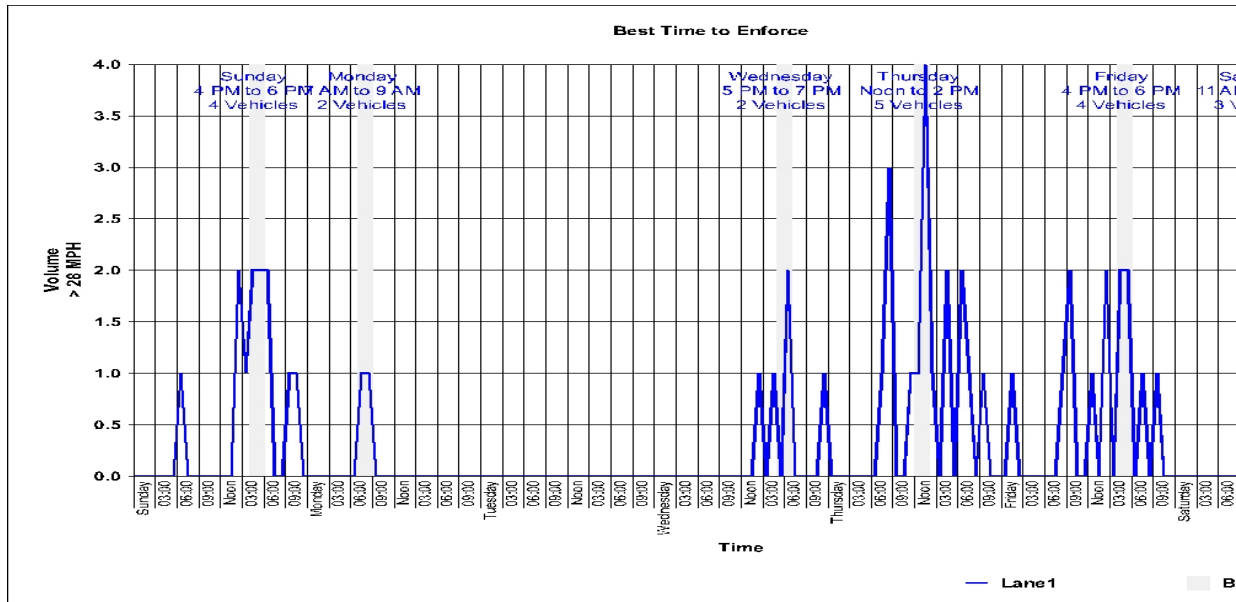
Combined: Noon to 2 PM

Lane1: 11 AM to 1 PM

Lane2: Noon to 2 PM



Central Marin Police Authority Speed Counter Data



Summary of Main Changes to the Law Under AB 43 by Matthew Hartzell, WTB-TAM

Gives authorities new ability to reduce speed limits in business districts

- Expands the ability of local authorities to reduce speed limits without an engineering and traffic survey on streets located within “business activity districts,” provided that they meet at least 3 of the following 4 criteria:
 1. At least 50 percent of the land use adjoining the street is made up of retail directly fronting the street.
 2. There is on-street parking on the street.
 3. Controlled intersections are spaced no more than 600 feet apart.
 4. Crosswalks are present on the street.
- This section applies only to streets that are 25 or 30 mph, and allows for a 5 mph reduction only (that is, either from 30 to 25 mph or from 25 to 20 mph).
- Prior to AB 43, local authorities only had this ability in school zones.
- This section of AB 43 is already in effect. It is what allowed San Francisco to reduce the speed limits on several of its commercial streets.

Gives authorities added flexibility in setting speed limits in response to the 85th percentile

- Gives local authorities the right to round down instead of round up to the nearest 5 miles per hour increment of the 85th percentile speed of free-flowing traffic.
- Before AB 43, if the 85th percentile speed on a street signed 25 mph was greater than 27.5 mph, the local authority would have been required to round up to 30 mph. But under AB 43, the local authority in this same situation can choose to round down to 25 mph.
- Speed limit changes in this section still require an engineering and traffic study.
- This section of AB 43 does not go into effect until June 30, 2024.

Widens the scope of what can be considered in engineering and traffic studies

- Prior to AB 43, engineering and traffic surveys used to justify speed limit changes could only consider speeds, accident records, and highway, traffic, and roadside conditions.
- AB 43 allows authorities to broaden the scope of engineering and traffic surveys used to justify speed limit changes to include the safety of bicyclists and pedestrians, with increased consideration for vulnerable pedestrian groups including children, seniors, and persons with disabilities.
- This section of AB 43 is already in effect.

Gives authorities the ability to reduce speed limits in designated “safety corridors” or streets adjacent to land uses that generate high bicycle and pedestrian activity

- A definition of “Safety corridor” is forthcoming and will be set in the next revision of the California Manual on Uniform Traffic Control Devices and will be based on the number of serious injuries and fatalities as reported in the SITS collision database.

- This section of AB 43 also allows local authorities to reduce the speed limit on streets that are adjacent to land or facilities that generate high concentrations of bicyclists or pedestrians based on the following factors:
 - a. Density.
 - b. Road use type.
 - c. Bicycle and pedestrian infrastructure present.
- Speed limit reductions in this section are limited to 5 mph.
- Speed limit changes in this section shall require an engineering and traffic study.
- This section of AB 43 does not go into effect until June 30, 2024.

Changes the definition of “speed trap” to give authorities more power to enforce speed limits in court

- The law prohibits local authorities from using speed radar evidence in court if the evidence was collected in a “speed trap.”
- Prior to AB 43, the law defined a “speed trap” as any street that did not have an engineering and traffic study carried out within the previous 7 years.
- Under AB 43, the 7 year time limit on engineering and traffic surveys is raised to 14 years.
- This reduces the onerous requirement on local authorities to conduct engineering and speed surveys every 7 years if they want to be able to use speed radar evidence in court.
- This rule change effectively reduces the number of streets that are defined as “speed traps” under the law, thus widening local authorities’ ability to enforce speed violations using speed radar evidence.



STAFF REPORT

TOWN OF SAN ANSELMO

Item #: 3.2

MEETING DATE: September 12, 2023

AGENDA TITLE: Town Hall Roof and HVAC Replacement Project

FROM: Department of Public Works

RECOMMENDATION: That the Town Council consider one of the following two options:

1. Awarding the Town Hall Roof and HVAC Replacement Project to the lowest responsible bidder and if so, authorizes the Town Manager to execute the contract.
2. Reject all bids and go back out to bid with a revised scope of work. Town staff may utilize Government Code 4217 which is a procurement policy that allows the Town to enter into design build contracts for energy conservation projects along with future energy cost savings to help fund the project.

SUMMARY

On March 14, 2023, Town Council provided direction to staff for the use of American Rescue Plan Act State & Local Fiscal Relief Funds (ARPA). One of the projects authorized for funding was the Town Hall Roof and HVAC Replacement Project.

BACKGROUND

The Town Hall roof has had leaks for many, many years and has needed full replacement for the last ten years plus. However, funding was limited so triage repairs have been completed over the years. In addition, the heating, ventilation, and air conditioning (HVAC) for Town Hall is approximately 50 years old and has also been in dire need of replacement. The leaking roof has continued to cause damage to the ceiling in Town Hall offices and the HVAC system has continued to breakdown during critical times such as heat waves or cold spells requiring ongoing emergency maintenance.

DISCUSSION/ANALYSIS

Drawings and Specifications were completed by licensed engineers to replace the Town Hall Roof with a modified bitumen roof and a new HVAC system. The new

roofing system will have a 30-year guarantee against leaks. The proposed HVAC system is a Mitsubishi Heat Pump system which will be all electric and eliminate the existing gas furnaces.

The new heat pump system will have significant energy savings as well as reduce greenhouse gas emissions. The system is known as a Variable Refrigerant Flow (VRF) with heat recovery and will reduce energy usage by approximately 25%. Because of the heat recovery it can recover and redirect heat from zones in cooling mode to zones requiring heating and vice versa which significantly increases efficiency. This repurposes would-be waste heat into “free” heat for the building, reducing the outdoor unit’s energy usage and delivering operational savings. By leveraging zone diversity, the system can increase total applied capacity by up to 150 percent over the outdoor unit’s rated capacity.

The scheduling of the replacement project would occur in the fall most likely with staging determined in terms of impacts to office occupancy. Staff may have to work remotely during some of the construction or from other Town buildings. Staff will try to minimize the impact to daily Town Hall operation.

Staff advertised the project for construction, with a bid opening on August 31. Four bids were received that were all determined to be responsive.

<u>Bidder</u>	<u>Bid Amount</u>
DMR Builders, Inc. (Santa Rosa, CA)	\$1,242,517.50
Foundry Construction, Inc. (Oakland, CA)	\$1,450,000.00
Trahan Mechanical, Inc. (San Rafael, CA)	\$1,646,000.00
CWS Construction Group, Inc. (Novato, CA)	\$1,757,000.00

The bid from DMR Builders was the lowest responsible bid and was 161% over the Engineer’s Estimate.

FISCAL IMPACT

The cost estimate received from the design engineer was:

- Roof Replacement and Carpentry \$130,000
- HVAC Replacement \$345,000

The total combined estimate was \$475,00 without contingency. The consultants were asked to update the estimate earlier this year but did not anticipate the higher costs of copper and other materials.

The lowest responsible bid was approximately 160% above the Engineer’s Estimate. Given that four bids were received with an average of \$1,523,000, staff believe that the low bid is a true representation of cost and level of effort to construct the project as designed.

Project Costs:

Construction (including 10% contingency) \$1,366,769

Staff recommends that the Council consider the following alternatives:

1. Award the project to the lowest bidder, using ARPA funds. This option would reduce the amount of APRA funds available for the other projects such as Robson Harrington Painting, Library HVAC and Roof, and Town Hall Second Floor Remodel. The 2023/2024 budget included \$350,000 of ARPA funds for this project.
2. Reject all bids and rescope/rebid project for construction next spring. There is no guarantee that bidding in the spring will result in lower construction cost for the same scope. The project could be modified to use a less efficient/lower cost type of heat pump (mini-split system).

GENERAL PLAN CONSISTENCY

This item is consistent with the General Plan's Conservation Element's Conservation and environmental Policy Guideline No. 13 which states, "The Town and County shall take measures to reduce existing and future inefficient or unnecessary energy or natural resources consumption. Recyclable and biodegradable materials shall be utilized and used materials shall be recycled or reused whenever possible."

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

The Town finds this project to be categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 Class 1, because it involves maintenance and minor alteration of an existing facility with negligible or no expansion of use.

It is consistent with the Town's Climate Action Plan 2030 and falls under Climate action codes R-3 Building and Appliance Electrification as well as R-4 Innovate Technologies for use of a variable refrigerant flow system with heat recovery.

STAFF REPORT

TOWN OF SAN ANSELMO

Item #: 2.1

MEETING DATE: 9/12/23

AGENDA TITLE: Introduction and first reading of amendments to the San Anselmo Municipal Code Title 10 “Planning and Zoning” Chapter 9 “Signs” to Allow Murals and adding Chapter 21 “Murals” governing Private and Public Murals; adoption of Resolution approving Administrative Public Mural Program Guidelines; and making associated CEQA Exemption Findings.

FROM: Emily Longfellow – Assistant Town Attorney
Mattie O’Grady – Recreation Manager
Dannielle Mauk – Director of Community Services
Heidi Scoble – Planning Director

RECOMMENDATION

1. That the Town Council hold a public hearing to consider the Ordinance Amendments (Attachment 1) and Resolution approving Public Mural Program Guidelines (Attachment 2).
 2. Motion to read the Ordinance Amendments by title only. Town staff will read aloud the full title of the Ordinance Amendments.
 3. Motion to approve the first reading of the Ordinance Amendments and waive future readings in their entirety.
 4. Motion to adopt Resolution approving Public Mural Program Guidelines.
-

BACKGROUND AND DISCUSSION

In response to the interest of the Arts Commission and the public in art murals, the Town Council held two public meetings in March and April, 2023 to discuss allowing murals in the Town of San Anselmo. At a public hearing on April 25, 2023, the Town Council directed staff to return with Ordinance Amendments and proposed guidelines to allow and regulate: 1) art murals on private commercial property by the property owner (private murals); and 2) art murals on Town-owned property or private commercial property in conjunction with the Town pursuant to a request for proposals (public art murals).

On August 21, 2023, the Planning Commission held a public hearing and voted to recommend Town Council approval of the proposed Ordinance Amendments and administrative Public Mural Program Guidelines to allow private and public murals. The Planning Commission directed staff to include minor modifications to the Ordinance Amendments and Guidelines, which staff has included as described in more detail below.

By way of background, murals are considered “speech” and regulations are subject to Constitutional First Amendment limitations. If a jurisdiction allows property owners to install murals on their property, the murals may not be regulated based content, viewpoint, or subjective appearance due to First Amendment constraints. However, murals on either private or public property that are installed pursuant to a request for proposals (RFP) by a municipality can be evaluated on content to the extent the RFP articulates a theme and other requirements, as all submissions would be evaluated for responsiveness to the RFP.

Per Council direction and as recommended by the Planning Commission, the following proposal allows two types of art murals: 1) art murals installed by private property owners on their commercial property (“private murals”); and 2) art murals installed in response to a Town RFP either on Town-owned property or on commercial property in partnership with the property owner (“public murals”).

Details regarding the proposed Ordinance Amendments and associated regulations are found below. As a threshold clarification issue, the Ordinance Amendments would exclude “art murals” from the definition of a “sign” in the Town’s Sign Ordinance (Title 10, Chapter 9) to ensure that the two will be governed separately. The Ordinance Amendments would also add a new Chapter 21 “Murals” to Title 10 “Planning and Zoning”, as described below.

The Planning Commission clarified the definition of an “art mural” to include (in underline): “an original hand-painted, hand-tiled, or hand-installed work of visual art on the exterior wall of a building consisting of paint, tile, or other similarly appropriate exterior material.” The Planning Commission’s intent was to ensure that art mural materials were not limited to paint or tile, but could accommodate any other appropriate hand-installed exterior medium. (See proposed SAMC, § 10-21-020.)

A. Private Art Murals.

Noted above, private art murals are subject to Constitutional First Amendment limitations. A municipality may impose general time, place, and manner restrictions on murals; however, these rules may not regulate content, appearance, or other subjective criteria. However, objective criteria, such as size and location, are allowed. Constitutionally unprotected speech, such as hate speech and obscenity, may be prohibited.

The proposed Ordinance Amendments set forth a private mural approval process, content-neutral requirements, and prohibit unprotected speech.

To obtain a private art mural permit, the owner of a private commercial building would complete an application and submit it to the Planning Department. In order to ensure content-neutrality and objectivity, staff suggests that private murals should be subject to a ministerial and objective approval process. The Planning Department would use a ministerial checklist application to grant a private art mural permit that will be subject to the approval of the Planning Director or designee. The application review is ministerial, meaning that it would be issued by staff if applicable criteria are satisfied. Staff suggests no right of appeal or neighbor notice for private art murals, because the process is ministerially-based (e.g., automatically granted by staff if the requirements are satisfied.)

A private art mural permit would have a term of five (5) years from the date of issuance, with the opportunity to renew the permit or remove the mural. The renewal of the permit would follow the same checklist application and staff would also review to ensure that the mural has been properly maintained prior to issuing a renewal. If the renewal application is rejected, then the property owner would be required to remove the mural and repair the wall to its original condition.

The following are the main provisions governing private art murals found in the proposed Ordinance Amendments:

1. Content-Neutral Requirements. The following content-neutral requirements apply:
 - * Maximum number of murals. A maximum of one (1) mural per legal parcel, or one mural per building, whichever is more restrictive, is allowed.
 - * Mural Area. The mural area shall not exceed the area of the wall upon which it is installed.
 - * Maximum Height. The mural shall not exceed the height of the structure upon which it is installed.
 - * Materials. Mural material shall be paint, tile, or similarly appropriate exterior material that is weatherproof and resistant to wear and deterioration.
 - * No Structural Change of Building. No mural shall structurally alter a building, including but not limited to, architectural changes or the addition or removal of structural posts, or beams.
 - * No Obstruction. No mural shall obstruct the exterior surface of any building opening, including but not limited to, doors, windows, and vents.
 - * No Exterior Lighting. No mural shall include illumination or be illuminated by an exterior source.
 - * No Mechanical Components. No mural shall contain electrical, mechanical, or moving components.
 - * No Murals on Primary Façades in C-2 Zoning District. The Planning Commission included a provision to prohibit private murals on the primary façades of buildings in the C-2 Zoning District. The C-2 Zoning district largely covers the downtown

area, which contains some buildings that have a historic appearance while not qualifying as designated “historic structures” at this time. (As noted below, murals are prohibited on qualifying “historic structures”.) The Planning Commission’s intent was to prevent murals on buildings that appear historic. Because in the context of private murals the Town must legally treat similarly situated properties equally, and because private murals must undergo an objective application process, preventing murals on the façades of downtown buildings satisfied the Planning Commission’s concerns. Murals may be located on the non-primary façades of buildings within the C-2 Zoning District. Additionally, public murals are allowed on both the primary and non-primary façades of buildings.

* Term. The mural shall remain in place without alternation for a period of five (5) years. “Alteration” includes any change to the permitted private art mural, including but not limited to, change of image, materials, colors, or size. “Alteration” does not include natural occurring changes caused by exposure or maintenance work. Upon the expiration of the term, the property owner may apply for renewal of the private art mural permit. A private art mural may be removed prior to the expiration of the term if: the property on which the mural is located is sold; the structure or property is substantially remodeled; the property undergoes an authorized change in use; the owner of the property may request permission from the Planning Director who may grant said permission upon a finding that the continued maintenance of the mural is not feasible.

* Agreement. The property owner and mural artist will be required to enter into an agreement with the Town, which agreement shall be in a form approved by the Town Attorney. This agreement will contain legal protections for the Town including indemnification requirements, and requirements for the artist to waive any applicable rights under the California Art Preservation Act, the Federal Visual Artists Rights Act, and other similar applicable law, in order to ensure that the mural can be removed at the end of the mural term or as required by the Town.

2. Prohibited Murals. Murals may not contain Constitutionally unprotected speech, which includes any message or image that is outside the protection of current First Amendment Constitutional law such as obscenity. Hate speech/imagery is prohibited. Murals may not be installed on legally designated historic structures, which includes buildings that are listed on a local, State or Federal historic registry. Murals may not be installed if compensation is given or received by the property owner or tenant for its display. Text is prohibited on murals, unless incidental to the image contained.

3. Maintenance. The mural must be properly maintained in good condition at all times, and all graffiti and excessive wear and tear repaired promptly. The Town may enforce violations per the Town Code, and may directly repair a mural. Town costs may become a lien against the property.

4. Application Fee. Applicants would be required to pay an application fee, to be established by Town Council Resolution. Staff will return with an application fee resolution to cover staff’s review and processing time for Town Council consideration.

B. Public Murals

A public art mural is one located on Town-owned property or private commercial property with the cooperation and agreement of the property owner and installed pursuant to a Town RFP. Funding for public art murals would come from the Art Commission's fund, private donations, or both. Public art murals proposals would be judged against the requirements of the RFP and evaluation guidelines. Private property owners could volunteer use of their properties for the installation of a public mural, would be involved with the evaluation process, and could reject all proposals. Because public art murals involve a Town-issued RFP, they are not subject to the same constitutional constraints of content-neutrality. Town-owned property would require approval of the Town Council prior to issuance of an RFP.

Public Art Murals would be governed by the proposed Public Mural Program Guidelines. The Arts Commission has approved proposed the Public Mural Guidelines and recommended adoption at its June 12, 2023 public meeting. The Planning Commission also recommended Town Council adoption of the Guidelines at its August 21, 2023 public hearing.

These Guidelines set forth the goals of public murals, curatorial standards, artist qualification requirements, RFP procedures, and other general requirements.

Regarding process, the Arts Commission would first identify a desirable site for a public mural, which could involve taking requests from private property owners. If the mural is on private commercial property, the property owner would be contacted to inquire whether there is an interest in a public mural on the property.

The proposed Public Mural Guidelines include the following provisions:

1. Public Art Goals. The goals of public murals are to enhance public spaces and improve the aesthetics of the Town. Public murals should be works of art that can be enjoyed by all residents and visitors alike. Public murals should consider the site's natural environment and setting to ensure appropriate integration into the neighborhood.
2. Curatorial Standards. Public murals are subject to certain curatorial standards including:
 - High aesthetic and material quality.
 - Durability and resistance to weather and damage.
 - Compliance with public art goals.
 - Practicality of installation with consideration of site characteristics.
 - Concept quality and originality.
 - Artist experience, qualifications, and past projects.
 - Responsiveness to the of the RFP.

3. Artist Qualifications.
- Artists located in the San Francisco Bay area will be given preference.
 - Artist must demonstrate excellence in the design and execution of completed works that are similar to the mural proposed in the RFP.
 - Artist must have the capacity and ability to install, oversee, and ensure the timely completion of the mural and the deadlines for the project as indicated in the RFP.

4. General Requirements and Process. After the Planning Commission meeting, staff has included additional process requirements to ensure property owner notice within 300 feet of a possible public art mural, as described below. Staff believes that this will provide public feedback for public art murals. (Please note that *private art murals* do not include neighbor noticing requirements because they will be granted based on a ministerially-reviewed permit application, and cannot be denied based on subjective factors.)

- a. Public Murals on Private Commercial Property.
- Town staff and/or members of the Arts Commission will seek out property owners who are interested in installing a public art mural. Priority will be given to properties that are visible to the public.
 - Prior to issuing an RFP, notice of the Town's consideration of a public art mural on private commercial property shall be sent to all property owners within 300 feet of the proposed mural location, which notice shall include the address of the site, possible themes for the mural, and a deadline for submittal of public comment.
 - After engagement with, and agreement of, the property owner, and receiving any public comment, the Arts Commission may direct staff to issue an RFP for the mural. The RFP shall be consistent with the public art mural goals and guidelines. The RFP shall identify and describe a theme or topic for the proposed mural.
 - The property owner will enter into an agreement regarding maintenance and other requirements in a form approved by the Town Attorney's Office. The agreement will specify a mural term, with a minimum of five (5) years. After the expiration of the term as identified in the agreement, the Town and the private property owner may enter into an updated agreement to maintain the mural or modify it pursuant to applicable guidelines. If the Town and the private property owner do not enter into an updated agreement, the mural shall be removed pursuant to the terms of the agreement.
- b. Public Art Murals on Town-Owned Property.
- The Arts Commission may identify a site on Town-owned property for the installation of a mural, and a proposed theme or topic for the mural, and bring this recommendation to the Town Council for consideration.
 - Notice of the Town's consideration of a public art mural on Town-owned property shall be sent to all property owners within 300 feet of the proposed location, which notice shall include the address of the site, possible themes for the mural, and a deadline for submittal of public comment.

- The Town Council must approve both the proposed location and theme of the mural. The Town Council shall receive any public comment submitted regarding the proposed mural. If approved by the Town Council, staff will issue an RFP for a mural on Town-owned property.

5. Selection.

- Selection Panel. For private commercial sites, a selection panel consisting of three (3) Art Commission board members, the property owner (or designee), and a staff member designated by the Town Manager will review responses to the RFP. For Town-owned sites, a selection panel consisting of three (3) Art Commission Board members and a staff member designated by the Town Manager shall review responses to the RFP.

- RFP Review. The panel shall review responses to an RFP and compliance with the Guidelines including curatorial standards and artist qualifications. The panel will rank RFP responses pursuant to the Guidelines and responsiveness to the RFP, and proposals with the highest scores will be recommended to the full Arts Commission. The Arts Commission will review said proposals and recommendations and may approve a proposal. The Arts Commission may reject all proposals. If on private property, the property owner may reject all proposals.

FISCAL IMPACT

There will be fiscal impacts to the Town. Costs fall largely in two categories. First, regarding private murals, Planning Commission staff time will be required to review and process mural permit applications. Staff will return to the Town Council for approval of a Mural Permit Fee to cover staff costs. There will be additional demands on staff time.

Second, regarding public murals, staff time will be required to assist the Arts Commission with the process, including drafting, issuing, and evaluating responses to, RFPs. Legal work will be required to draft necessary agreements. Recreation Department staff is projecting that each mural will take roughly 8-10 hours of staff time to execute which will result in a staffing cost of \$512-\$640 per mural. Fees cannot be used to recover costs of public art murals. There will be additional demands on staff time.

GENERAL PLAN CONSISTENCY

The proposed Ordinance Amendments are consistent with the General Plan. Public and private murals will enhance the aesthetic value and the small-town character of the community, consistent with the land use goals in the 2015-2023 General Plan, Land Use Element.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

The proposed Ordinance Amendments and Guidelines are exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) because they are not a "project" under CEQA and CEQA Guidelines section 15061(b)(3), the "common sense exemption", because it can be seen with certainty that

they will not have a significant environmental effect. The proposed Ordinance Amendments and Guidelines are consistent with the Town's Climate Action Plan because murals do not impact the environment.

CONCLUSION

Staff recommends the Town Council conduct the public hearing take the following actions:

1. Motion to read the Ordinance Amendments by title only (Attachment 1). Town staff will read aloud the full title of the Ordinance Amendments.
2. Motion to approve the first reading of the Ordinance Amendments and waive future readings in their entirety.
3. Motion to adopt Resolution approving Public Mural Program Guidelines (Attachment 2).

ATTACHMENTS

Attachment 1 – Ordinance Amendments

Attachment 2 – Resolution Adopting Mural Guidelines

Attachment 3 – Public Mural Program Guidelines

TOWN OF SAN ANSELMO
ORDINANCE NO. 2023-XX

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO AMENDING TITLE 10
“PLANNING AND ZONING”, CHAPTER 9 “SIGNS” TO ALLOW MURALS; ADDING NEW CHAPTER
21 “MURALS” TO TITLE 10 “PLANNING AND ZONING” GOVERNING PRIVATE AND PUBLIC
MURALS; AND MAKING ASSOCIATED CEQA EXEMPTION FINDINGS

WHEREAS, on April 26, 2023, the Town Council held a public meeting and directed staff to return with an Ordinance Amendment and implementing regulations to allow and regulate murals installed by private property owners on commercial buildings (private murals), and murals installed in response to a request for proposals on either Town-owned property or private commercial property (public murals); and

WHEREAS, the Town Council desires to allow the installation of both private murals on private commercial property, and public murals on public and private commercial property; and

WHEREAS, the proposed Ordinance Amendment amends the Zoning Code to allow murals, includes content-neutral mural requirements for private murals, and allows for a requests for proposals (RFP) process for public murals; and

WHEREAS, the Town of San Anselmo Arts Commission (Arts Commission) is an advisory body to the Town Council whose objectives include promoting art in the community, and has developed proposed Public Mural Program Guidelines (Guidelines) that set forth guidelines and procedures regarding public murals that will be installed pursuant to an RFP process; and

WHEREAS, on August 21, 2023 the Planning Commission of the Town of San Anselmo held a duly noticed public hearing and recommended Town Council adoption of the proposed Ordinance Amendment and Guidelines; and

WHEREAS, the Town Clerk caused notice of this public hearing and proposed Ordinance Amendment in the Marin Independent journal newspaper on September 1, 2023; and

WHEREAS, the Town Council held a public hearing on September 12, 2023 to consider adoption of the Ordinance Amendment; and

WHEREAS, the Ordinance Amendment is exempt from review under the California Environmental Quality Act (CEQA) because it is not a “project” under CEQA Guidelines section 15378 because it will not result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical changes in the environment; and pursuant to the “common sense” exemption, CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance Amendment will have a significant effect on the environment; there will be no changes to land uses, development intensities, or the rate at which development is expected to occur, and will therefore have no significant environmental effect; and

WHEREAS, the Ordinance Amendment is consistent with the Town's General Plan Land Use Element, because public and private murals will enhance the aesthetic value and small town character of the community consistent with land use goals; and

WHEREAS, the Ordinance Amendment is consistent with the Town's Climate Action Plan because murals do not impact the environment.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Environmental Review. Ordinance Amendment is exempt from review under the California Environmental Quality Act (CEQA) because it is not a "project" under CEQA Guidelines section 15378 because it will not result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical changes in the environment; and pursuant to the "common sense" exemption, CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance Amendment will have a significant effect on the environment; there will be no changes to land uses, development intensities, or the rate at which development is expected to occur, and will therefore have no significant environmental effect.

SECTION 2. The above recitals are true and correct and incorporated as findings herein.

SECTION 3. Town Council of the Town of San Anselmo does hereby find that the Ordinance Amendment is consistent with the General Plan goals, policies and objectives. The Ordinance Amendment is consistent with the Town's General Plan Land Use Element, because public and private murals will enhance the aesthetic value and small town character of the community consistent with land use goals.

SECTION 4: Ordinance Amendment. The following changes and amendments are made to Town of San Anselmo Municipal Code Title 10 "Planning and Zoning", Chapter 9 "Signs" as follows below. New language in underline, deleted language in ~~strikeout~~.

Article 3. – Definitions

10-9.302 – Definitions.

"Sign" means any device, structure, fixture, or placard displaying graphics, symbols, and/or written copy for the primary purpose of communicating with the public, when such image is visible from any public right-of-way. "Sign" shall include any moving part, lighting, sound equipment, framework, background material, structural support, or other part thereof. A display, device, of thing need not contain any lettering to be a sign. Notwithstanding the generality of the foregoing, the following are not within this definition.

...

(4) Art Murals as defined in Chapter 10-21 of the San Anselm Municipal Code

SECTION 5: Ordinance Amendment. Chapter 21 “Murals” is hereby added to Title 10 “Planning and Zoning” of the San Anselmo Municipal Code as follows:

10-21-010 Purpose and Intent

The purpose of this Chapter is to permit and encourage original mural artwork on a content-neutral basis on private commercial properties in the Town subject to certain terms and requirements. This Chapter also allows for the installation of Town-initiated public murals on both Town-owned property and private commercial property with the cooperation and agreement of the private property owner. Art murals are distinct from signs and confer different benefits, which include improved community aesthetics, forums for original artistic expression, and public access to original works of art in the community. Art murals can increase community identity and create a sense of place for residents and visitors alike.

10-21-020 Definitions

“Art Mural” means an original hand-painted, hand-tiled, or hand-installed work of visual art on the exterior wall of a building consisting of paint, tile, or other similarly appropriate exterior material. An Art Mural must be a non-commercial image, which is defined as an image that does not include any branded, registered, or trademarked words, icons, or logos and is not used to advertise a business, service, or product, or to create a revenue stream as a result of its visible placement to the public.

“Private Art Mural” is an art mural located on commercial property allowed by an art mural permit granted to a private property owner of commercial property.

“Public Art Mural” is an art mural initiated by the Town located on Town-owned property or on private commercial property with the agreement and cooperation of the private property owner.

10-21-030 Distinction from Signs

An art mural that conforms with the requirements of this Chapter shall not be considered a sign and is therefore not subject to San Anselmo Municipal Code Title 10, Chapter 9 “Signs” (Sign Ordinance). Any art mural that does not conform to the requirements of this Chapter shall be considered a sign and subject to the requirements of the Sign Ordinance.

10-21-040 Public Art Mural Program Guidelines

The Town Council may adopt Public Art Mural Program Guidelines which shall identify public art application procedures, program requirements, criteria for evaluating proposed murals, and identifying funding mechanisms.

10-21-050 Private Art Mural Permit Required

It shall be unlawful to install, erect, construct, change, alter, or attach any private art mural in the Town without first obtaining a private art mural permit. A private mural permit is valid for a period of five (5) years from issuance. The property owner may apply for a renewal of the private mural permit which shall be reviewed pursuant to the provisions of this Chapter. The review of a renewal permit shall also include an evaluation of whether the mural has been maintained in a good condition. Each renewal permit term shall be a maximum of two (2) years. If a mural renewal permit is denied, the property owner must remove the mural and return the wall to its original condition. Private art murals are allowed only in Commercial Town Zoning districts on a structure that is wholly or partially used for commercial purposes.

10-21-060 Private Art Mural Permit Application and Review Procedures

- a. Authority to Adopt Administrative Rules. The Town Manager is authorized to adopt private art mural administrative rules implementing this Section.
- b. Application Requirements and Review. An application for a private art mural shall be submitted pursuant to an application submitted to the Planning Department with applicable fees, as established by Town Council Resolution. The application shall be ministerially reviewed for compliance with the requirements of this Chapter by the Planning Director or designee. There is no right of appeal and no neighbor notice is required for a private art mural permit.

10-21-070 Private Art Mural Requirements Private art murals must satisfy the following content-neutral requirements.

- a. Maximum number of murals. A maximum of one (1) mural per legal parcel, or one mural per building, whichever is more restrictive, is allowed.
- b. Mural Area. The mural area shall not exceed the area of the wall upon which it is installed.
- c. Maximum Height. The mural shall not exceed the height of the structure on which it is installed.
- d. Materials. Mural materials shall be paint, tile, or similarly appropriate exterior material that are weatherproof and resistant to wear and deterioration.
- e. No Structural Change of Building. No mural shall structurally alter a building, including but not limited to, architectural changes or the addition or removal of structural posts, or beams.
- f. No Obstruction. No mural shall obstruct the exterior surface of any building opening, including but not limited to, doors, windows, and vents.

- g. No Exterior Lighting. No mural shall include illumination or be illuminated by an exterior source.
- h. No Mechanical Components. No mural shall contain electrical, mechanical, or moving components.
- i. No Murals on Primary Façade in C-2 Zoning District. Murals are prohibited on the primary façades of buildings located in the C-2 Zoning District. For purposes of this section, “primary façade” means the exterior face of a building that contains the principal pedestrian entrance and is oriented towards a public right-of-way or public space. Murals may be located on the non-primary façade of buildings within the C-2 Zoning District.
- j. Term. The mural shall remain in place without alternation for a period of five (5) years. “Alteration” includes any change to the permitted private art mural, including but not limited to, change of image, materials, colors, or size. “Alteration” does not include natural occurring changes caused by exposure or maintenance work. Upon the expiration of the term, the property owner may apply for renewal of the private art mural pursuant to this Chapter. A private art mural may be removed prior to the expiration of the term if: the property on which the mural is located is sold; the structure or property is substantially remodeled; the property undergoes an authorized change in use; the owner of the property requests permission from the Planning Director or designee who may grant said permission upon a finding that the continued maintenance of the mural is not feasible.
- k. Agreement. The property owner and mural artist shall enter into an agreement with the Town which agreement shall be in a form approved by the Town Attorney.

10-21-080 Private Art Mural Maintenance Requirements

- a. Maintenance.
 - 1. The mural must be properly maintained in good condition at all times, ensure that material failure and excessive weathering is corrected, and graffiti and other vandalism are removed promptly.
 - 2. Failure to maintain the private art mural as provided herein is declared to be a public nuisance and may be summarily abated or repaired by the Town consistent with the Town of San Anselmo Municipal Code. The Town may pursue additional remedies to obtain compliance. All remedies are cumulative. After reasonable notice, the Town may perform all necessary repairs or maintenance, and all costs incurred shall be billed to the property owner. Should the property owner fail to pay the Town for said costs, the costs may become a lien against the property.

10-21-090 Prohibited Private Art Murals The following private art murals are prohibited.

- a. Murals on local, State, or Federally-designated historic structures.
- b. Murals for which compensation is given or received to the property owner or tenant for the display of the mural or for the right to place the mural on another's property.
- c. Murals may not include Constitutionally unprotected speech which includes any message or image that is outside the protection of the First Amendment of the U.S. Constitution and/or corollary provisions of the California Constitution, such as obscenity. Hate speech or imagery is prohibited.
- d. Murals may not include text unless incidental to the image(s) contained in the mural.

10-21-100 Enforcement The Town Attorney is authorized to abate violations and to enforce the provisions of this Chapter and all implementing regulations pursuant to the Code Enforcement provisions of the San Anselmo Municipal Code, civil action, injunctive relief, and/or any other proceeding permitted by law. All remedies are cumulative.

SECTION 6: Severability. The Town Council hereby declares every section, paragraph, sentence, clause, and phrase is severable. If any section, paragraph, sentence, clause or phrase of this Ordinance Amendment for any reason is found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 7: Effective Date. This Ordinance Amendment shall go into effect thirty (30) days from its adoption. Prior to the expiration of fifteen (15) days of adoption, this Ordinance Amendment or a summary thereof pursuant to Government Code section 36933, shall be published at least once in a newspaper of general circulation, along with the names of the members of the Town Council voting for and against its adoption.

INTRODUCED AND ADOPTED AT A PUBLIC HEARING at a regular meeting of the San Anselmo Town Council on September 12, 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSED:

APPROVED: _____
Steve Burdo, Mayor

ATTEST: _____
Serge Avila, Town Clerk



Town of San Anselmo Public Mural Program Guidelines

INTRODUCTION

About San Anselmo

Originally, Coast Miwok inhabited the oak-studded hills and valley and fished the fresh water of the San Anselmo Creek. By the mid-1880's, the area began to change when the Mexican government granted property to the Sais family. Cattle grazed in San Anselmo during the land-grant era until the North Pacific Coast Railroad arrived in 1894.

For a few years, the Town was referred to on railroad maps simply as Junction. Railroad officials began using the name San Anselmo in 1883. There was a short-lived spate of real estate activity about that time, but it was not until the San Francisco Theological Seminary was completed in 1892 that the Town began to grow of its own accord. After the 1906 earthquake and fire, the summer homes that San Francisco residents had built became their permanent homes and the Town of San Anselmo was established in 1907.

The opening of the Golden Gate Bridge in 1937 also boosted San Anselmo's population, which continued to grow until 1960, when the number leveled off to around 12,000 where it remains today.

San Anselmo has developed into a vibrant community with a bustling downtown area home to shops, restaurants, and common spaces. Mural art can play a key part in continuing to enliven the Town by creating a sense creativity, and cultivating community identity and shared space.

Public Art Mural Goals

The San Anselmo Arts Commission was established in 1996 with the goal of adding to the cultural character of the Ross Valley through artistic expression. The Arts Commission seeks to facilitate and encourage the creation of art in the community. Public art murals are murals that can be enjoyed by the public and are located either on Town-owned property or private commercial property in coordination with the Town. Public art murals can play an important artistic role in the community by providing art that may be enjoyed by residents and visitors alike. Public art murals also enhance the character and identity of the Town, and enliven and beautify public spaces by creating large pieces of art within the community.

These Public Mural Guidelines (Guidelines) drafted by the Arts Commission and adopted by the Town Council, establish a set of guidelines for public art murals installed on private or public property. The Guidelines provide direction for property owners and muralists on the process, criteria, and responsibilities associated with a public art mural project.

Public Art Mural Goals

The goals of public art murals are to:

- Enhance and improve the aesthetics of the Town as enjoyed by the public on both public buildings and private buildings.
- Encourage and facilitate inspirational works of public mural art that can be enjoyed by all residents and visitors of the Town.
- Ensure artistic and aesthetic quality in public murals.
- Encourage the creation of public art murals that consider and respect context and setting, while allowing for artistic expression.

CURATORIAL STANDARDS

Public art murals shall conform to the following curatorial standards:

- Aesthetics. Murals shall be of high aesthetic and material quality, considering craftsmanship, uniqueness, relevance and appropriateness to mural's environment.
- Responsiveness. Murals shall respond to the theme and criteria as set forth in the Request for Proposals (RFP).
- Durability. Murals shall be durable and resistant to weather and damage. Murals shall be able to withstand long-term outdoor exposure.
- Concept quality. Mural concepts shall exemplify artistic excellence, originality, and creativity.
- Compliance with public art goals. Murals must respond to and address public art goals, including enhancing the character and identity of the Town, and enlivening public space.

- Practicality of installation. Murals shall be feasible to install as proposed considering unique site characteristics.

ELIGIBILITY STANDARDS AND PROCESS

1. Artist Qualifications.
 - Artists located in the San Francisco Bay area will be given preference.
 - Artist must demonstrate excellence in the design and execution of completed works that are similar to the mural proposed in the RFP.
 - Artist must have the capacity and ability to install, oversee, and ensure the timely completion of the mural and the deadlines for the project as indicated in the RFP.
2. General Requirements and Process.
 - A. Public Murals on Private Commercial Property.
 - Town staff and/or members of the Arts Commission will seek out property owners who are interested in installing a public art mural. Priority will be given to properties that are visible to the public.
 - Prior to issuing an RFP, notice of the Town's consideration of a public art mural on private commercial property shall be sent to all property owners within 300 feet of the proposed mural location, which notice shall include the address of the site, possible themes for the mural, and a deadline for submittal of public comment.
 - After engagement with, and agreement of, the property owner, and receiving any public comment, the Arts Commission may direct staff to issue an RFP for the mural. The RFP shall be consistent with the public art mural goals and requirements and these Guidelines. The RFP shall identify and describe a theme or topic for the proposed mural.
 - The property owner will enter into an agreement regarding maintenance and other requirements in a form approved by the Town Attorney's Office. The agreement will specify a mural term, with a minimum of five (5) years. After the expiration of the term as identified in the agreement, the Town and the private property owner may enter into an updated agreement to maintain the mural or modify it pursuant to applicable guidelines. If the Town and the private property owner do not enter into an updated agreement, the mural shall be removed pursuant to the terms of the agreement.
 - B. Public Art Murals on Town-Owned Property.
 - The Arts Commission may identify a site on Town-owned property for the installation of a mural, and a proposed theme or topic for the mural. The Arts Commission shall bring this recommendation to the Town Council for consideration.
 - Notice of the Town's consideration of a public art mural on Town-owned property shall be sent to all property owners within 300 feet of the proposed mural location, which notice shall include the address of the site, possible themes for the mural, and a deadline for submittal of public comment.
 - The Town Council must approve both the proposed location and theme of the mural. The Town Council shall receive any public comment submitted regarding the proposed

mural. If approved by the Town Council, staff will issue an RFP for a mural on Town-owned property.

C. General.

- A mural artist is required to waive all rights under the California Art Preservation Act, the Visual Artists Rights Act, and other similar applicable law.
- Public murals may be funded with funds raised by the Arts Commission, pursuant to private donations, or both. Any requested funding of Town funds must be approved by the Town Council prior to issuing an RFP.
- The Arts Commission shall be limited to the consideration and processing of up to two (2) public art murals per year.

SELECTION

1. Selection Panel. For private commercial sites, a selection panel consisting of three (3) Art Commission board members, the property owner (or designee), and one staff member designated by the Town Manager shall review responses to the RFP. For Town-owned sites, a selection panel consisting of three (3) Art Commission Board members and a staff member designated by the Town Manager shall review responses to the RFP.

2. RFP Review. The panel shall review responses to an RFP and compliance with these Guidelines including curatorial standards and artist qualifications. The panel shall rank RFP responses pursuant to the Guidelines and responsiveness to the RFP. The proposals with the highest scores will be recommended to the full Arts Commission. The Arts Commission will review said proposals and recommendations, and may approve a proposal. The Arts Commission may reject all proposals. If on private property, the property owner may reject all proposals.

TOWN OF SAN ANSELMO
RESOLUTION NO.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO ADOPTING
PUBLIC MURAL PROGRAM GUIDELINES

WHEREAS, on April 26, 2023, the Town Council held a public meeting and directed staff to return with an Ordinance Amendment and implementing regulations to allow and regulate murals installed by private property owners on commercial buildings (private murals), and murals installed in response to a request for proposals on either Town-owned property or private commercial property (public murals); and

WHEREAS, the Town Council desires to allow the installation of both private murals on private commercial property, and public murals on public and private commercial property; and

WHEREAS, the proposed Public Mural Guidelines (Guidelines) and Mural Ordinance Amendments proposed herewith, will regulate and allow public murals on both private commercial property with the agreement and cooperation of the private property owner, and public murals on Town-owned property, both through a request for proposal (RFP) process; and

WHEREAS, the Town of San Anselmo Arts Commission is an advisory body to the Town Council whose objectives include promoting art in the community, and has developed and approved the proposed Guidelines that set forth rules and procedures regarding public murals that will be installed pursuant to an RFP process; and

WHEREAS, on August 21, 2023 the Planning Commission of the Town of San Anselmo held a duly noticed public hearing and recommended Town Council adoption of the proposed Ordinance Mural Amendment and Guidelines; and

WHEREAS, the Town Clerk caused notice of this public hearing and proposed Ordinance Amendment in the Marin Independent journal newspaper on September 1, 2023; and,

WHEREAS, the Town Council held a public hearing on September 12, 2023 to consider adoption of the Guidelines and associated Ordinance Amendments; and

WHEREAS, the Guidelines are exempt from review under the California Environmental Quality Act (CEQA) because they are not a “project” under CEQA Guidelines section 15378 because they will not result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical changes in the environment; and pursuant to the “common sense” exemption, CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that they will have a significant effect on the environment; there will be no changes to land uses, development intensities, or the rate at which development is expected to occur, and will therefore have no significant environmental effect; and

WHEREAS, the Guidelines are consistent with the Town's General Plan Land Use Element, because public and private murals will enhance the aesthetic value and small town character of the community consistent with land use goals; and

WHEREAS, the Guidelines are consistent with the Town's Climate Action Plan because murals do not impact the environment.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES HEREBY RESOLVE AS FOLLOWS:

1. The above findings are true and correct, and incorporated herein by reference.
2. The Town Council adopts the Public Mural Guidelines as set forth in Exhibit A to this Resolution.

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the San Anselmo Town Council on the 12th day of September, 2023, by the following vote:

AYES:	Councilmember:	Kullaway, Fineman, Colbert, Burke, Mayor Burdo
NOES:	Councilmember:	None
ABSENT:	Councilmember:	None
ABSTAIN:	Councilmember:	None

Steve Burdo
MAYOR

ATTEST:

SERGE AVILA
TOWN CLERK

STAFF REPORT

TOWN OF SAN ANSELMO

Item #: 2.2

MEETING DATE: September 12, 2023

AGENDA TITLE: Appeal of staff determination of “Substantial Improvement” for proposed project at 22 Belle requiring compliance with FEMA and Town Floodplain regulations to raise habitable floor level to 1-foot above Base Flood Elevation.

FROM: Sean Condry – Public Works and Building Director
Emily Longfellow – Assistant Town Attorney

RECOMMENDATION

1. That the Town Council hold a public hearing to consider the property owner’s appeal of staff’s determination of “Substantial Improvement” for proposed project at 22 Belle Ave. requiring compliance with FEMA and Town Floodplain regulations to raise lowest habitable floor level of property to 1-foot above Base Flood Elevation.
 2. Adopt Resolution upholding staff’s determination of “Substantial Improvement” for proposed project at 22 Belle, San Anselmo, California. (Attachment “A”).
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-

BACKGROUND AND DISCUSSION

I. Background. Joanne Garbarino is the Owner of real property located at 22 Belle Avenue in San Anselmo (Property). The Property contains two buildings: 1) a 2-unit building facing Belle Avenue, which is the subject of this appeal; and 2) a 6-unit structure towards the back of the lot. The Property is in the R-3 Zoning District and is located in a FEMA-designated Special Flood Hazard Area, AE. Property records show that since the 1950’s, the lower floor of the subject 2-unit building has been used for commercial medical use including a dental office, a podiatrist, and an acupuncture office. The commercial use has since been abandoned and the building has been vacant since approximately 2020. Property records prior to the 1950s are spotty and show some previous residential use¹.

¹ There is a dispute regarding whether the remodel proposes a “change in use” from commercial to residential, triggering additional code requirements. The appellant and Town staff have agreed that this is not the subject of the current appeal and will not be addressed at this time.

On August 6, 2021 the Owner's architect, Mr. Jeff Kroot, submitted a project application to remodel the lower floor of the subject building for residential use. After going through a third-party plan check review, on January 26, 2022, the Town informed Mr. Kroot that the Building Permit could not be issued in applicable part because the Property was located in the AE Flood Zone, and since the project constituted a substantial improvement it needed to be raised to 1-foot above Base Flood Elevation (BFE). Since that time, the Town and Owner (and Owner's attorneys and architect) have continued correspondence.

On May 20, 2022, Sean Condry received a letter from the Owner's then-attorney objecting to the substantial improvement determination, in applicable part. (Attachment "B"). On June 16, 2022, the Town's Assistant Attorney responded, detailing the legal reasons why the proposed project constituted a substantial improvement, requiring the subject structure to be raised. (Attachment "C"). In July, 2023, pursuant to SAMC, § 7-11.404, the Owner's attorney requested an appeal to the Town Council of Mr. Condry's determination of "substantial improvement" requiring compliance with Floodplain regulations.

II. FEMA and the Town Code Require Project to be Raised to 1-Foot Above BFE Because Project Constitutes a "Substantial Improvement".

A. Project Must Comply with Town and FEMA Flood Zone Requirements.

As a threshold matter, the Town must apply FEMA and Town Floodplain rules. It does not have the discretion to waive these requirements.

The National Flood Insurance Program (NFIP) was created in 1968 and is administered by the Federal Emergency Management Authority (FEMA). Communities can choose to participate in the NFIP so that property owners and renters can purchase federal flood insurance. In exchange, local communities must adopt and enforce minimum floodplain management requirements to reduce flood damage risk. San Anselmo participates in the NFIP and must enforce Floodplain rules.

Central among these requirements is that any "substantial improvement" of a residence located in a Special Flood Hazard Area must be completed so that the lowest habitable floor of the structure is 1-foot above Base Flood Elevation.² (44 CFR 60.3; SAMC, § 7-11.501.) Special Flood Hazard Areas are designated by FEMA and are areas of particular high risk for flooding pursuant to FEMA data.

Here, the Property is located in a Special Flood Hazard Area and, as explained in detail below, the Project constitutes a substantial improvement.

² "Base Flood Elevation" is the elevation of a 100-year flood. It is the elevation shown on the federal Flood Insurance Rate Maps as determined by FEMA that indicates the water surface elevation from a flood that has a 1% chance or greater of being equaled or exceeded in any given year. (SAMC § 7-11.201; 44 CFR 59.1.)

A “substantial improvement” is when the cost of the project exceeds 50% of the market value of the structure prior to the start of construction.³ (SAMC, § 7-11.201; 44 CFR 59.1.)

B. Determination of “Substantial Improvement” Made by Town.

Although an applicant may submit information for the Floodplain Administrator’s consideration, Town Code and FEMA Guidance make clear that the final determination of substantial rests with the Town.

First, the Town Code gives the Floodplain Administrator authority to make substantial improvement determinations. Sean Condry, the Town’s Public Works Director, is the designated Floodplain Administrator. As such, he is responsible for the administration, implementation, and enforcement of floodplain regulations. (SAMC, § 7-11.401.) The Floodplain Administrator must review all permit applications for compliance with floodplain requirements. (SAMC, § 7-11.402(a)(1).) Importantly, the Floodplain Administrator is responsible for making the final determination whether a project constitutes a “substantial improvement”. (SAMC, § 7-11.402(a)(1).)

Second, federal FEMA guidance clarifies that a final substantial improvement determination is made by the Floodplain Administrator, not a project applicant. As indicated in the [FEMA Substantial Improvement/Substantial Damage Desk Reference](#) the local government is responsible for verifying that the information submitted by an applicant regarding the costs of improvements and market value of the structure is “complete and reasonable.” (FEMA P-758 “FEMA Desk Reference”, Section 4.2 “Accuracy and Verification”.) The FEMA Desk Reference further instructs: “[o]nce the cost of the work and market value of the structure have been determined, the local official must make a final determination.” (Section 4.3 [emphasis added].)

Additionally, FEMA guidance clarifies the Town’s legal responsibilities and the role of the Floodplain Administrator:

“The NFIP [National Flood Insurance Program] requires participating communities to review all applications for development in mapped SFHAs [Special Flood Hazard Areas] and to enforce their floodplain management regulations and building codes. The local official who is designated to administer those regulations and codes is responsible for making [substantial improvement] determinations. The local official reviews information submitted by applicants and may use a combination of information to estimate or verify costs and market values. The review determines whether the cost estimates reasonably reflect the proposed work....”

³ Substantial improvement is when, “reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before the start of construction of the improvement.” SAMC, § 7-11.201; 44 CFR 59.1 .)

[\(FEMA Publication “Answers to Questions About Substantially Improved/Substantially Damaged Buildings” August 2018, p. 4 \[“2018 FEMA Publication”; emphasis added\].\)](#)

A Flood Administrator is obligated to independently analyze both the fair market value of the structure and the cost of the proposed project. “Local officials are responsible for reviewing the validity of all cost estimates provided by applicants, whether prepared by licensed contractors, engineers, architects, professional cost estimators, or property owners. When applicants submit professional appraisals of market value, local official should examine the documentation to determine whether the appraisals reflect the special characteristics of the buildings.” (2018 FEMA Publication, p. 10 [emphasis added].)

C. Project Constitutes a Substantial Improvement.

As explained above, a project is a substantial improvement when the cost of the project exceeds 50% of the fair market value of the structure before construction. Therefore, the Floodplain Administrator must independently evaluate both: 1) fair market value of the structure; and 2) total cost of the proposed project.

Appellant has assigned \$383,971 to the structure and \$150,000 to the improvements based on contractor bids and property assessment information⁴.

The Town’s Floodplain Administrator has found these numbers to be unsupported.

First, regarding the cost of improvements, FEMA guidance provides a detailed, but non-exhaustive list of costs ranging from interior finishing elements (tiles, cabinets, etc.) to structural elements that must be included. ([FEMA Desk Reference, 4.4.1.](#)) FEMA also indicates acceptable methods to determine project costs including: 1) cost estimates by licensed contractors; 2) independent building valuation tables published by building code organizations and cost-estimating manuals that consider local variations in cost; 3) qualified estimates prepared by the local official; and 4) building owner opinion. (*Id.*, p. 4-8.)

The Craftsman National Building Cost Manual (CNBM) is a professional cost-estimate tool that provides national averages of per-square-foot for construction costs within specific regions of all 50 states. It also includes a local multiplier to account for construction costs within a particular region. Here, the price per square foot is based on the CNBM designation of “best standard” is \$394.21 per square foot.

Based both on the Floodplain Administrator’s professional opinion and published professional cost-estimate tools (the CNBM), the cost of improvements is at least \$400 per square foot. The total project area is 805 square feet. Therefore, the total project valuation would be: \$400 x 805 SF at \$322,000, which is over 50% of appellant’s asserted fair market value of the structure prior to construction at \$383,971.

⁴ Information based on letter from Property Owner’s previous attorney to Sean Condry dated May 20, 2022.

Second, FEMA guidance provides acceptable sources for determining the fair market value of the structure which includes: 1) adjusted assessed value; 2) actual cash value (which is the cost to replace the structure of like-kind and quality minus depreciation); and 3) qualified estimates from the local building official; ([FEMA Desk Reference, 4.5.](#))

Appellants have submitted that assessed value of the Property is \$2,280,084 with \$1,422,115 assigned to the improvements. Based on a percentage of the subject unit's square footage from the total property (1,428 SF), appellants assign \$383,971 to the subject structure.⁵

The Town's Director of Building and Public Works, Mr. Condry, agrees with appellant that the estimated fair market value of the subject structure is \$383,971.

Even accepting appellant's fair market value of the structure of \$383,971, the costs of improvements at \$322,00 far exceeds 50% of the value of the structure. Therefore, the project constitutes a substantial improvement and the subject structure must be raised to 1-foot above BFE.

III. Conclusion.

Based on the above, staff recommends that the Town Council adopt the proposed Resolution denying Owner's appeal and upholding staff's determination of a substantial improvement, requiring the subject structure to be raised to 1-foot above BFE as the project is currently proposed.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

The subject appeal decision is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) because it is not a "project" under CEQA and CEQA Guidelines section 15061(b)(3), the "common sense exemption", because it can be seen with certainty that it will not have a significant environmental effect. The Town's Climate Action plan is not implicated in this appeal.

CONCLUSION AND RECOMMENDATION

Staff recommends the Town Council conduct the public hearing take the following actions:

1. That the Town Council hold a public hearing to consider the property owner's appeal of staff's determination of "Substantial Improvement" for proposed project at 22 Belle requiring compliance with FEMA and Town Floodplain regulations to raise property to 1-foot above Base Flood Elevation.
2. Adopt Resolution upholding staff's determination of "Substantial Improvement" for proposed project at 22 Belle, San Anselmo, California.

⁵ Information based on letter from Property Owner's previous attorney to Sean Condry dated May 20, 2022.

ATTACHMENTS

Attachment A – Proposed Resolution

Attachment B – May 20, 2022 Letter from attorney Elizabeth Bridges to Sean Condry

Attachment C – June 16, 2022 Letter from Assistant Town to Elizabeth Bridges

SAN ANSELMO TOWN COUNCIL

RESOLUTION NO. 2023-XX

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DENYING 22 BELLE AVENUE PROPERTY OWNER'S APPEAL OF STAFF "SUBSTANTIAL IMPROVEMENT" DETERMINATION UNDER FEMA AND TOWN FLOODPLAIN REGULATIONS AND UPHOLDING STAFF DECISION

WHEREAS, the Town of San Anselmo participates in the National Flood Insurance Program and is obligated to enforce Federal and Town Floodplain regulations; and

WHEREAS, a "substantial improvement" of a residence located in a Special Flood Hazard Area must be completed so that the lowest habitable floor of the structure is 1-foot above Base Flood Elevation ("BFE") (44 CRF 60.3; SAMC, § 7-11.501); and

WHEREAS, a "substantial improvement" is when the cost of the project exceeds 50% of the market value of the structure prior to the start of construction (SAMC § 7-11.201; 44 CFR 59.1); and

WHEREAS, Sean Condry, Town Director of Building and Public Works, is the Town's designated Floodplain Administrator; and

WHEREAS, the Floodplain Administrator is responsible for the implementation, administration, and enforcement of Floodplain regulations including "substantial improvement" determinations (see, SAMC, § 7-11.401; 7-11.402(a)(1)); and

WHEREAS, guidance from the Federal Emergency Management Agency ("FEMA") indicates that local jurisdiction staff is responsible for making "substantial improvement" determinations, including independently confirming and analyzing the cost of a project and market value of the subject structure (see, FEMA Substantial Improvement/Substantial Damage Desk Reference publication; and FEMA Publication "Answers to Questions about Substantially Improved/Substantially Damaged Buildings", dated August 2018); and

WHEREAS, FEMA guidance indicates that acceptable methods to determine project costs include, in part, independent building valuation calculations by building code organizations and cost-estimating manuals and qualified estimates by the local building official (see, FEMA Substantial Improvement/Substantial Damage Desk Reference publication); and

WHEREAS, Garbarino Investments II LP is the owner (the "Owner") of that certain real property located at 22 Belle Avenue, San Anselmo, California (the "Property"); and

WHEREAS, the Property contains two structures: 1) a 2-unit building facing Belle Avenue (the "subject structure"); and 2) a 6-unit structure towards the back of the Property; and

WHEREAS, the Property is located in the R-3 Zoning District and is in a FEMA-designated Special Flood Hazard Area, AE; and

WHEREAS, on or about August 6, 2021, the Owner's architect, Jeff Kroot, submitted an application for a project to remodel the subject structure (the "Project"); and

WHEREAS, after going through a third-party plan check review and Town staff analysis, on January 26, 2022, Sean Condry as the Town's designated Floodplain Administrator, informed Mr. Kroot that a building permit could not be issued in applicable part because the Project constituted a substantial improvement under FEMA and Town Code for the Property located in a Special Flood Hazard Area, requiring it to be raised to 1-foot above BFE; and

WHEREAS, on May 20, 2022, Sean Condry received a letter from the Owner's then-attorney objecting to the substantial improvement determination, in applicable part; and

WHEREAS, on June 16, 2022, the Town's Assistant Attorney responded, detailing the legal reasons why the proposed project constituted a substantial improvement, requiring the subject structure to be raised; and

WHEREAS, in July, 2023, pursuant to SAMC, § 7-11.404, the Owner's attorney requested an appeal to the Town Council of Mr. Condry's determination of "substantial improvement"; and

WHEREAS, the Owner has submitted information in the form of two bids from licensed contractors that the cost of the Project is approximately \$150,000, and that the assessed value assigned to the subject structure is \$383,971 based on tax records; and

WHEREAS, the Town's Floodplain Administrator has determined that the cost of the Project to remodel the subject 805 square foot structure is \$400 per square foot based on information from the Craftsman National Building Cost Manual (CNBC) as calculated with a regional multiplier, and his own independent professional opinion; and

WHEREAS, the Town's Floodplain Administrator has determined that total valuation of the Project is \$322,000 (\$400 per SF X 805 SF), which is over 50% of the Owner's asserted value of the subject property of \$383,971, constituting a "substantial improvement"; and

WHEREAS, the Town Floodplain Administrator's determination of Project costs is supported by his own professional independent opinion and the CNBC, and is within his role and responsibility as a Floodplain Administrator; and

WHEREAS, the appeal decision herein is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) because it is not a "project" under CEQA and CEQA Guidelines section 15061(b)(3), the "common sense exemption", because it can be seen with certainty that it will not have a significant environmental effect; and

WHEREAS, on September 12, 2023 the Town Council held a duly noticed public hearing on the Owner's appeal of staff's determination of a "substantial improvement" for the Project at 22 Belle Avenue.

NOW, THEREFORE, BE IT RESOLVED that:

1. The recitals set forth above and in the accompanying staff report to the subject appeal are true and correct and incorporated herein by reference. The recitals set forth above constitute findings in this matter and, together with the staff report, other written reports, oral staff presentation, public testimony, and other information contained in the record, are an adequate and appropriate evidentiary basis to support the Town Council's determination.
2. Property Owner's appeal of staff's determination that the Project constitutes a substantial improvement under FEMA and Town Floodplain regulations is hereby denied; and staff's determination of a substantial improvement is upheld.

INTRODUCED AND ADOPTED AT A PUBLIC HEARING at a regular meeting of the San Anselmo Town Council on September 12, 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSED: Councilmember Brian Colbert

APPROVED: _____
Steve Burdo, Mayor

ATTEST: _____
Serge Avila, Town Clerk



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ELIZABETH BRIDGES
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May 20, 2022

VIA EMAIL

Sean Condry
 Public Works and Building Director
 TOWN OF SAN ANSELMO
 525 San Anselmo Avenue
 San Anselmo, CA 94960
scondry@townofsananselmo.org

**RE: *Garbarino Properties, Apartment Remodel, 22 Belle Avenue
 Building Permit Application No. B2021-0592***

Dear Mr. Condry:

We represent the owner of 22 Belle Avenue in San Anselmo (the “**Property**”) regarding the proposed remodel of a first-floor unit (the “**Lower Unit**”) of a multi-family dwelling at the Property (the “**Project**”). We understand that the Town has been unwilling to issue the requested building permit for the Project—Building Permit No. B2021-0592 (the “**Permit**”)—because the Project does not include raising the lowest floor level above the base flood elevation. We are writing to clarify the Town’s application of the relevant federal, state, and local code requirements to the Project and request that the Town proceed with issuing the Permit.

I. BACKGROUND

The Property was originally built as a multi-family apartment property with eight dwelling units—two units (including the Lower Unit) in the small front structure and six units in a larger structure to the rear of the Property. Marin Municipal Water District and PG&E records indicate a history of residential service to the Property. While the Town’s planning and building records and the County Assessor’s records are somewhat spotty, they appear to show that the Lower Unit was originally constructed for and used as an apartment for many years (like the rest of the Property), but that the Lower Unit was also used for a medical-type office without Town approval for some period of time since the 1960/70s. The commercial use has since been abandoned, and the Lower Unit has been vacant for at least the last two years.

Regardless of the Property’s history, the Property is in the Town’s R-3 district, which permits “residential, multi-family” and “residential, single family attached” uses. San Anselmo Municipal Code (“**Town Code**”) § 10-3.302, Table 3A. The Project, which would remodel the Lower Unit and result in two legal dwelling units in an existing structure, fits squarely within the definition of a single-family attached residence, i.e., “a building containing two (2) or three (3) independent and attached residential units,” and is therefore principally permitted. Town Code §10-3.1701. Planning

staff, both in notes on the Town's ETrackit system and in correspondence with Jeff Kroot (the Project architect), has repeatedly stated that the remodel of the Lower Unit should be approved because "it will bring the site more into conformance with the multifamily zoning and reduces traffic and parking impacts."

The Project application was submitted to the Town on August 6, 2021. Shortly thereafter, the owner elected to use the Town's Third-Party Services for plan review. The Town's approved third-party reviewer, Mike Watkins of Ballard and Watkins Construction Services, reviewed and signed off on the original application submittal as well as a resubmittal set dated October 10, 2021. Included in the plan set, and in Mr. Watkins' review, was an Elevation Certificate for the Property showing that the Property is located within Flood Zone AE with a base flood elevation of 41 feet and that the bottom floor of the structure is located at 40.10 feet.

In a January 26, 2022 email to Mr. Kroot you identified two issues holding up the Permit approval. You stated:

- (1) "If its documented as commercial and you want to change the occupancy, it needs to be lifted 1' above the base flood elevation..."
- (2) "Also even if it can be documented as residential if you do a substantial remodel in the floodplain you are still required to lift it 1' above the base flood elevation. A substantial remodel is when the cost to remodel exceeds 50% of the value of the structure based on assessor office or an appraisal. The valuation for the remodel costs must be market value."

In an April 22, 2022 email to Mr. Kroot you clarified the code sections the Town was relying on—you stated that:

in addition to code section 3408 below, both Town code Title 7, Chapter 11 and California Existing Building Code section 3405A.5¹ state that a substantial remodel which you are proposing also requires it to comply with Town, State and Federal code requirements for a substantial remodel in the floodplain.

As of today, the Town's Etrackit system shows that the Project has been approved by Planning (twice), Fire (twice), but that the Building official has yet to approve the Project, despite twice receiving Mr. Watkins conclusion "that the project drawings are in conformance with the applicable codes under which the plans were submitted."² Instead, it appears the Town sent the plans out to different third party reviewer, Johnathan Hurst of CSG Consulting. As of May 17, 2022, Mr. Hurst's plan check comments state that "any Residential Use / Improvements/ Remodels, etc. Will require a change of occupancy which IS a 'substantial improvement' and therefore full compliance to [California Building Code] Appendix G will be required as well."

We believe that the Town's interpretation of the law and application of the facts that would trigger the requirement to raise the structure to above the base flood elevation is mistaken, and that the Town should proceed to issue the Permit, as explained below.

¹ We note that your references to California Building Code sections 3408 and 3405A.5 are from the 2016 Building Code and have been superseded by the 2019 Building Code that is currently in effect.

² See Letter from Michael G. Watkins, P.E. to Town of San Anselmo dated November 16, 2021.

II. CHANGE OF USE

As you alluded to in your emails to Mr. Kroot, under some circumstances, work on a property that is in a flood hazard zone (which the Property is), will trigger the need for the structure to be designed to resist the effects of flood hazards, which may include raising the lowest habitable floor to above the base flood elevation. However, while alterations can trigger that requirement if they constitute a “substantial improvement” (see discussion below), a change of occupancy does not.

The proposed work here is governed by the *2019 California Existing Building Code* (“CEBC”) and *2019 California Building Code* (“CBC”), which have been adopted by the Town pursuant to Town Code Section 9-1.101(b) and (c). Specifically, CEBC Section 503 governs alterations to existing buildings, CEBC Section 506 governs changes of occupancy in existing buildings, and CBC Section 1612 and CBC Appendix G set forth the structural requirements for buildings relating to flood loads and avoiding flood hazards.

The Project clearly includes alterations to an existing structure. That fact is undisputed and whether the alterations trigger flood hazard protections is discussed below. On the other hand, it has been a matter of much debate between the Town and Mr. Kroot whether the Project includes a change of occupancy. However, even assuming, for the sake of argument, that the Project includes a change of occupancy, a change of occupancy does not trigger the requirement to comply with CBC Section 1612 and Appendix G.

The CBC and CEBC consistently state that *new construction* and *alterations that constitute “substantial improvements”* trigger the obligation to comply with flood hazard design requirements, as governed by CBC §1612. See, e.g., CEBC §104.2.1, CEBC §503.2, CBC §104.2.1, CBC §1612.1, and CBC Appendix G102.1.

For example, CEBC §503.2, which addresses compliance with the code for alterations, provides:

For buildings and structures in flood hazard areas established in Section 1612.3 of the *California Building Code*... any alteration that constitutes substantial improvement of the existing structure shall comply with the flood design requirements for new construction, and all aspects of the existing structure shall be in compliance with the requirements for new construction for flood design. For buildings and structures in flood hazard areas established in Section 1612.3 of the *California Building Code*... *any alterations that do not constitute substantial improvement of the existing structure are not required to comply with the flood design requirements for new construction.*

Furthermore, nowhere in the sections cited above, or elsewhere in the CEBC or CBC, does it say that a *change of occupancy* triggers the obligation to comply with the flood hazard design requirements of CBC §1612 or Appendix G. In fact, the relevant portions of CEBC §506, which governs a change of occupancy in an existing structure, specifically call out what circumstances require compliance with CBC Chapter 16, and none of those circumstances require compliance with the flood design requirements of CBC §1612. Specifically, CEBC §506.1 provides:

A change of occupancy shall not be made in any building unless that building is made to comply with the requirements of the *California Building Code* for the use or occupancy. Changes of occupancy in a building or portion thereof shall be such that the existing building is not less complying with the provisions of this code than the existing building or structure was prior to the change. [...] *Exception: The building need not be made to comply with Chapter 16 of the California Building Code unless required by Section 506.4.*

Section 506.4 goes on to list specific instances when a change of occupancy will trigger compliance with sections of CBC Chapter 16. Specifically: structural elements carrying tributary live loads from an area with a change of occupancy must satisfy the requirements of CBC §1607 (CEBC §506.4.1); a change of occupancy that results in the structure being assigned a higher risk category must satisfy the requirements of CBC §§1608, 1609, and 1603 (CEBC §§506.4.2 and 506.4.3); and a structure that provides operational access to an adjacent structure assigned to risk category IV as a result of a change of occupancy shall satisfy CBC §§1608, 1609 and 1013 (CEBC §506.4.4). No part of CEBC §506.4 requires compliance with the flood hazard provisions of CBC §1612 in connection with a change of occupancy.

Thus, whether the Property was previously used as an apartment or a medical office doesn't matter for the purposes of compliance with CBC §1612 and Appendix G. A change of use or occupancy does not trigger a requirement to comply with those sections.

III. SUBSTANTIAL IMPROVEMENT

As described above, an alteration to the Property that constitutes a "substantial improvement" would indeed trigger the requirement to comply with the flood hazard design requirements of CBC §1612. CEBC §503.2, CBC §1612.1. Based on your emails to Mr. Kroot, it appears that the Town's Building Official independently determined that the Project constitutes a "substantial improvement". However, that determination is incorrect.

Both the CBC and CEBC define "substantial improvement" with particularity. "Substantial improvement" means "[f]or the purpose of determining compliance with the flood provisions of this code, any repair, alteration, addition, or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure, before the improvement or repair is started." CEBC §202; CBC §202. Based on this definition, to determine if the Project constitutes a "substantial improvement" triggering the requirement to comply with CBC §1612, the Town must compare (1) the cost of the proposed work against (2) the market value of the structure before the work is done.

With regard to the cost of the proposed work, we are attaching to this letter two detailed bids for the work, based on the current submitted plan set for the Permit, which demonstrate that the work will cost approximately \$150,000. The contractors providing these bids, Wick Brothers Construction and Pimentel Construction, Inc., are both experienced licensed contractors that are currently in business and have performed construction services in San Anselmo and the surrounding areas for many years.

As for the market value of the Property, the Property was purchased and reassessed in 2014 for \$2 million. In 2021,³ the assessed value of the Property was \$2,280,084, with \$1,422,115 assigned to the improvements and \$855,169 assigned to the land. The real estate market in Marin County has increased over the past decade, and it is likely that any assessment or appraisal conducted now would value the Property higher than the current assessment of \$2.28 million. It is therefore safe to say that the Assessor's value is a conservative indicator of the current market value of the Property.

To derive the value of the structure with the Lower Unit from the Assessor's value, we can divide the \$1,422,115 Assessor's improvement value between the two existing structures. The structure with the Lower Unit is 1,428 square feet (27.3% of the Property's 5,232 total square feet), which would result in an allocation of value of \$383,971 to that structure. Based on a value of \$383,971, a proposed remodel would need to cost more than \$191,985 in order to be considered a "substantial improvement". As both bids for the Project work came in well below \$191,985, it is difficult to see how the Town's Building Official could support a determination that the Project meets the threshold for a "substantial improvement" for the purposes of compliance with the relevant codes.

IV. FEDERAL FLOOD PLAIN MANAGEMENT REGULATIONS & THE TOWN CODE

As a participating community in FEMA's National Flood Insurance Program ("NFIP"), the Town has voluntarily committed to adopting and enforcing land use and control measures as provided in Title 42 Chapter 50 of the United States Code. 41 USC §4022(b). The implementing guidelines for Title 42 Chapter 50, which are set forth in Title 44 of the Code of Federal Regulations, establish what those land use and control measures must include. 41 USC §4102(c); 44 CFR §60.3. In turn, Town Code Title 7 Chapter 11 contains the Town's complying land use and control measures.

In no cases does 44 CFR §60.3 require that a participating community require that a building be elevated to above the base flood level because of a change of occupancy. Instead, the language is remarkably similar to the CEBC and CBC—a community must implement standards that "[r]equire that all *new construction* and *substantial improvements* of residential structures within Zones A1-30, AE and AH zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level..." 44 CFR §60.3. And the definition of "substantial improvement" for the purposes of 44 CFR §60.3 is also remarkably similar to the CEBC and CBC definition of "substantial improvement"—it means "any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the 'start of construction' of the improvement." 44 CFR §59.1.

Consistent with this, as relevant to the Property and the Project, the Town Code provides: "All *new construction* or *substantial improvements* of residential structures shall have the lowest floor, including basement: (i) In AE, AH, A1-30 Zones, elevated to 1.00 feet above the base flood elevation pursuant to NAVD88..." Town Code §7-11.501. Also consistent with Federal guidance, the Town's codes do *not* impose a requirement to elevate a building in a flood zone due to a change of use or occupancy.

³ The 2022 tax bills have not yet been released, but will show a higher assessed value for 2022 than 2021.

The Town has therefore complied with its commitment to adopt appropriate land use and control measures pursuant to the NFIP by adopting the CEBC and CBC, at least with respect to this issue. And as you can see, approving the Project, which includes alterations that do not amount to a “substantial improvement”, and which complies with the CEBC, CBC, and the Town Code, will not jeopardize the Town’s participation in the NFIP.

V. TOWN’S OBLIGATION TO APPROVE COMPLYING MINISTERIAL PERMITS

Finally, it is well-settled law that the Town has a ministerial obligation to approve building permits that comply with the standards and regulations in effect. As one treatise puts it plainly:

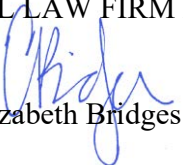
when all legal requirements for a building permit are complied with, when the permittee is entitled to the issuance of the permit, and when refusal of the permit is attempted by governmental officials as a means of coercing the permittee into compliance with separate and entirely unrelated provisions of a building code or zoning ordinance, the withholding of a permit constitutes an intentional and arbitrary refusal to perform a ministerial act for which judicial relief may be instituted by the permittee.

12 Cal. Real Estate Law & Practice §423.15 (2022); see also, *Ellis v. City Council of Burlingame* (1963) 222 Cal.App.2d 490, 497-498; *Palmer v. Fox* (1953) 118 Cal.App.2d 453; *Munns v. Stenman* (1957) 152 Cal.App.2d 543, 557.

As we have demonstrated, the Town’s stated reasons for not issuing the Permit are mistaken on law and fact, and our client is now “entitled to have [their] plans processed or to have some legally sufficient reason stated to [them] why [the Town] refuse[s] to do so.” *Palmer v. Fox*, 118 Cal.App.2d at 456. If the Town continues to fail to do its ministerial duty and issue the Permit, my client will have no choice but to seek appropriate administrative and judicial remedies.

Thank you for your time and attention to this matter. We look forward to working with you to resolve our client’s concerns. Should you have any questions regarding the issues raised above, please contact me by phone or email.

Sincerely,
SSL LAW FIRM LLP


Elizabeth Bridges

Enclosures

cc: Joanne Garbarino (via email)
Jeff Kroot (via email)
Megan Acevedo, Town Counsel (via email)

ENCLOSURES

Wick Brothers Construction**P.O.Box 420, Woodacre Ca 94973****Ca license 481077 415 488-9581**

Apartment Remodel at 22 Belle Ave., San Anselmo

Estimate for Plans by Jeff Kroot

Demolition	\$8,000.00
Carpentry	\$35,000.00
Windows	\$20,000.00
Electrical	\$10,000.00
Heating System	\$15,000.00
Plumbing	\$28,000.00
Insulation	\$500.00
Sheetrock	\$4,000.00
Cabinets and Counters	\$14,000.00
Tile	\$11,000.00
Overhead and Profit	\$5,000.00
TOTAL AMOUNT OF ESTIMATE	\$15 0,500.00

Sheet1

PIMENTEL CONSTRUCTION, INC.
P.O. BOX 896
KENTFIELD, CA 94914
PH. (415) 454-3918

ARCHITECT: JEFF KROOT
ENGINEER: N/A
OWNER: GARBARINO PROPERTIES
PROJECT: APARTMENT REMODEL
ADDRESS: 22 BELLE AVE. SAN ANSEMO
BID DATE:

DIVISION	BUDGET	
1.GENERAL REQUIREMENTS	1,100.00	
2.SITE WORK	3,696.00	
5.METALS	500.00	
6.WOOD AND PLASTICS		
BUILDING MATERIALS	3,058.00	
CABINETRY/COUNTERTOPS	12,000.00	
LABOR	29,200.00	
7.THERMAL AND MOISTURE		
INSULATION	1,360.00	
8.DOORS AND WINDOWS		
EXTERIOR DOORS	3,500.00	
WOOD WINDOWS	20,000.00	
9.FINISHES		
DRYWALL	6,850.00	
CERAMIC TILE, MAT'LS	1,800.00	
CERAMIC TILE, LABOR	3,600.00	
15.MECHANICAL		
PLUMBING	15,000.00	
PLUMBING FIXTURES	1,500.00	ALLOWANCE
WATER HEATER	1,100.00	
HVAC mini split+lineset charge	8,900.00	
APPLIANCES	OSCI	
FIRE PROTECTION	NIC	
16.ELECTRICAL		

Sheet1

ELECTRICAL	11,890.00	
ELECTRICAL FIXTURES	1,500.00	ALLOWANCE

SUBTOTAL	126,554.00	
BUILDERS FEE	19,307.00	

TOTAL	145,861.00	
	=====	



Emily B. Longfellow
emily@ehc.law

June 16, 2022

VIA ELECTRONIC MAIL ONLY

Elizabeth Bridges
SSL Law Firm, LLP
505 Montgomery Street, Suite 620
San Francisco, CA 94111
liz@sslfirm.com

Re: 22 Belle Ave, San Anselmo, CA

Dear Ms. Bridges:

We are in receipt of your letter to Director of Public Works and Building, Sean Condry, dated May 20, 2022 regarding your client's application to complete a first floor remodel at 22 Belle Avenue in San Anselmo, California. Director Condry has determined that a building permit may not be issued for the project as the subject property must be raised to 1 foot above Base Flood Elevation because: 1) the project constitutes a change in occupancy; and 2) the project constitutes a "substantial improvement" per FEMA guidelines.

The Town has the responsibility to enforce State building standards, in addition to floodplain regulations under the Federal Emergency Management Agency (FEMA). As explained below, The Town does not have the legal authority to issue a building permit for the project unless the structure is raised to 1 foot above Base Flood Elevation under both building code requirements and FEMA regulations.

Additionally, to clarify some points in your letter, Michael Watkins, reviewed and approved the plans for 22 Belle, Permit No. B2021-0592. However, his initial review was not approved by the Town because Mr. Kroot sent it to him directly without going through the required approval process to use a third-party plan checker. Ultimately, the Town approved Mr. Watkins to review the plans; however, during the required Town completeness review, it was discovered that he missed the fact that it was in a floodplain, was a change of occupancy, was a substantial remodel and, therefore, it was required to be lifted 1' above the Base Flood Elevation per FEMA requirements. This is the second time Mr. Watkins has overlooked or missed that a plan check review under his responsibility that had floodplain requirements.

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Letter E. Bridges; 22 Belle Ave., San Anselmo
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A. Project Proposed Change in Occupancy Necessitating Compliance With Code.

Records show that the subject property (the Lower Unit) has been consistently used as commercial since the 1950's. Records also indicate that it was constructed as a dental office, and has since been used for various medical uses including a podiatrist and acupuncture office. The configuration of the improvements clearly show that the Lower Unit has been used for medical office purposes for over 65 years. The project would change the historic occupancy of the Lower Unit from commercial to residential, requiring compliance with residential codes including raising the structure.

The Town does not dispute that the Lower Unit is located in the R-3 Zoning District, which permits residential uses. However, the mere location of a property in a certain zone does not confer the right to change the occupancy or use of property without meeting code requirements.

Change of occupancy from commercial to residential in California Existing Building Code section 3408A.1 requires that it complies with the requirements of this code for the use occupancy. Your letter incorrectly references California Building Code sections 506.1 and 506.4; however, these sections do not exist in the California Building Code. Rather, they are in the California Existing Building Code which is a different code. Section 506A.1 states the following:

"506A.1 Conformance A change of occupancy shall not be made in any building unless that building is made to comply with the requirements of the California Building Code for the use or occupancy. Changes of occupancy in a building or portion thereof shall be such that the existing building is not less complying with the provisions of this code than the existing building or structure was prior to the change. Subject to the approval of the code official, changes of occupancy shall be permitted without complying with all of the requirements of this code for the new occupancy, provided that the new occupancy is less hazardous, based on life and fire risk, than the existing occupancy.

Exception: The building need not be made to comply with Chapter 16 of the California Building Code unless required by Section 506.4."

Here, there is a "change of occupancy" per the California Existing Building Code because the project proposes "a change in the use of a building or portion of a building that results in...a change of occupancy classification."

Chapter 16 that you refer to in your letter has nothing to do with the floodplain and is for structural requirements only.

B. Project Constitutes a "Substantial Improvement" Under FEMA Regulations.

Letter E. Bridges; 22 Belle Ave., San Anselmo

June 16, 2022

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Notwithstanding issues of change of occupancy, the project constitutes a “substantial improvement” and the structure must therefore be raised to 1 foot above Base Flood Elevation.

As you note, the Town participates in the National Flood Insurance Program (NFIP), managed by FEMA, and is bound to comply with FEMA floodplain requirements. The Town’s Floodplain Ordinance is found in Title 7, Chapter 11 “Protection of Flood Hazard Areas”.

In order to participate in NFIP, the Town is required to enforce floodplain regulations within Special Flood Hazard Areas. Chief among those is the requirement that any “substantial improvement” of a structure must have its lowest floor elevated to 1 foot above Base Flood Elevation. (44 CFR 60.3.) The Town does not dispute that floodplain requirements are not triggered based on a change in use of occupancy. However, these regulations are triggered when the project constitutes a “substantial improvement” as defined by FEMA.

Under FEMA requirements and the Town Code, “substantial improvement” is defined as any “reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before the start of construction of the improvement. (SAMC § 7-11.201; 44 CFR 59.1 [emphasis added].)

Mr. Condry, the Public Works Director is the designated Floodplain Administrator, and is responsible for the administration, implementation, and enforcement of floodplain regulations under the Town Code and FEMA. (SAMC § 7-11.401.) It is the Floodplain Administrator’s legal duty to review all permit applications to determine whether floodplain requirements have been satisfied. (SAMC § 7-11.402(a)(1).) Specifically, the Floodplain Administrator is responsible for making the determination as to whether a substantial improvement exists, triggering compliance with floodplain regulations. (SAMC § 7-11.402(a)(1).)

FEMA Guidance also makes clear that the final determination for what constitutes a substantial improvement rests with the Floodplain Administrator. As indicated in the [FEMA Substantial Improvement/Substantial Damage Desk Reference](#) (FEMA P-758 “FEMA Desk Reference”), Section 4.2 “Accuracy and Verification”, the local government is responsible for verifying that the information submitted regarding the costs of improvements and market value of the structure is “complete and reasonable.” The FEMA Desk Reference further instructs: “[o]nce the cost of the work and market value of the structure have been determined, the local official must make a final determination.” (Section 4.3 [emphasis added].)

FEMA guidance clarifies the Town’s legal responsibilities and the role of the Floodplain Administrator:

“The NFIP [National Flood Insurance Program] requires participating communities to review all applications for development in mapped SFHAs [Special Flood Hazard Areas] and to enforce their floodplain management regulations and building codes. The local official who is designated to administer those regulations and codes is responsible for making [substantial improvement] determinations. The local official reviews information submitted by applicants

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and may use a combination of information to estimate or verify costs and market values. The review determines whether the cost estimates reasonably reflect the proposed work....” (FEMA Publication “Answers to Questions About Substantially Improved/Substantially Damaged Buildings” August 2018, p. 4 [“2018 FEMA Publication”; emphasis added].)

Moreover, it is the Flood Administrator’s duty to independently analyze both the fair market value of the structure prior to the beginning of the project, and the cost of the proposed project. The Town does not fulfill its duties by simply accepting an applicant’s estimates and bid amounts and project costs without independent analysis.

“Local officials are responsible for reviewing the validity of all cost estimates provided by applicants, whether prepared by licensed contractors, engineers, architects, professional cost estimators, or property owners. When applicants submit professional appraisals of market value, local official should examine the documentation to determine whether the appraisals reflect the special characteristics of the buildings.” (2018 FEMA Publication, p. 10 [emphasis added].)

Even assuming that your property valuation of the structure is correct, the project constitutes a substantial improvement under FEMA and the structure must be raised.

Here, on page 5 of your letter, you have submitted the assessed value of the property at \$2,280,084 with \$1,422,115 assigned to the improvements. Based on a percentage of the subject unit’s square footage from the total property, you assign \$383,971 to the structure. Based on the submitted drawings for the building permit, the total remodeled area is 805 square feet for the Lower Unit.

With reference to two bids, on page 4 of your letter, you assert that the cost of the improvement is approximately \$150,000. The Public Works Director, as the Town’s Floodplain Administrator, does not find this estimate to be reasonable or supported.

FEMA guidance provides a detailed, but non-exhaustive list of items that a municipality must consider when making the substantial improvement determination. (FEMA Desk Reference, 4.4.1.) Costs range from interior finishing elements to structural elements.

FEMA indicates acceptable sources of improvement cost information that a floodplain administrator may consider. (FEMA Desk Reference, 4.4.3.) Importantly, FEMA acknowledges that local officials have specialized knowledge regarding local construction costs and allows such officials to independently make a qualified estimate regarding costs of improvements.

Here, based on the expert opinion of the Town’s Floodplain Administrator, a reasonable cost-per-square-foot for the project is at least \$400. Thus, the total project valuation would be \$400 x 805 SF at \$322,000, well over 50% of your asserted cost of the project at \$150,000.

Additionally, estimated improvement costs may be based on professional cost-estimate tools.

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The Craftsman National Building Cost Manual (“CNBM”) provides national averages per square foot for construction within specific regions of all 50 states, as well as local area modification factors (a local multiplier) for construction within a particular region. The CNBM may be used to establish an average cost per square foot of construction within the Town.

As related to the average quality of construction in the Town of San Anselmo, the price per square foot is based on the CNBM designation of “best standard” which is \$394.21 per square foot.

Here, the remodel project is 805 square feet of remodeled space times \$394.21 per square foot equals \$317,339.05, which exceeds the 50% valuation or \$191,985 for the structure as you state in your letter.

Based on the above, the Floodplain Administrator has determined that the proposed project constitutes a substantial improvement for purposes of FEMA requirements and that it must be raised both pursuant to both his expert opinion and the professional cost-estimate tools in the CNBM.

C. Conclusion.

Under either a change of occupancy or compliance with FEMA, because the project constitutes a substantial improvement the Town does not have the discretion to waive code compliance for the property. The property must be raised to 1 foot above Base Flood Elevation, meet applicable building codes, and the Town may not issue a building permit until the plans reflect compliance.

Very truly yours,

Emily Longfellow
Assistant Town Attorney
Town of San Anselmo

cc: Sean Condry, Public Works and Building Director
Dave Donery, Town Manager
Megan Acevedo, Town Attorney