TOWN OF
SAN ANSELMO
EST. 1907

525 San Anselmo Avenue
San Anselmo, CA 94960

Town Council

Agenda

Tuesday, March 28, 2023 **6:30 PM** **Meetings held In-Person and via Zoom: http://us02web.zoom.us/j/89661742982**

https://us02web.zoom.us/j/89661742982

Or Telephone: +1 669 900 6833 | Webinar ID: 896 6174 2982

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

1.0 Interviews with (2) Applicants for the Economic Development Committee and (1) Applicant for the Parks and Recreation Commission. **22-601**

Attachments: Staff Report
6:30 PM Attachment 1- Benedetto Cico - EDC Application No Resume
6:40 PM Attachment 2- Rebecca Bugas - EDC Application No Resume
6:50 PM Attachment 3- Ivy Tzur - P&R Application No Resume

Call to Order. 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.

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

SPL PT Mayor's Proclamation Recognizing March as the American Red Cross Month. **22-600**

Attachments: Staff Report

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 Town Council meeting of March 14, 2023 Draft Minutes. **22-599**

Attachments: Staff Report
Attachment 1- March 14, 2023 Draft Minutes

1.2 Special Event Application: Friends of Robson Spring Fundraiser 2023 **22-592**

Attachments: Staff Report
Attachment 1 - Event Application Friends of Robson - Spring Fundraiser 5.7.23
Attachment 2 - Friends of Robson Work Plan

1.3 Special Event Application: Chamber of Commerce's Sip n' Stroll Fundraiser 2023 **22-593**

Attachments: Staff Report
Attachment 1- Event Application - Sip n' Stroll for Flower Baskets 2023

1.4 Approve the 2023 Slurry Seal project and authorize staff to advertise for construction bids. **22-595**

Sponsors: Public Works

Attachments: Staff Report
Attachment 1- Town street map- 2023 Slurry Seal

1.5 Approve the 2023 Street Resurfacing Project and Authorize staff to advertise for construction bids. **22-594**

Sponsors: Public Works

Attachments: Staff Report
Attachment 1- FY23-24 Paving

1.6 Consider having San Anselmo be represented as a signer in a California Community Choice Association letter urging the California Legislature to address the state's interconnection crisis and ensure timely and equitable access to the electrical grid. **22-597**

Attachments: Staff Report
Attachment 1 - DRAFT Interconnection Coalition Letter 3-21-23

Council Items:

2. Receive presentation by the Marin County Flood Control District of the status of the San Anselmo Flood Risk Reduction project. The SAFRR project Environmental lmpact Report (ElR) was certified in 2018 with the Marin County Flood Control District as the CEQA lead agency. Receiving this presentation related to SAFRR is not considered a "project" under the California Environmental Quality Act (CEQA), 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). **22-596**

Attachments:
Staff Report
Attachment 1 - County Flood Control Response Letter 3.22.23
Attachment 2 - TOSA Letter to Matthew Hymel - Jan. 13, 2023 - Building Bridge 2
Late Mail- Crane
Late Mail- Maly
PowerPoint Presentation

Public Hearings:

3. Introduce an Ordinance Amending the Town's Single-Use Foodware Regulations and Approve an Agreement with the County for Enforcement of those Regulations. Adoption of the Ordinance and approval of the agreement with the County are exempt from the California Environmental Quality Act (CEQA) under section 15061(b)(3) of the State CEQA Guidelines, because it can be seen with certainty that amending and enforcing the Town's single-use foodware ordinance would not have the potential for causing a significant effect on the environment. In addition, the Ordinance and agreement are exempt from the requirements of CEQA pursuant to CEQA Guidelines sections 15307 and 15308 as actions by a regulatory agency taken to protect the environment and natural resources. **22-549**

Attachments:
Staff Report
Attachment 1 - Proposed Ordinance
Attachment 2 - Agreement
Attachment 3 - Outreach Summary
Attachment 4 - Comparison Table
Attachment 5 - Presentation Slides

Council Items Continuation:

4. Receive the 2023-2025 Work Plan Priorities and Provide Input at a Future Meeting. Receiving and Providing input regarding the 2023-2025 Work Plan Priorities is not a "project" under the California Environmental Quality Act (CEQA), 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). **22-603**

Attachments: Staff Report
Attachment 1 Work Plan Priorities 2023-25
Attachment 2 Work Plan Priorities 2023-25 Category

5. That the Town Council consider options related to the interview and appointment processes for Town Boards, Committees and Commissions and provide direction to staff. Adopting a format for Council to continue interviews and appointments for boards and commission is not a "project" under the California Environmental Quality Act (CEQA), 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). **22-591**

Attachments: Staff Report

6. Consider to reappoint (2) two incumbents to the Economic Development Committee and (1) one applicant to the Parks and Recreation Commission. The proposed decision is exempt from the California Environmental Quality Act (CEQA), under the "common sense" exemption, because it can be seen with certainty that there is no possibility that the activity in question may have a significant negative effect on the environment. (Cal. Code Regs. tit. 14, § 15061). **22-604**

Attachments: Staff Report
Attachment 1- Benedetto Cico - EDC Application (no Resume)
Attachment 2- Rebecca Bugas - EDC Application (no Resume)
Attachment 3- Tayra Gottschalk - P&R Application (no Resume)
Attachment 4- Jeffrey McKinley- P&R Application (with Resume)
Attachment 5- Ivy Tzur - P&R Application (no Resume)

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 ensure 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 Tuesday, April 11, 2023.

I certify that this agenda was posted on the Public Notice Bulletin Board on or before Friday, March 24, 2023. Serge Avila, Town Clerk

Town of San Anselmo

Staff Report

525 San Anselmo Avenue
San Anselmo, CA 94960

TO: TOWN COUNCIL March 28, 2023 **Item #:** 1.0

SUBJECT:

6:30 PM Benedetto Cico- Applicant for the Economic Development Committee.

6:40 PM Rebecca Bugas- Applicant for the Economic Development Committee.

6:50 PM Ivy Tzur- Applicant for the Parks & Recreation Commission.

Print

Boards, Committees and Commissions Application - Submission #1819

Date Submitted: 3/16/2023

TOWN OF SAN ANSELMO

APPLICATION FOR APPOINTMENT TO A SAN ANSELMO BOARD/COMMISSION/COMMITTEE

To: San Anselmo Town Council

Date*

03/16/2023

I wish to apply for an appointment to a term/balance*

Economic Development Committee

Name*

Benedetto Cico

Home Address*

201 Stuyvesant Drive

Occupation*

Owner-Manager

Employer's Address

339 San Anselmo Avenue

Home Phone*

4154537691

Work Phone

4154555366

Cell Phone

4158473816

E-Mail*

cico@usabound.com

Number of years as resident of San Anselmo*

25+

Number of years as a resident in Marin*

25+

Education Level Achieved*

Some College

Name and phone numbers of three San Anselmo residents who can be contacted for referral information about me:

1.) Name*

Pat Tomsley

1.) Phone*

415-785-4450

2.) Name*

Peter Knuth

2.) Phone*

415-725-3060

3.) Name*

Robert Wells

3.) Phone*

415-847-4565

I would be able to regularly attend the meetings of this Board/Commission/Committee.*

- (●) YES
- ( ) NO

I would be available to attend additional meetings when they are necessary.*

- (●) YES
- ( ) NO

I am familiar with the responsibilities and functions of this Board/Commission/Committee.*

- (●) YES
- ( ) NO

I have attended meetings of the Board/Commission/Committee as a member of the public.*

- (●) YES
- ( ) NO

List briefly, previous experience serving the public office, and/or civic commissions,boards, or committees.*

Current EDC member

Reasons for this appointment.*

Continue commitment to serve

What are your qualifications for this appointment.*

For more than 35 years owner and manager

Briefly, what do you consider to be the most important, one or two current issues facing this Board/Commission/Committee?*

To retain and business and merchants in San Anselmo

I understand that I and all other applicants will be personally interviewed by the Town Council as part of the selection process for this appointment. I also understand that my application material will be a public document and available on the Town's website. Sensitive materials that you don't wish to be posted on the website should not be included with the application.*

- (●) YES
- ( ) NO

Other Boards/Commissions/Committees on which you would be interested in serving if not appointed to this seat?*

None

You may attach personal resumes or other information which you believe would be helpful to the Council in its selection process.

Choose File No file chosen

Thank you for your interest in serving the Town of San Anselmo and its citizens. For further information, please contact the Town Clerk, at townclerk@townofsananselmo.org or 415-258-4660.

Print

Boards & Committee Applications - Submission #1785

Date Submitted: 1/25/2023

TOWN OF SAN ANSELMO

APPLICATION FOR APPOINTMENT TO A SAN ANSELMO BOARD/COMMISSION/COMMITTEE

To: San Anselmo Town Council

Date*

1/25/2023

I wish to apply for an appointment to a term/balance*

Economic Development Committee

Name*

Rebecca Bugas

Home Address*

25 San Francisco Blvd

Occupation*

Business Development and Marketing, Coleman Consulting Group

Employer's Address

1101 Fifth Avenue, Suite #345, San Rafael, CA 94901

Home Phone*

4157296054

Work Phone

(415) 453-8500

Cell Phone

(415) 729-6054

E-Mail*

RLBUGAS@gmail.com

Number of years as resident of San Anselmo*

21

Number of years as a resident in Marin*

21

32. **Education Level Achieved***

College/University Degree (Major)

33.

34. **Name and phone numbers of three San Anselmo residents who can be contacted for referral information about me:**

35.

36. **1.) Name***

Elizabeth Brown

37. **1.) Phone***

(415) 846-4486

38.

39. **2.) Name***

Bob Borinstein

40. **2.) Phone***

(415) 721-7036

41.

42. **3.) Name***

Kerrie McHugh

43. **3.) Phone***

(415) 307-6257

44.

45. **I would be able to regularly attend the meetings of this Board/Commission/Committee.***

1. ◉

YES ⊙

○

2.

NO ○

46.

47. **I would be available to attend additional meetings when they are necessary.***

1. ◉

YES ⊙

2. ○

NO ○

48.

49. **I am familiar with the responsibilities and functions of this Board/Commission/Committee.***

1. ◉

YES ⊙

2. ○

NO ○

50.

51. **I have attended meetings of the Board/Commission/Committee as a member of the public.***

1. ◉

YES ⊙

2. ○

NO ○

52.

53. **List briefly, previous experience serving the public office, and/or civic commissions,boards, or committees.***

current
member of the EDC, Board of the Rafael Racquet Club for 3 terms, will eventually join the Commission on Aging, I'm not kidding!

54.

55. **Reasons for this appointment.***

applying to serve for a second term on EDC

56.

57. **What are your qualifications for this appointment.***

I
have been a business owner in San Anselmo since 2019 and want to open another business here when timing is right, have been a resident for over 20 years, raising 3 our kids in this community and public schools

58.

59. **Briefly, what do you consider to be the most important, one or two current issues facing this Board/Commission/Committee?***

Important
to recognize that San Anselmo is more than just the downtown and more than just young families. And as the community ages, important to offer activities, businesses and spaces that make sense for those residents

60.

61. **I understand that I and all other applicants will be personally interviewed by the Town Council as part of the selection process for this appointment. I also understand that my application material will be a public document and available on the Town's website. Sensitive materials that you don't wish to be posted on the website should not be included with the application.***

1. YES ⊙
2. NO ○

62.

63. **Other Boards/Commissions/Committees on which you would be interested in serving if not appointed to this seat?***

Park & Recreation Commission

64.

65. **You may attach personal resumes or other information which you believe would be helpful to the Council in its selection process.**

66.

67. **Thank you for your interest in serving the Town of San Anselmo and its citizens. For further information, please contact the Town Clerk, at townclerk@townofsananselmo.org or 415-258-4660.**

Print

Boards, Committees and Commissions Application - Submission #1793

Date Submitted: 2/9/2023

TOWN OF SAN ANSELMO

APPLICATION FOR APPOINTMENT TO A SAN ANSELMO BOARD/COMMISSION/COMMITTEE

To: San Anselmo Town Council

Date*

02/09/2023

I wish to apply for an appointment to a term/balance*

Parks & Recreation Commission

Name*

Ivy Tzur

Home Address*

47 Magnolia Ave. San Anselmo, CA. 94960

Occupation*

Senior Consultant, Sustainability & ESG Services at Deloitte

Employer's Address

555 Mission St. San Francisco, CA. 94105

Home Phone*

6463733668

Work Phone

Cell Phone

646-373-3668

E-Mail*

ivytzur@gmail.com

Number of years as resident of San Anselmo*

1.5 years

Number of years as a resident in Marin*

1.5 years

Education Level Achieved*

Graduate Degree (Major)

Name and phone numbers of three San Anselmo residents who can be contacted for referral information about me:

1.) Name*

Brian Colbert

1.) Phone*

415-938-6852

2.) Name*

Nish Nadaraja

2.) Phone*

415-305-8482

3.) Name*

Melinda Stier

3.) Phone*

415-224-0770

I would be able to regularly attend the meetings of this Board/Commission/Committee.*

- (●) YES
- ( ) NO

I would be available to attend additional meetings when they are necessary.*

- (●) YES
- ( ) NO

I am familiar with the responsibilities and functions of this Board/Commission/Committee.*

- (●) YES
- ( ) NO

I have attended meetings of the Board/Commission/Committee as a member of the public.*

- (●) YES
- ( ) NO

List briefly, previous experience serving the public office, and/or civic commissions,boards, or committees.*

Advisory committee member (3 years), RANCH Triangle Community Conservation Association (Chicago, IL)

Reasons for this appointment.*

As a resident of San Anselmo and a parent of a middle schooler, I'm deeply invested in the development of our parks and the engagement activities in our community. I'd love to be involved in how the committee assists the Town Council to optimize the public recreation of our residents.

What are your qualifications for this appointment.*

At my previous place of residence in Chicago, IL., I served on the advisory committee for the RANCH Triangle Community Conservation Association. This volunteer-run community organization represented the residents and business within the RANCH Triangle community. As a committee member I helped to ideate, organize and execute various community engagement initiatives that fostered a strong sense of belonging and collaborative investment in our parks and streets.

Briefly, what do you consider to be the most important, one or two current issues facing this Board/Commission/Committee?*

Important current issues facing the Parks & Recreation Commission are funding for park improvements and community engagement - and they are tied together in that improvements in one can strongly benefit the other. After having informative discussions with Dannielle Mauk and Michael Cerio, I learned that these topics are part of a current strategic planning process that is underway, which is excellent.

I understand that I and all other applicants will be personally interviewed by the Town Council as part of the selection process for this appointment. I also understand that my application material will be a public document and available on the Town's website. Sensitive materials that you don't wish to be posted on the website should not be included with the application.*

- (●) YES
- ( ) NO

Other Boards/Commissions/Committees on which you would be interested in serving if not appointed to this seat?*

Open Space Committee

You may attach personal resumes or other information which you believe would be helpful to the Council in its selection process.

Browse... No file selected.

Thank you for your interest in serving the Town of San Anselmo and its citizens. For further information, please contact the Town Clerk, at townclerk@townofsananselmo.org or 415-258-4660.

525 San Anselmo Avenue
San Anselmo, CA 94960

TO: TOWN COUNCIL March 28, 2023 **Item #:** SPL PT

SUBJECT:
Mayor's Proclamation Recognizing the Month of March as the American Red Cross Month.

Town of San Anselmo

Staff Report

525 San Anselmo Avenue
San Anselmo, CA 94960

TO: TOWN COUNCIL March 28, 2023 **Item #:**

Approval of the Draft Minutes of the Town Council meeting of March 14, 2023 Draft Minutes.

San Anselmo Council Minutes
Regular Meeting
Town Council Chambers and via Zoom
Tuesday, March 14, 2023

Mayor Burdo called the Regular Meeting to order at 6:30 p.m.

Call to Order: Optional Pledge of Allegiance

COUNCILMEMBERS PRESENT: Steve Burdo, Mayor
Eileen Burke, Vice Mayor
Brian Colbert
Tarrell Kullaway

COUNCILMEMBERS PRESENT Via ZOOM: Alexis Fineman

STAFF MEMBERS PRESENT: Dave Donery, Town Manager
Megan Acevedo, Town Attorney
Heidi Scoble, Planning Director
Serge Avila, Town Clerk
Sean Condry, Public Works Director
Scott Schneider, Assistant Public Works Director
Jeff Zuba, Finance Director
Danielle Mauk, Recreation Director
Maddie O'Grady, Recreation Supervisor

Mayor Burdo announced that Item #2 will be pulled from the agenda.

Councilmember Fineman announced she is attending the meeting via Zoom due to a Just Cause Reason- she is recovering from a cold.

Open Time for Public Expression

Ms. Carol Page stated when the County levies money from the residents there should be something in return- a quid pro quo. She was concerned that the County does not have the money to complete any flood projects.

Ms. Diana Davis stated the demolition of Building Bridge 2 will achieve no flood control. The Reimage Creek plan will duplicate what already exists in terms of flood control.

Mr. Jeff Kroot stated the demolition of Creek Plaza is "a lose-lose on steroids" because of the costs. The plaza was used extensively and was beneficial to the business community.

Mr. Dave Bond, Madrone Avenue, stated the ad hoc committee should give full disclosure regarding Building Bridge 2.

Ms. Ann Politzer, Brookside Drive, stated the County's presentation to the Town of Ross was short on information and did not answer questions. Removal of Creek Park Plaza will provide very little flood relief to the downtown.

Ms. Sarah Wilson stated she is concerned about some of the activities going on at Memorial Park including drug deals, vandalism, and aggressive behavior by teens. She asked the Council to make this a priority.

Ellen agreed with the comments made about the plaza. Building Bridge 2 is not in imminent danger- the crack has been there for a very long time.

Ms. Darcy Bell discussed the increasing concerns about the activities at Memorial Park.

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

Councilmember Colbert thanked the first responders from Central Marin Police Authority and the Ross Valley Fire Authority for taking care of him after a bicycle accident; he attended the Ross Valley Fire Board meeting; an Economic Development Committee (EDC) meeting; a Transportation Authority of Marin (TAM) Executive Committee meeting; announced that Marin Transit Authority (MTA) ridership is almost back to 100%; met with the Chamber of Commerce; gave a report from the Creek Park Ad Hoc Committee; asked for Council support to direct Town staff to determine the cost and the necessary steps to reopen the plaza for use by the community. The Council supported the request.

Vice Mayor Burke reported she did not have any committee meetings to attend since the last Council meeting; the Ten-Year Anniversary of Imagination Park will be this summer and residents would like to hold a celebration; she attended the County presentation to Ross about Flood Zone 9 Projects.

Councilmember Kullaway reported she attended the EDC meeting.

Councilmember Fineman reported she attended the ad hoc committee meeting on Monday; she asked if staff could make the public comment records available on the app; she would like a report on the Town's response to the concerns about the activities at Memorial Park; she asked staff to provide the Public Records Act (PRA) requests to the Council prior to the upcoming presentation.

Mayor Burdo reported he attended the Ross Valley Fire Board of Directors meeting; he attended the Ross presentation; he has been meeting with concerned citizens regarding Memorial Park and Red Hill Shopping Center and plans to bring all the stakeholders together to come up with a way to address the issues; the Ribbon Cutting Celebration for Memorial Park will occur this Saturday- he encouraged everyone to attend.

Public Works Director Condry reported on the land movement on Redwood Road and stated a soils engineer is evaluating what is going on. Staff is moving forward on a design and applying for FEMA funding.

1. Consent Agenda

1.1 Approve the Draft Minutes of the Town Council Meeting- February 28, 2023

1.2 Authorize the Town Manager to execute a Professional Services Agreement with Hinderliter de Llamas and Associates dba HdL Companies for sales and use tax audit and informational services

1.3 Approved Resolution No.4479 Authorizing the Examination of Sales and Use Tax Records

1.4 Received and filed the Report of Warrants Issued, February 2023

1.5 Received and filed the Revenue and Expenditure Reports, February 2023

1.6 Received and filed the Recreation Fund Revenue and Expenditure Report for the period ending February 28, 2023.

1.7 Accepted the Update on the 2022 Annual Housing Element Progress Report and Authorized Staff to Send the Reports to the State Governor's Office of Planning and Research (OPR) and State Housing and Community Development (HCD). This report is categorically exempt From CEQA review under Guidelines Section 15306.

Mayor Burdo opened the meeting to public comments.

There were no comments.

Mayor Burdo closed the meeting to public comments.

Councilmember Kullaway wanted to pull item #1.1 for discussion.

M/s, Burke/Kullaway, Motion to approve Consent Calendar items #1.2 through #1.7
AYES: Colbert, Fineman, Kullaway, Vice Mayor Burke, Mayor Burdo

1.1 Approve the Draft Minutes of the Town Council Meeting- February 28, 2023

Councilmember Kullaway noted her name is spelled incorrectly in several places.

M/s, Burke/Kullaway, Motion to approve Consent Calendar items #1.1 as corrected.
AYES: Colbert, Fineman, Kullaway, Vice Mayor Burke, Mayor Burdo

Council Items

2. Receive presentation by the Marin County Flood Control District of the status of the San Anselmo Flood Risk Reduction Project. The SAFRR project EIR was certified in 2018 with the Marin County Flood Control District as the CEQA lead agency. This is not considered a "project" under CEQA per California Public Resources Code 21065.

Mayor Burdo noted this item was pulled due to County staff illness.

3. Town Council to receive a presentation and provide direction to staff on next steps regarding the Transportation Assessment of the Hub Study Final Report.
This is not considered a "project" under CEQA per California Public Resources Code 21065

Public Director Condry and Assistant Public Works Director Schneider gave a staff report.

Mr. David Parisi, traffic engineer, gave a PowerPoint presentation. Mr. Parisi and staff answered questions from the Council regarding the accuracy with respect to the numbers for bicycles and pedestrians; if cyclists avoid the Hub and use Bank Street and then Greenfield Avenue; how many collisions involving cyclists or pedestrians have occurred; if there would be different outcomes if the Vehicle Miles Traveled metric had been used as opposed to Level of Service (LOS); should the focus be on accommodating more cars given the forecast of an increase number of vehicles and housing units; if pedestrians and cyclists mostly use Tunstead

and Bank Street; the number of participants in the community workshops; location of repurposed slip lanes; where the lost parking spaces due to the installation of a Class IV Bike Lane would be recaptured; transportation advocates that participated in the study; if they investigated sources of funding; verification of Active Transportation Concept #2 assertions regarding buses; disruption during construction and how they would keep traffic flowing; if bottlenecks would occur elsewhere; if the median landscaping would need to be reconfigured; the type of rapid flashing beacons that would be used as pedestrian improvements; if the roundabout concept would be considered two land or multi-laned; a modern roundabout as opposed to neo-classical; if there are traffic counts for the two slip lanes during peak hours; if they did a deep dive into the downstream effects; number of collision in the five-year period; how congestion is defined.

Mayor Burdo opened the meeting to public comments.

Benedetto Cico warned the Council about unintended consequences. Sir Francis Drake Boulevard is a barrier between Memorial Park and the downtown for seniors and children

Mr. Josh Wickersnider had questions about the roundabout including right-of-way impacts, who is going where and when, the 20/40 levels percentage reductions, and impacts from the left turn lane,

Mr. Warren Wells, Marin County Bicycle Coalition, stated they largely agreed with the recommendations in the study (Via Zoom)

Mayor Burdo closed the meeting to public comments.

Councilmember Colbert stated there is a need to get people out of cars. The bicycle counts are not compelling since nobody wants to ride through the Hub. He wants to improve bicycle and pedestrian safety in Town. There has been a proposal to build two bicycle networks in Marin County for quite some time- east/west and north/south. The Ross Valley needs to do its part. He supported the signal improvements, the master bike connection through Creek Park, and other bicycle and pedestrian improvements. He would like to explore the roundabout, the displaced T, and the bicycle/pedestrian flyover.

Councilmember Kullaway agreed with Councilmember Colbert. She would like to see a safe crossing at Sir Francis Drake Boulevard and Sais Avenue. A reduction in vehicle miles traveled (VMT) can be accomplished through high density housing and getting people out of cars. She likes Active Transportation Concept #2.

Vice Mayor Burke stated the number of vehicles going through the intersection (65,000) has not changed over time- these numbers will grow. The community is car centric. They need to look at this as a retrofit and think about what makes the most sense for the numbers and what are they giving up that they need such as downtown parking. There is a need for better pedestrian access across Sir Francis Drake Boulevard and Sais is a good spot for a stop light. She supports all of Concept #1 and is opposed to removing slip lanes and parking. She wanted to hold off on a decision about a bike lane through Creek Park until they know will be happening. A roundabout where the Great Acorn used to be would make sense. The idea of a T intersection is intriguing.

Councilmember Fineman agreed that there could be unintended consequences. The Hub does not feel safe for pedestrians. The goal is to capture some of the local vehicle trips and convert them to a different form. She would like to move forward with the signal control system, Active Transportation Concept #1 with an emphasis on the Hawk beacons as opposed to the yellow flashing lights, the bicycle bypass route through the Creek Park parking lot, reducing the slip

lanes, and shortening crossing times and distance. Long term plans should include planning for a grade-separated bicycle and pedestrian flyover, exploring the roundabout concept with a review of how pedestrians and bicycles would navigate through it, and the T intersection.

Councilmember Kullaway supported the slip lane reduction and had some suggestions on how to make it better.

Mayor Burdo stated the Hub might not be as inefficient or unsafe as some would assert. The intersection needs improvements for bicycles and pedestrians. He is willing to consider all options including the T intersection, the signal control system, safety upgrades to include the Hawk system, and the bicycle by-pass route. For the long term projects they need to go through a process that includes creating a list of options and having numerous discussions.

At 9:30 PM The Council took a 5-minute break.

Council reconvened at 9:35 PM.

Councilmember Colbert left the meeting.

4. Approval of "San Anselmo 2023 Live on the Avenue" Music Series, Event Application, Street Closures and Budget appropriation.
   This is not considered a "project" under CEQA per California Public Resources Code 21065

Recreation Coordinator O'Grady gave a staff report and a PowerPoint presentation. Staff answered questions from the Council regarding types of complaints from the public regarding sound volume; if they plan to change the policy with respect to the sound; who would be managing the volume levels; if they plan to book bands for the amphitheater area.

Mayor Burdo opened the meeting to public comments.

Benedetto, speaking on behalf of the Chamber of Commerce, stated last year's event was fabulous. He supported the idea of local restaurants providing food and keeping stores open later.

Mr. Sterling Johnson, Tunstead Avenue, stated he loves this wonderful community event.

Mayor Burdo closed the meeting to public comments.

Vice Mayor Burke stated there should be a bike parking plan. She supports everything proposed.

Councilmember Kullaway stated she could provide racks for non-secure bike parking. Secure parking would require volunteers. She would like to find a way to incentivize the businesses to stay open later.

Councilmember Fineman suggested looking at the Annual Zero Waste Marin funds when the cost estimates come in.

Mayor Burdo appreciated staff's flexibility and listening to suggestions. They need to consider public safety with respect to keeping businesses open later. He suggested using the Town Hall lawn for some community based music.

M/s, Burke/Kullaway, Motion to approve the "San Anselmo 2023 Live on the Avenue" Music Series Schedule for Fridays and Saturdays, June 9, 2023, through September 30,

2023, from 5:30 p.m. to 8:30 p.m. including closing San Anselmo Avenue Fridays and Saturdays from 5:00 p.m. to 10:00 p.m., and to approve the proposed budget for logistics and event expenses.
AYES: Fineman, Kullaway, Vice Mayor Burke, Mayor Burdo
ABSENT: Colbert

The Council commended Recreation Coordinator O'Grady for the great presentation.

5. Receive presentation and provide direction on staff list of priority projects for the American Rescue Plan Act State & Local Fiscal Relief Funds.
   This is not considered a "project" under CEQA per California Public Resources Code 21065

Town Manager Donery, Finance Director Zuba and Public Works Director Sean Condry, presented a staff report. Public Works Director Condry gave a PowerPoint presentation. Staff answered questions from the Council regarding the cost of the Solar Resiliency Project; if the Town Hall HVAC system includes a heat pump; if they could include more climate action projects; if volunteers could be used for the painting projects; if the contractors would also do project management; what happens if a project comes in under budget; if the Town owns the Fire Station 20 (Butterfield Road) building; if the Isabel Cook building or public restrooms should be included; if Measure J funding would be used for the tennis courts, parks and green space, and solar projects.

Mayor Burdo opened the meeting to public comments.

Ms. Karen Nelson, member of the Climate Action Commission (CAC), supported the Town Hall/Library Solar Generation and Resiliency Project.

Ms. Susan Saunders, Vice Chair of the CAC, stated 1.5% of the ARPA Funds should be allocated towards the resilience center.

Mayor Burdo closed the meeting to public comments.

Councilmember Kullaway agreed that the resiliency hub is a priority. She supported the staff recommendations.

Councilmember Fineman referred to the infrastructure projects and stated it made sense to catch up on some of the deferred needs. There are other ways to fund the resiliency hub and the timing is not quite right. The list should be more responsive to community projects and is not aligned with the spirit of the funding. She suggested using some of the funds to get Building Bridge 2 on-line and refurbish the platform to make it safe.

Vice Mayor Burke stated the list represents maintenance of infrastructure that has been deferred- things that have to be done. She supports it except for the Town Hall second floor remodel. She would like to include the repair of the Robson bathroom. She agreed with Councilmember Fineman- repairing the plaza makes sense.

Mayor Burdo stated he would like to see them move forward with the Solar Resiliency Project. He supported the staff recommendations along with the repairs to Building Bridge 2 and the bathroom at Robson.

M/s, Kullaway/Burke, Motion to accept the staff recommendations for the ARPA Funds.
AYES: Fineman, Kullaway, Vice Mayor Burke, Mayor Burdo
ABSENT: Colbert

M/s, Burke/Kullaway, Motion to adjourn the meeting at 11:30 p.m.
Respectfully submitted,
Toni DeFrancis,
Recording Secretary

TO: TOWN COUNCIL March 28, 2023 **Item #:** 1.2

FROM:
Mattie O'Grady – Recreation Supervisor

SUBJECT:
Special Event Application: Friends of Robson Spring Fundraiser 2023

RECOMMENDATION
That Council approve the application for the Friends of Robson Spring Fundraiser scheduled for Sunday, May 7th.

BACKGROUND
The Friends of Robson, a community group formed with the purpose of enhancing the grounds at the Park, would like to hold their second annual spring fundraiser on Sunday, May 7th from 12:00 to 6:00 pm. The main portion of the event will occur at the Lower Robson Harrington Park and will include family friendly activities, entertainment, food, and more. Proceeds from this event will be earmarked for projects outlined in their 2021 Work Plan that was reviewed by the Parks & Recreation Commission on February 15th, 2022 and is included as an attachment.

DISCUSSION
The Friends of Robson has been working directly with the Recreation Department and Department of Public Works to make sure this event adheres to all conditions of use required for the rental. The following conditions have been communicated to the applicant:

- All surrounding residents of the Robson Harrington House must be notified of the event. The notice must address the event date, time, purpose, parking issues and concerns, street closure, amplified sound, and it must note the date and time of the Town Council meeting that the application will be on the agenda.
- The applicant must manage the event garbage by hauling out or contacting Marin Sanitary.
- Applicant must abide by Ordinance 1136 stating that all food vendors must provide items in reusable foodware or compostable disposable foodware.
- No alcohol is permitted.
- Applicant must provide portable restrooms during the time of the event.

The attached application provides details of the event with comments and conditions from Town staff. Additional attachments include the 2021 Friends of Robson Work Plan.

FISCAL IMPACT

There would be no direct fiscal impact to the Town to approve this item.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

The proposed project is exempt from the California Environmental Quality Act (CEQA), under the "common sense" exemption, because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (Cal. Code Regs. tit. 14, § 15061).

CONCLUSION

That Council approve the application for the Friends of Robson Spring Fundraiser scheduled for Sunday, May 7th.

TOWN OF SAN ANSELMO
1000 Sir Francis Drake Blvd, Suite # 14
San Anselmo, CA 94960
415-258-4640

APPLICATION FOR COMMUNITY-BASED EVENTS

Please complete this application if you wish to conduct a community-based event (non-commercial) in downtown San Anselmo on public property for more than 50 people or involving the closure of a downtown street for more than fifteen minutes. The application will be reviewed by staff and forwarded to the Town Council for approval.

EVENT INFORMATION

Name of event: Spring Fundraiser – Friends of Robson
Organization(s) presenting the event: Friends of Robson + Harrington
Other event sponsor(s), if any:
Contact Person: Elizabeth Gresso **Phone Number:** 210.414.2069
Address: 456 Laurel Ave **Email:** elizabeth@gressos.net
Event Date(s): May 7, 2023
Start and end times: ~~1~~ 12-6 **Number of attendees (estimate):** <100
Location: Robson Park – Lower Yard
Will alcohol be served or sold?

Yes____ No X

Brief Event Description:

Annual Spring Fundraiser
Music · Food · Games · Community
– Friends of Robson Park –
Operating Under San Anselmo Community Foundation 501c3

Public space requested:

____Creek Park
____Pine Street Parking Lot
____Town Hall Lawn
____Imagination Park
____Creek Park Parking Lot
____Magnolia Parking Lot
____Council Chamber
____Memorial Park
X Other: Robson Park – Lower Yard

_____ San Anselmo Avenue: from (cross streets) _____ to _____
_____ Tunstead Avenue: from (cross streets) _____ to _____
_____ Other street(s): from (cross streets) _____ to _____
_____ Other space use (e.g. parking spaces) _____
_____ Other Facilities: _____

Additional Comments on the Public Space Requested:

N/A

To be qualified for consideration, applicants must fall into one of the following categories:

- Town-Sponsored Events
- Ross Valley* accredited or licensed schools (pre-kindergarten through 12th grade, (both public and private schools)
- Ross Valley* Youth Organized Sporting of Cultural Events
- Organizations located in the Ross Valley* which have received tax-exempt status pursuant to Internal Revenue Service Code Section 501c(3)
- Merchant associations located in incorporated San Anselmo and established as of 2006

*Ross Valley is defined as incorporated and unincorporated areas of San Anselmo, Fairfax, and Ross

Standards & Objectives

The Town Council, with input from downtown merchants, property owners, and local residents, has adopted the following criteria they will consider when reviewing applications for the closure of roadways or other public space in the downtown area.

Does the event:

- ✓ Attract local residents
- ✓ Attract people throughout the Bay Area
- ✓ Attract families
- ✓ Generate interest for people to return and spend money in local businesses
- ✓ Create a positive impact for real estate stimulation
- ✓ Provide a overall positive impact on business
- ✓ Provide an opportunity for downtown merchants to participate in the event
- ✓ Provide access to neighborhood streets during the event
- ✓ Avoid conflicting with a retail holiday
- ✓ Assure public safety
- ✓ Provide adequate parking
- ✓ Benefit the Town
- ✓ Provide access for persons with disabilities
- ✓ Provide for clean-up by event organizers
- ✓ Provide emergency vehicle access
- ✓ Assure that any booths or other structures are designed and placed so that storefronts have access and visibility
- ✓ Allow local businesses to exhibit merchandise on the sidewalk area in front of their stores, without charge, while maintaining wheelchair access

CONDITIONS OF APPROVAL

The following conditions apply to downtown events, unless waived or modified by the Town. Other conditions, as set by the Town Council and staff, may apply to particular events for public safety or other objectives of the Town.

A. **Police**: Off-duty police officers may be required for the event, as determined by the Police Chief, depending on the number of people attending and the nature of the event. Off-duty police officers are required during events where alcohol is served or sold.

B. **Emergency access**: An emergency access lane of at least 14 feet wide must be maintained at all times.

C. **Insurance**: Proof of general liability insurance, naming the Town, its employees, and agents as additional insured, at limits no less than $1,000,000.

D. **Recycling and garbage**: Extra containers for recycling cans and bottles, and garbage cans must be placed throughout the area of the event. Containers and cans are to be emptied when full during the event, and picked up after the event.

E. **Compostable/Disposable Foodware:** In accordance with the Town of San Anselmo's Ordinance 1136 all food vendors will provide takeout food in reusable foodware or compostable disposable foodware, or items composed entirely of aluminum. If a compostable disposable foodware item is not available, an alternative foodware item made of other materials, except polystyrene foam and polystyrene food ware, may be substituted.

F. **Toilet facilities**: Events estimated to attract more than 100 people and lasting more than two hours must provide portable toilets, in the number and location as approved by the Parks superintendent, unless alternate arrangements for toilet facilities are otherwise required or arranged to the approval of the Parks Superintendent. Toilet facilities must be provided for disabled persons at each location where portable facilities are provided. Hand washing facilities must be provided where food is served.

G. **Traffic control**: A traffic and parking control plan, including enforcement measures, must be approved by the Police Chief.

H. **Noticing:** Events that include closure of the street will require advance written notice to businesses and residents on the street(s) that will be closed. These notices must be distributed a minimum of five days prior to the Town Council meeting date that the event application will be considered.

I. **Sales tax**: Persons or businesses selling items as part of the event shall designate San Anselmo as the point of sale for sales tax purposes.

J. **Alcoholic beverages**: A permit is required from the Police Chief and the State Department of Alcohol Beverage Control in order to serve or sell alcoholic beverages. Off-duty police officers are required if alcohol is served or sold.

K. **Fire inspection**: A fire inspection is required of any and all appliances or devices that produce an open or enclosed flame and/or hot materials, including food.

L. **Creek Park**: No more than three booths are allowed inside the turf areas of the park.

M. **Signs and barricades**: Any "No parking signs" that are needed are to be provided by the event organizers, and posted according to the traffic control plan prior to the event. Barricades, detour signs, and other traffic control devices are to be provided by the event organizers.

N. **Parking:** Temporary accessible parking must be provided if a street closure or other event condition renders permanent accessible parking unusable.

O. **Cables**: Cables must be covered so as not to create a tripping hazard. When cable covers are used, they must not create a tripping hazard and must be navigable by wheelchair. The path of travel must be no more than 1:12.

On behalf of the organization applying for the permit to conduct the event, I have read and agree to follow the standards for events, as stated in this application, and have read and agree to follow the permit conditions as stated in this application and those which may be required of me as conditions of approval.

Name: Elizabeth Grasso Date: 3/9/23

NAME OF EVENT: DATE OF EVENT:

DEPARTMENT	COMMENTS/CONDITIONS	APPROVED BY
POLICE		M. Norton
FIRE		J. Weber
RECREATION	See conditions noted in staff report	D. Mauk
PUBLIC WORKS	See conditions noted in staff report	S. Condry & A. Shaw
ADMINISTRATION	See conditions noted in staff report	D. Donery
TOWN COUNCIL		

TOWN OF
SAN ANSELMO
EST. 1907

2021 Robson Park Work Plan

Presented to the
Town of San Anselmo
by the Friends of Robson

Date: February 9, 2021

DESCRIPTION OF WORK:

1. Removal of vegetation from designated area.
2. Placement of weed barrier.
3. Planting of native, drought tolerant plants.
4. Installation of irrigation.
5. Lay down mulch (wood chips).

LOCATION IN PARK:

Terraced area below large retaining wall in front of Carriage House (see photo).

Friends of Robson Responsibilities:

1. Volunteer labor for vegetation removal, planting process and mulch placement.
2. Funding for cost of all aspects of irrigation system.
3. Funding for purchase of weed barrier and plants.

Town Responsibilities:

1. Coordinate with FOR team throughout project.
2. Haul away debris/vegetation.
3. Provide mulch/wood chips.

ITEM 1.2-ATTACHMENT 2



ITEM 1.2-ATTACHMENT 2

TO: TOWN COUNCIL March 28, 2023 **Item #:** 1.3

FROM:
Mattie O'Grady - Recreation Supervisor

SUBJECT:
Special Event Application: Chamber of Commerce's Sip n' Stroll Fundraiser 2023

RECOMMENDATION
That Council approve the application for the Chamber of Commerce's Sip n' Stroll Fundraiser scheduled for Saturday, May 13th.

BACKGROUND
In 2018, a group of merchants got together and held a fundraiser to start a hanging flower basket program in the downtown area. This group raised over $3,000 which paid for pole brackets, a portable watering system and twelve hanging flower baskets. The baskets were watered by a team of volunteers.
In 2019, a group of residents, led by Nancy Altman and Jeanne Imai, started the San Anselmo Beautification Committee, and are raised funds to not only continue the hanging basket program, but to expand it from 12 to 24 baskets. The increased cost for the program was due to the increased number of baskets along with the cost of hiring an individual to manage the watering of the baskets.

DISCUSSION
With the goal of raising funds for the flower basket program while reintroducing the public to the many shops and restaurants, the Chamber of Commerce and San Anselmo Beautification Committee would like to hold their first annual flower basket fundraiser on Saturday, May 13th from 4:00 to 7:00 pm. The main portion of the event will occur on the Town Hall Plaza, but also engages and activates the downtown landscape with participating merchant locations. Each merchant who participates will be pouring wine samples from local shops and may also select to provide bites to eat of their own or from a local restaurant.
Each attendee will pre-purchase a commemorative glass to Sip n' Stroll the Avenue. They will collect their wine glass in front of Town Hall. ID's will be checked, and wristbands must be worn in order to be served. Designated drivers or minors will be given a different color wristband and additional non-alcoholic beverages will be provided.
Please note that no street closure has been requested as part of this event application.

ANALYSIS

The Chamber of Commerce has been working directly with the Recreation Department and other Town staff to make sure this event adheres to all conditions of use required for the event. The following conditions have been communicated to the applicant:

- Applicant must provide the Town with a copy of the approved ABC (Alcohol and Beverage Control) license.
- Applicant must obtain additional permit for alcohol through the Central Marin Police Authority as the Municipal Code requires a permit from CMPA to allow for open containers on public streets or sidewalks (SAMC §§ 4-6.04, 4-6.05)
- Applicant must abide by Ordinance 1136 stating that all food vendors must provide items in reusable foodware or compostable disposable foodware.
- Requires compliance with all ADA regulations (including not blocking sidewalks).
- Requires insurance required.

FISCAL IMPACT

There would be no direct fiscal impact to the Town to approve this item.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

The proposed project is exempt from the California Environmental Quality Act (CEQA), under the "common sense" exemption, because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (Cal. Code Regs. tit. 14, § 15061).

CONCLUSION

That Council approve the application for the Chamber of Commerce's Sip n' Stroll Fundraiser scheduled for Saturday, May 13th.

TOWN OF SAN ANSELMO
1000 Sir Francis Drake Blvd, Suite # 14
San Anselmo, CA 94960
415-258-4640

APPLICATION FOR COMMUNITY-BASED EVENTS

Please complete this application if you wish to conduct a community-based event (non-commercial) in downtown San Anselmo on public property for more than 50 people or involving the closure of a downtown street for more than fifteen minutes. The application will be reviewed by staff and forwarded to the Town Council for approval.

EVENT INFORMATION

Name of event: Sip n' Stroll for Flower Baskets

Organization(s) presenting the event: San Anselmo Chamber of Commerce

Other event sponsor(s), if any:

Contact Person: Nancy Altman **Phone Number:** 415-806-0359

Address: 18 Avenue del Norte **Email:** nnaltman@me.com

Event Date(s): May 13, 2023

Start and end times: 4:00-7:00pm **Number of attendees (estimate):** 100

Location: Downtown San Anselmo

Will alcohol be served or sold?

Yes ☑ No ☐

Brief Event Description:

This is a Spring event to reintroduce the public to our many shops and restaurants and to raise funds for the flower baskets. Each merchant who particpates will be pouring wine samples from local shops (ie: Ludwig's and Souvenier Bottleshop) and also provide bites to eat of their own or from a local restaurant. Each attendee will pre-purchase a commemorative glass to Sip n' Stroll the Avenue. They will collect their wine glass in front of Town Hall. ID's will be checked and a wristband must be worn in order to be served. Designated drivers or minors will be given a different color wristband.

Public space requested:

- ☐ **Creek Park**
- ☐ **Creek Park Parking Lot**
- ☐ **Pine Street Parking Lot**
- ☐ **Magnolia Parking Lot**
- ☑ **Town Hall Lawn**
- ☐ **Council Chamber**
- ☐ **Imagination Park**
- ☐ **Memorial Park**
- ☐ **Other:** _____

_____ San Anselmo Avenue: from (cross streets) _____ to _____
_____ Tunstead Avenue: from (cross streets) _____ to _____
_____ Other street(s): from (cross streets) _____ to _____
_____ Other space use (e.g. parking spaces) _____
_____ Other Facilities:_____

Additional Comments on the Public Space Requested:

To be qualified for consideration, applicants must fall into one of the following categories:

- ❖ Town-Sponsored Events
- ❖ Ross Valley* accredited or licensed schools (pre-kindergarten through 12th grade, (both public and private schools)
- ❖ Ross Valley* Youth Organized Sporting of Cultural Events
- ❖ Organizations located in the Ross Valley* which have received tax-exempt status pursuant to Internal Revenue Service Code Section 501c(3)
- ❖ Merchant associations located in incorporated San Anselmo and established as of 2006

*Ross Valley is defined as incorporated and unincorporated areas of San Anselmo, Fairfax, and Ross

Standards & Objectives

The Town Council, with input from downtown merchants, property owners, and local residents, has adopted the following criteria they will consider when reviewing applications for the closure of roadways or other public space in the downtown area.

Does the event:

- ✓ Attract local residents
- ✓ Attract people throughout the Bay Area
- ✓ Attract families
- ✓ Generate interest for people to return and spend money in local businesses
- ✓ Create a positive impact for real estate stimulation
- ✓ Provide a overall positive impact on business
- ✓ Provide an opportunity for downtown merchants to participate in the event
- ✓ Provide access to neighborhood streets during the event
- ✓ Avoid conflicting with a retail holiday
- ✓ Assure public safety
- ✓ Provide adequate parking
- ✓ Benefit the Town
- ✓ Provide access for persons with disabilities
- ✓ Provide for clean-up by event organizers
- ✓ Provide emergency vehicle access
- ✓ Assure that any booths or other structures are designed and placed so that storefronts have access and visibility
- ✓ Allow local businesses to exhibit merchandise on the sidewalk area in front of their stores, without charge, while maintaining wheelchair access

CONDITIONS OF APPROVAL

The following conditions apply to downtown events, unless waived or modified by the Town. Other conditions, as set by the Town Council and staff, may apply to particular events for public safety or other objectives of the Town.

A. **Police**: Off-duty police officers may be required for the event, as determined by the Police Chief, depending on the number of people attending and the nature of the event. Off-duty police officers are required during events where alcohol is served or sold.

B. **Emergency access**: An emergency access lane of at least 14 feet wide must be maintained at all times.

C. **Insurance**: Proof of general liability insurance, naming the Town, its employees, and agents as additional insured, at limits no less than $1,000,000.

D. **Recycling and garbage**: Extra containers for recycling cans and bottles, and garbage cans must be placed throughout the area of the event. Containers and cans are to be emptied when full during the event, and picked up after the event.

E. **Compostable/Disposable Foodware:** In accordance with the Town of San Anselmo's Ordinance 1136 all food vendors will provide takeout food in reusable foodware or compostable disposable foodware, or items composed entirely of aluminum. If a compostable disposable foodware item is not available, an alternative foodware item made of other materials, except polystyrene foam and polystyrene food ware, may be substituted.

F. **Toilet facilities**: Events estimated to attract more than 100 people and lasting more than two hours must provide portable toilets, in the number and location as approved by the Parks superintendent, unless alternate arrangements for toilet facilities are otherwise required or arranged to the approval of the Parks Superintendent. Toilet facilities must be provided for disabled persons at each location where portable facilities are provided. Hand washing facilities must be provided where food is served.

G. **Traffic control**: A traffic and parking control plan, including enforcement measures, must be approved by the Police Chief.

H. **Noticing:** Events that include closure of the street will require advance written notice to businesses and residents on the street(s) that will be closed. These notices must be distributed a minimum of five days prior to the Town Council meeting date that the event application will be considered.

I. **Sales tax**: Persons or businesses selling items as part of the event shall designate San Anselmo as the point of sale for sales tax purposes.

J. **Alcoholic beverages**: A permit is required from the Police Chief and the State Department of Alcohol Beverage Control in order to serve or sell alcoholic beverages. Off-duty police officers are required if alcohol is served or sold.

K. **Fire inspection**: A fire inspection is required of any and all appliances or devices that produce an open or enclosed flame and/or hot materials, including food.

L. **Creek Park**: No more than three booths are allowed inside the turf areas of the park.

M. **Signs and barricades**: Any "No parking signs" that are needed are to be provided by the event organizers, and posted according to the traffic control plan prior to the event. Barricades, detour signs, and other traffic control devices are to be provided by the event organizers.

N. **Parking:** Temporary accessible parking must be provided if a street closure or other event condition renders permanent accessible parking unusable.

O. **Cables**: Cables must be covered so as not to create a tripping hazard. When cable covers are used, they must not create a tripping hazard and must be navigable by wheelchair. The path of travel must be no more than 1:12.

On behalf of the organization applying for the permit to conduct the event, I have read and agree to follow the standards for events, as stated in this application, and have read and agree to follow the permit conditions as stated in this application and those which may be required of me as conditions of approval.

Name: Nancy Altman Date: March 13, 2023

NAME OF EVENT: DATE OF EVENT:

DEPARTMENT	COMMENTS/CONDITIONS	APPROVED BY
POLICE	Applicant must obtain additional permit for alcohol through the Central Marin Police Authority as the Municipal Code requires a permit from CMPA to allow for open containers on public streets or	M. Norton
FIRE		J. Weber
RECREATION	Applicant must provide the Town with a copy of the approved ABC (Alcohol and Beverage Control) license. Applicant must abide by Ordinance 1136 stating that all food vendors must provide items in	D. Mauk
PUBLIC WORKS	Requires compliance with all ADA regulations (including not blocking sidewalks)	S. Condry & J. Healy
ADMINISTRATION	Applicant must also provide event insurance.	D. Donery
TOWN COUNCIL		

TO: TOWN COUNCIL March 28, 2023 **Item #:** 1.4

FROM:
Scott Schneider, Assistant Public Works Director

SUBJECT:
Approve the 2023 Slurry Seal project and authorize staff to advertise for construction bids

RECOMMENDATION

That the Town Council approves the 2023 Slurry Seal Project and authorizes staff to advertise for construction bids.

BACKGROUND AND DISCUSSION

In August 2019, the Town Council approved the 5-Year Capital Improvement Program (CIP) that included a preventative maintenance component. Preventative maintenance includes crack sealing and slurry sealing that is performed on a street or road that is in good condition to extend the life of the pavement. The Pavement Condition Index (PCI) is a rating from 1 to 100 that is based on an inspection of a road for several pavement distresses. Slurry seal is typically applied to streets with a PCI between 70 and 90.

Slurry seal typically costs about 1/10 of the cost to repave a street. Ideally, a newly paved street will be slurry sealed every 5 to 7 years (up to three times), then allowed to deteriorate to a PCI of 55 or 65, followed by a thin pavement overlay. Without a sufficient budget, most agencies don't have the luxury of repaving a street with a 65 PCI when portions of the network are in much worse condition. One of the best ways to increase the 'bang for the buck' of a pavement network is to inexpensively slurry seal the streets in good condition to increase their life, while simultaneously focusing on fixing the more expensive streets with pavement overlays or reconstruction.

The 2023 Slurry Seal project (see Map, Attachment 1), includes the following:

Residential Streets
Agatha Court from Saunders Avenue to end
Berlin Avenue from Saunders Avenue to Brennfleck Avenue
Brennfleck Avenue from Karl Avenue to Berlin Avenue
Karl Avenue from Saunders Avenue to end
Creek Road – all
Glen Road from Forest Avenue to Creek Road
Forest Avenue from San Anselmo Avenue to Fairfax Town Limits
Pasadena Avenue from Santa Barbara Avenue to Miwok Drive
Miwok Drive from Pasadena Avenue to end
Tomahawk Drive from Indian Rock Road to 99' north
Blackhawk Drive from Tomahawk Drive to Miwok Drive
Elkhorn Way from Tomahawk Drive to Miwok Drive
Indian Rock Road from Broadmoor Avenue to Tomahawk Drive
Durham Road from Santa Barbara Avenue to end
Sunview Avenue from Broadmoor Avenue to Berkeley Avenue
Berkeley Avenue from Broadmoor Avenue to end

Toyon Drive from Berkeley Avenue to Sunview Avenue
Broadmoor Avenue from Brookside Drive to Indian Rock Road
Woodland Avenue from Cedar Street to Sunnyside Avenue
Olive Avenue from Redwood Road to 290'south
Island Drive – Tamal Vista Avenue to Town Limit
Arterial and Collector Streets:
Sir Francis Drake Boulevard from the Hub to Tamal Avenue/San Francisco Boulevard
Center Boulevard from Sycamore Avenue/San Anselmo Avenue to Fairfax Town Limit

PCIs range generally from the mid-60s to the high-80s. Cracksealing will be done prior to the slurry project.

Where possible, existing standard crosswalks will be replaced with Continental style crosswalks to improve pedestrian safety.

The vehicular travel lanes on Center Boulevard will be narrowed from about 11.5 feet down to 10 feet as a traffic calming/speed reduction measure, allowing for a widened shoulder in the eastbound direction.

The work on Sir Francis Drake Boulevard, Center Boulevard, and Forest Avenue (and Creek and Glen Roads) is proposed to be done at night to minimize traffic delays. Work on other residential streets will require the street to be closed between 8 am and 5 pm. Residents will be notified of the project schedule at least two weeks in advance of the work.

The project will be advertised for 30 days, and staff will return to Council for approval of the contract for the lowest responsible and responsive bidder.

FISCAL IMPACT

Engineer's Estimate	$500,000
Contingency (10% of Construction)	$ 50,000
Construction Management	$ 15,000
Total	$565,000

Funding is available from Measure D/Measure J and the Road Maintenance fund, and is included in the FY2023/24 budget.

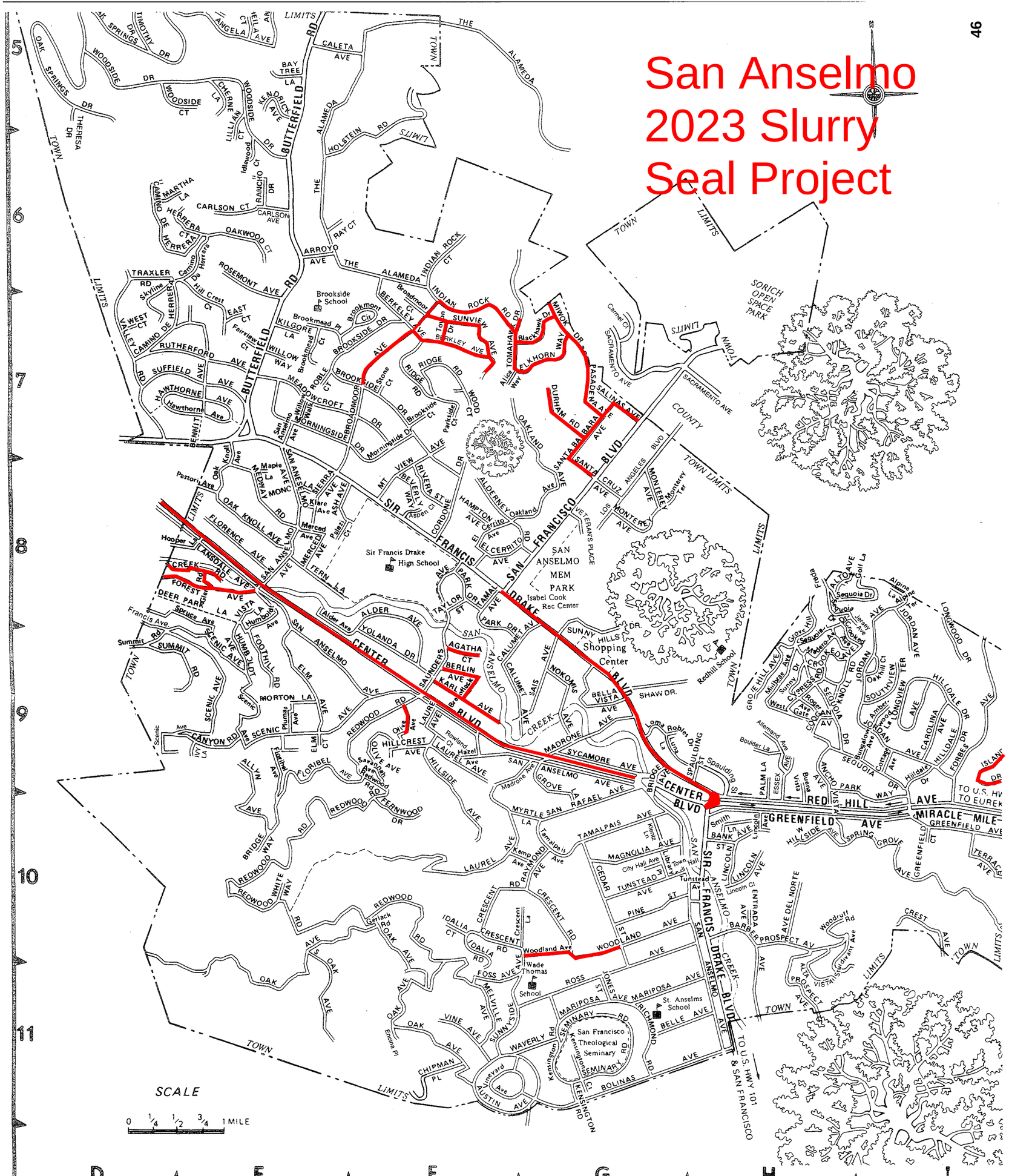
CEQA

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 of existing streets, will not create additional automobile lanes and involves 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.

CLIMATE ACTION PLAN 2030 AND BICYCLE AND PEDESTRIAN MASTER PLAN CONSISTENCY

The slurry seal project will extend the life of streets, thereby avoiding costly repaving projects. The improved surfaces will maintain the rideability for bicycles, and address Climate Action Plan 2030 Transportation Measure T-2 Bicycling. The enhanced crosswalks will improve pedestrian safety (Measure T-3 Walking).

San Anselmo 2023 Slurry Seal Project



The Town of San Anselmo

STREET GUIDE

Agatha Ct F-9
Alder Ave. E,F-8
Alderney Rd F-8
Alice Way F-7
Allemand Ave H-9
Allyn 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
Brookside 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
Hilldale 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 F-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

Town of San Anselmo

Staff Report

525 San Anselmo Avenue
San Anselmo, CA 94960

TO: TOWN COUNCIL March 28, 2023 **Item #:** 1.5

FROM:
Scott Schneider, Assistant Public Works Director

SUBJECT:
Approve the 2023 Street Resurfacing Project and Authorize staff to advertise for construction bids

RECOMMENDATION

That the Town Council approves the 2023 Street Resurfacing Project and authorizes staff to advertise for construction bids.

BACKGROUND AND DISCUSSION

The Town Capital Improvement Program (CIP) typically includes about $1,000,000 of residential street paving.
The 2023 Street Resurfacing project includes grinding and paving of the asphalt roadways and replacement of striping. Curb ramps and drainage improvements will be constructed as a separate project prior to the street resurfacing.
Streets included in the project, and Pavement Condition Index (PCI):

- Jordan Avenue from Cottage Avenue to Southview Terrace (PCI 11)
- Amberwood Lane from Jordan Avenue to end (PCI 32)
- Hildale Drive from Carolina Avenue to Longview Avenue (PCI 28)
- Longview Avenue from Longview Avenue to Hilldale Drive (PCI 23)
- Ancho Vista Avenue from Red Hill Avenue to Seqouia Drive (PCI 40)
- Park Way from Ancho Vista Avenue to 55 Park Way (PCI 32)
- Essex Avenue from Red Hill Avenue to end (PCI 37)
- Crescent Road from Raymond Avenue to Woodland Avenue (PCI 24)
- San Anselmo Avenue from Sir Francis Drake Boulevard to Morningside Drive (PCI 20)
- Morningside Drive from Meadowcroft Drive to Broadmoor Avenue (PCI 18)
- Tomahawk Drive from 99' north of Indian Rock Road to end (PCI 26)
- Palazzi Court from Ash Avenue to end (PCI 17)

The project will be advertised for 30 days, and staff will return to Council for approval of the contract for the lowest responsible and responsive bidder.

FISCAL IMPACT

The projected costs are as follows:

Design costs (San Anselmo staff and consultant)	$ 175,000
Engineer's Estimate for Construction	$ 1,000,000
Construction Management (San Anselmo staff and consultant)	$ 20,000
Construction Contingency (10% of construction)	$ 100,000
Total Project Cost	$ 1,295,000

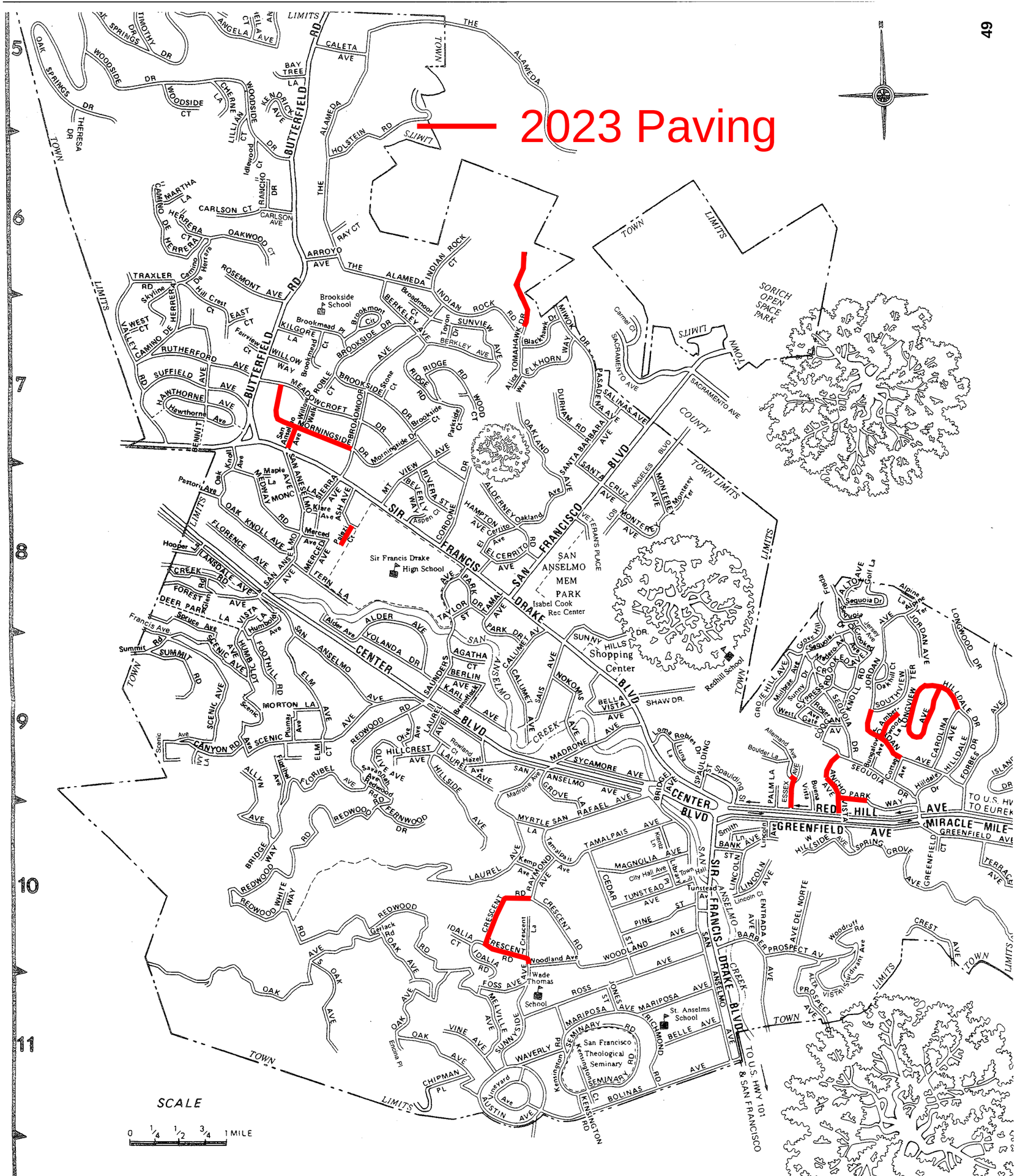
Funding is available from Measure D/Measure J and the Road Maintenance fund, and is included in the FY2023/24 budget.

CEQA

The Town finds these projects 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.

CLIMATE ACTION PLAN 2030 AND BICYCLE AND PEDESTRIAN MASTER PLAN CONSISTENCY

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).



The Town of San Anselmo

STREET GUIDE

Agatha Ct F-9
Alder Ave. E,F-8
Alderney Rd F-8
Alice Way F-7
Allemand Ave H-9
Allyn 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
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Bella Vista Ave G-9
Belle Ave G-11
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Berkley Ave F-7
Berlin Ave F-9
Beverly Way F-8
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Crescent Rd F,G-10
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Deer Park La D-8
Durham Rd G-7

East Ct E-7
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El Cerrito Ave F-8
Elkhorn Way G-7
Elm Ave E-9
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Entrada Ave H-10
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Greenfield Ct I-10
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Hillcrest Ave F-9
Hillcrest Ct E-6
Hilldale 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
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Jersey Ave I-8
Jones St G-11
Jordan Ave I-8

Karl Ave F-9
Kemp Ave F-10
Kendrick Ave E-5
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Kientz La G-10
Kilgore La E-7
Klare Ave E-8

Lansdale Ave E-8
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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

TO: TOWN COUNCIL March 28, 2023 **Item #:** 1.6

FROM:
David P. Donery, Town Manager

SUBJECT:
Consider having San Anselmo be represented as a signer in a California Community Choice Association letter urging the California Legislature to address the state's interconnection crisis and ensure timely and equitable access to the electrical grid.

RECOMMENDATION

That that the Town Council consider having San Anselmo be represented as a signer in a California Community Choice Association letter urging the California Legislature to address the state's interconnection crisis and ensure timely and equitable access to the electrical grid.

BACKGROUND

Councilmember Fineman received a request from MCE asking that local municipalities and other stakeholders consider signing on to a letter being coordinated through the California Community Choice Association (CalCCA), that will be sent to the California Legislature requesting that the State address the existing interconnection crisis and ensure timely and equitable access to the electrical grid. MCE is a founding member of CalCCA.

CalCCA represents the interests of California's community choice electricity providers in the legislature and at state regulatory agencies, including the California Public Utilities Commission, California Energy Commission and California Air Resources Board. CalCCA's Board of Directors is comprised of operating CCA programs in California that are serving load or about to launch (implementation plan has been submitted and CEO appointed). Local governments interested in community choice may join as affiliate members.

The request goes on to say "As you know, delays in utilities connecting new buildings and new clean energy projects (like EV charging stations and renewable generation resources) to the grid are impeding statewide progress to address both the climate crisis and the housing crisis, as well as other key priorities like public safety. Many jurisdictions have shared examples of specific projects in their communities that are experiencing these delays.

CalCCA is circulating the attached sign-on letter to a wide range of stakeholders, including local governments, housing developers, labor unions, environmental and environmental justice organizations, and energy developers to ensure that policymakers understand the full scope and urgency of the issue, and prioritize it in the current legislative session. If you (in your individual capacity) or your city/county are interested in signing on, please send an email to Stephanie Chen, Director of Legislative Affairs, with your city/county logo, or simply indicating your interest if you will be signing on in your individual capacity".

DISCUSSION

The attached letter will be sent to the legislature. If approved, the Town would indicate its participation and send a copy of our Town logo to be included in the materials.

FISCAL IMPACT

There is no fiscal impact to the Town by approving this request.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

The Council's discussion and approval of this request is not considered 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).

Attachment 1 – CalCCA Letter

[Logos]

Over __ organizations urge the California Legislature to address the state's interconnection crisis and ensure timely and equitable access to the electrical grid

We the undersigned parties — [***potentially including housing developers and labor unions; environmental, climate, and environmental justice organizations; city and county governments; and local energy providers***]— urge the California policy makers to take action to address unacceptable delays in connecting new construction, critical services, renewable energy, building decarbonization, and other projects to the state's distribution and transmission grids.

California is facing an unprecedented climate crisis and is pursuing bold efforts to transition to zero-carbon energy. At the same time, California has a housing availability and affordability crisis which demands the rapid construction of new buildings. These goals cannot be realized because many projects cannot connect to the power grid. This results in long delays, ranging from months to years, that harm residents, businesses, and the state and local economies.

Severely delayed and abandoned electrical projects are a growing problem in communities throughout California. Hundreds of local projects have been delayed or cancelled, including service extensions to new affordable housing units and critical service sites ranging from hospitals to police/fire stations. Hook ups for new electric vehicle charging stations and utility-scale and residential renewable energy projects are also in peril. Examples of impacted projects are listed below.

Interconnection delays and resulting project cancellations threaten California's ability to respond to the climate and housing crises; prevent Californians from accessing important critical services; and harm communities by increasing project costs and reducing job opportunities.

We respectfully urge California policy makers to take immediate and decisive action. We must ensure interconnection and service extensions to new construction, renewable energy, building decarbonization, and other electrical projects are completed in a timely manner in order to achieve our state's ambitious climate, housing, equity, and economic development goals and mandates.

Thank you for considering our request. We stand ready to work with you to build our state's future.

Sincerely,

[Orgs]

DRAFT

TO: TOWN COUNCIL March 28, 2023 **Item #:** 2.

FROM:
David P. Donery, Town Manager and Sean Condry, Public Works Director

SUBJECT:
Receive presentation by the Marin County Flood Control District of the status of the San Anselmo Flood Risk Reduction project.

RECOMMENDATION

Receive presentation by the Marin County Flood Control District of the status of the San Anselmo Flood Risk Reduction project.

BACKGROUND

The San Anselmo Flood Risk Reduction (SAFRR) project is a Marin County Flood Control District project designed to reduce the overbank flooding from the Corte Madera Creek (CMC) that has historically caused flooding in downtown San Anselmo and the Bolinas/Fernhill/Shady Lane neighborhoods of Ross during significant storm events.

The project proposes to accomplish this reduction by removing the building bridge structure located at 632-636 San Anselmo Avenue (aka BB2) and constructing a small detention basin at the Sunnyside Nursery property near Fairfax. The consequence of the reduced overbank flooding from the SAFRR project is that more water stays within the banks of the CMC, thus increasing the water surface elevation within the CMC between downtown San Anselmo and the Sir Francis Drake bridge in Ross, potentially impacting some properties in both San Anselmo and Ross with an increased risk of flooding.

UPDATE ON USE OF BUILDING BRIDGE 2 PLATFORM

Beginning in June of 2020 the Town leased the platform of BB2 for use as a public gathering space, creating what became known as the Creekside Plaza. In September 2022, after receiving engineering reports showing that the platform was not safe for public use, the County Flood Control District terminated the lease with the Town and discontinued public use of the plaza.

On Wednesday, March 22, 2023 the Town receive a letter (Attachment 1) from County Public Works Director Rosemarie Gaglione in response to a letter (Attachment 2) sent on January 13, 2023 from San Anselmo Town Manager David Donery to County Administrator Matthew Hymel requesting consideration of options to reopen the plaza for public use. Director Gaglione's

letter rejects each of the Town's proposals due to the District's intention to implement the SAFRR project and demolish the BB2 platform on or before the fall of 2024.

On March 28, 2023, the Town Council will receive a presentation from the District regarding the SAFRR project.

FISCAL IMPACT

There is no fiscal impact to the Town related to receiving this presentation.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

The SAFRR project Environmental lmpact Report (ElR) was certified in 2018 with the Marin County Flood Control District as the CEQA lead agency.
Receiving this presentation related to SAFRR is not considered a "project" under the California Environmental Quality Act (CEQA), 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).

COUNTY OF MARIN

DEPARTMENT OF PUBLIC WORKS

Quality, Excellence, Innovation

Rosemarie R. Gaglione
DIRECTOR

Administration
PO Box 4186
San Rafael, CA 94913-4186
415 473 6528T
415 473 3799 F
415 473 3232 TTY
CRS Dial 711
www.marincounty.org/pw

Accounting

Administrative Services

Airport

Building Maintenance

Capital Projects

Certified Unified Program Agency (CUPA)

Communications Maintenance

Disability Access

Engineering & Survey

Fleet Operations

Flood Control & Water Resources

Land Development

Procurement

Real Estate

Reprographic Services

Road Maintenance

Stormwater Program

Transportation & Traffic Operations

Waste Management

March 22, 2023

Subject: San Anselmo Response Letter

David P. Donery, Town Manager
525 San Anselmo Avenue
San Anselmo, CA 94960

Dear David,

I am writing in response to your letter dated January 13, 2023, in which you asked for consideration of three options that might lead to continued use of the BB2 structure as a public space for the Town of San Anselmo.

The County is appreciative of the Town's willingness to work collaboratively with the County and the Marin County Flood Control District (District) towards reducing flooding in the Ross Valley. We understand that the pedestrian plaza was a great benefit to businesses during the pandemic and that the termination of that use is a loss to the Town.

The structure was closed to public use because in my capacity as the County Engineer I have deemed it to be unsafe for that purpose. Another important clarification to make is that the District, which purchased BB2, is a separate agency from the County and can only use its funds for flood control purposes.

Assuming that the structure could be reinforced so as to be safe for public use, any reinforcement of the structure would require forensic investigation of its construction because the plans are not available. Exploratory excavation would require permits and would need to be performed during the dry season; plans would have to be prepared and then permits obtained for construction during the next dry season in 2024, which is when the structure is scheduled to be demolished. The District has a grant from DWR to help pay for removal of the structure, and that expires at the end of 2024.

I have discussed the options you proposed with staff and now have the following responses.

1. County Repair and Town Lease: Consider making repairs to BB2 structure to allow for public use and lease the property to the Town.

The District purchased the property with District and DWR grant funds for the sole purpose of removing the structure in order to reduce flooding in San Anselmo. The District cannot justify spending additional funds on the repair of a structure that is slated to be demolished. Zone 9 funds are only to be used for flood control purposes, and not to attempt to repair an obstacle to creek flow. Reinforcing the structure would also mean that the District's demolition plans would have to be modified to deal with removal of those reinforcements and it would cost the District more money to remove the structure.

2. Town Repair and Town Lease: Consider allowing the Town to make agreed upon repairs to the BB2 structure and lease the space back to the Town for public use. If the County is willing to pursue this potential approach, Town staff would seek the Town Council's support for funding for the repairs and indemnifying the County for liabilities related to the use of the property.

The District is the owner of BB2 and it was purchased with Zone 9 and DWR grant funds for the purpose of removal. In my capacity as County Engineer I have deemed the structure to be unsafe for public use. In fact, it is being regularly monitored for evidence of movement that could potentially necessitate emergency removal. Even assuming that the structure could be repaired, those repairs would be extensive. They would also take one dry season of forensic excavation and testing, plans drawn up, permits acquired and then any construction in Summer of 2024, which is when the District anticipates demolishing the structure. Even if the District were open to this idea, there is not enough time remaining. And even if there was time, allowing such work would make the demolition more expensive to the District which would not be an acceptable use of District funds. But indemnification is not complete protection and the District, and potentially the County, could be subject to all losses that exceed the Town's capacity to absorb.

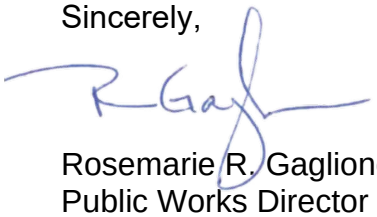
Most importantly, this is about public safety – human life – much more than it is about financial liability. Further, even if the Town were to accept all liability and fund repairs, the District purchased BB2 for the sole purpose of removing the structure to alleviate flooding in the Ross Valley. The District is committed to seeing this project to completion and therefore finds that any repairs to the structure are not in the District or the public's best interest.

3. Sell the Property to Town: Consider the potential sale of the property to the Town with the agreement that the Town sell the property back to the County once construction of the SAFRR project is imminent. If the County is willing to entertain this possible approach. Town staff would seek input from the full Town Council before pursuing a purchase.

Construction of the SAFRR project is imminent. The structure will be demolished no later than October 15, 2024. The DWR grant to the District expires at the end of 2024, and the bridge demolition and removal must be completed by then.

Although this may not be the response you were hoping for, the District is committed to completing the flood mitigation project in San Anselmo and the County and District look forward to continuing to work collaboratively with the Town towards that effort.

Sincerely,



Rosemarie R. Gaglione, P.E.
Public Works Director

CC: Katie Rice, Board of Supervisor, Marin County
Matthew Hymel, CAO Marin County
Jenna Brady, County Council, Marin County
Berenice Davidson, Assistant Director, Marin County
Brain L. Colbert, Town of San Anselmo
Alexis Fineman, Town of San Anselmo
Megan Acevedo, Town of San Anselmo
Sean Condry, Town of San Anselmo
Bruce Ackerman, Town of Fairfax

Steve Burdo
Mayor

Eileen Burke
Vice Mayor

TOWN OF
SAN ANSELMO
EST. 1907

Brian Colbert
Council Member

Alexis Fineman
Council Member

Tarrell Kullaway
Council Member

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

January 13, 2023

Matthew Hymel, County Administrator
County of Marin
3501 Civic Center Drive, Suite 325
San Rafael, CA 94903

Dear Matthew,

First, I want to express my appreciation to you and your team for your willingness to work with the Town of San Anselmo and our ad hoc Town Council subcommittee on potential solutions to restore the Building Bridge 2 (BB2) property and allow for continued public use of the plaza, while supporting the County's efforts to complete the San Anselmo Flood Risk Reduction project (SAFRR).

As stated in our two previous meetings, the closure of the plaza represents a significant loss to the social cohesion and economic vitality in our downtown core.

In anticipation of our next meeting, the Town respectfully requests that the County consider several options/solutions related to reopening the BB2 plaza in downtown San Anselmo. It is understood that any solution that could allow for public use would require significant repairs to the BB2 structure and, given the absence of as-built plans, that any repair plan would include the preliminary step of conducting a forensic examination of the existing structure. Once the information from the examination becomes available, a repair plan can be developed to meet County objectives and allow for public use.

Options for Consideration

1) **County Repair and Town Lease:** Consider making repairs to the BB2 structure to allow for public use and lease the property to the Town.

2) **Town Repair and Town Lease:** Consider allowing the Town to make agreed-upon repairs to the BB2 structure and lease the space back to the Town for public use. If the County is willing to pursue this potential approach, Town staff would seek the Town Council's support for funding the repairs and indemnifying the County for liabilities related to the use of the property.

3) **Sell the Property to Town:** Consider the potential sale of property to the Town with the agreement that the Town sell the property back to the County once construction of the SAFRR project is imminent. If the County is willing to entertain this possible approach, Town staff would seek input from the full Town Council before pursuing a purchase.

We appreciate the County's consideration of these options and we look forward to our upcoming discussion.

Sincerely,

David P. Donery, Town Manager
Town of San Anselmo
525 San Anselmo Avenue
San Anselmo, CA 94960

From:	John Crane
To:	Town Council; Serge Avila; Eileen Burke Contact; Steve Burdo; Alexis Fineman; Tarrell Kullaway; Christa Johnson - Town Manager
Subject:	Comments for March 14, 2023 San Anselmo Town Council Meeting
Date:	Monday, March 13, 2023 2:34:27 PM
Attachments:	image.png $52.1 Million Spetn.png BB2 Expenditures.png RV Z9 update 120722.pdf Town Council San Anselmo 3.13.23.pdf

CAUTION: External Sender

Please add my Comments for March 14, 2023 San Anselmo Town Council Meeting for Council Item:
2. Receive presentation by the Marin County Flood Control District of the status of the San Anselmo Flood Risk Reduction project.

To: Town of San Anselmo Mayor and Town Council
Date: March 13, 2023

RE: HAS $52.1 MILLION BEEN SPENT TO DATE?

If you follow the money, it is clear that the San Anselmo Flood Risk Reduction Project is a disaster. In fact, it may be the biggest boondoggle in Marin County history.

The attached December 7, 2022 Ross Valley Flood Protection and Watershed Program Update shows Z9 flood fee revenues at $56.9Million, Grant Revenue $20.1 Million and expenditures to date at $52.1 Million. (Please see the attached document.)

Ross Valley Program-Flood Zone 9 Fee Revenue and Project Expenses through 2022

Revenue	**$56.9M**
Fee Revenue through FY 22	$36.8M
Grant Revenue	$20.1M
Projected fee revenue FY 23-27	$14.7M
Expenditures to date	**$52.1M**

The Ross Valley Flood Protection and Watershed Program Update was sent to a Supervisor to use as a presentation for a meeting with San Anselmo.
Did the Town Council, Town Staff or the Ad Hoc BB2 committee participate in such a meeting? If so, who was there and when were these numbers presented?

Little to Show for $52.1 Million

$52.1 Million is a huge sum of money, and there are few tangible flood benefits to show for that staggering expenditure. Marin County Flood Control District has spent the bulk of our flood fee money on staff, consultants, and engineering instead of actual construction. Is this acceptable to the Town Council of San Anselmo?

How Much Will BB2 Really Cost? $9.9 Million? Or More?

The update includes a 2023 Project Cost Summary for Building Bridge #2 showing $3.7 Million spent to date (December 7, 2022), and BB2 estimated expenditures at $6.2 Million for a total of $9.9 Million.

In this Summary, only $2 Million is allocated for mitigation. (The actual amount for mitigation is expected to exceed $10 Million or more.)

2023 Project Cost Summary

REMOVAL OF BUILDING BRIDGE #2-EXPENDITURES TO DATE

Building Bridge #2 expenditures to date	
Design*	$1,500,000
Demolition of building	$ 120,000
Purchase	$1,750,000
Tenant Relocation	$ 330,000
	$3,700,000
Building Bridge #2-*estimated* expenditures	
FEMA compliance	$200,000
Construction	$4,000,000
Residential mitigation	$2,000,000
	$6,200,000
Total	**$9,900,000**

*Design amount includes other costs including project management, State and Federal permitting, FEMA process

$9.9 Million for BB 2 is much higher than we have been previously told. Why?

To put it in perspective, Bridge Building 2 is eating up an amount equal to 50% of the grant money, and for the time being, its removal and demolition and installation of the baffles offers no flood remediation whatsoever. Does the Town of San Anselmo believe this course of action makes sense since there is no flood benefit, and there likely won't be for years to come?

County Repeated Promises to Do Mitigation.

Compounding the financial mess, is that the funding for mitigation has not been addressed in a meaningful way with impacted homeowners, businesses, and commercial building owners. For at least 5 years, Marin County Flood Control District has avoided the realities of FEMA mandated mitigation.

I hope you will watch the March 9, 2023 Ross Town Council meeting, so you can hear and see Marin County Flood Control District presenters reaching for plausible explanations for past failures, and unconvincingly suggesting that they will do better in the future. Based on past experiences there is no reason to trust or believe that they will follow through in the future. Do they actually have the ability to design, fund and implement mitigation given the complexity of this undertaking?

At the Ross Town Council meeting, Berenice Davidson repeatedly promised that mitigation would be done. That is a step in the right direction, but does the Town of San Anselmo believe the District can make good on these promises?

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https://www.youtube.com/watch?v=uc4LHekgoU4

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Here are some factors to consider:

1. The number of known homes in need of potential mitigation is at least 19 or 20.

2. There are many more homes downstream of Sir Francis Drake Bridge that are not included in SAFRR mitigation. The District insists that the SAFRR project ends at Sir Francis Drake Bridge, but we all know the creek keeps on flowing.

3. The number of businesses needing mitigation has not been factored in, but we have been told that commercial office buildings with piers in the creek will need mitigation.

Is There Funding for Mitigation or Not?

Before retiring Liz Lewis, told the Board of Supervisors that *"additional funding"* was needed for mitigation. More recently Director Gaglione told the Board of Supervisors that: *"we do have a grant from the Department of Water Resources to do the work of removal, of installing the baffles if that is necessary, and then for all the mitigation work that is required."*

Who do you believe, Liz Lewis or Rosemarie Gaglione? It is reasonable to ask if the mitigation costs are unknown, how can MCFCD know how much funding is needed?

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The requirements for Grant 4600012362 include the basic condition that "Grantee demonstrates the availability of sufficient funds to complete the Project…"

Here is what the Grant says:

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   A. Grantee demonstrates the availability of sufficient funds to complete the Project, as stated in the Commitment Letter, by submitting the most recent three (3) years of audited financial statements.

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At the very least, the Town of San Anselmo should demand that proof of funding for mitigation be provided and that mitigation will be implemented. This has to happen before any additional work is done on SAFRR, and before BB2 is removed.

Demolishing Bridge Building 2 to avoid paying back a grant while spending millions of dollars more on a flawed and unworkable project is not a prudent and responsible plan. It will simply lead to additional fiscal irresponsibility on the Marin County Flood Control District's behalf.

Circumventing FEMA “no-rise” regulation, as suggested by some, is not a solution as it will only put the Town of San Anselmo in legal jeopardy and eventually costly legal battles. FEMA is there to protect people from misguided actions by others.

Pursuing SAFRR to avoid paying back a grant is unacceptable; removing BB2 installing a baffle while getting no flood benefit is ridiculous; and trying to get around mitigation as required by FEMA is wrong, and harming residents in the process is morally reprehensible and legally irresponsible. It is also against the “Do No Harm Policy.”

Do the math. The Marin County Flood Control District flood plan does not add up, does not deliver and does not provide the benefits we were promised.

And it has been a horrendous waste of $52.1 Million. The people who are responsible should be held accountable for their actions.

Respectfully,
John Crane
86 Sir Francis Drake Boulevard, Ross, CA

John Crane Films
415.847.5054
email: johncranefilms@gmail.com



Ross Valley Flood Protection and Watershed Program Update

DECEMBER 07, 2022



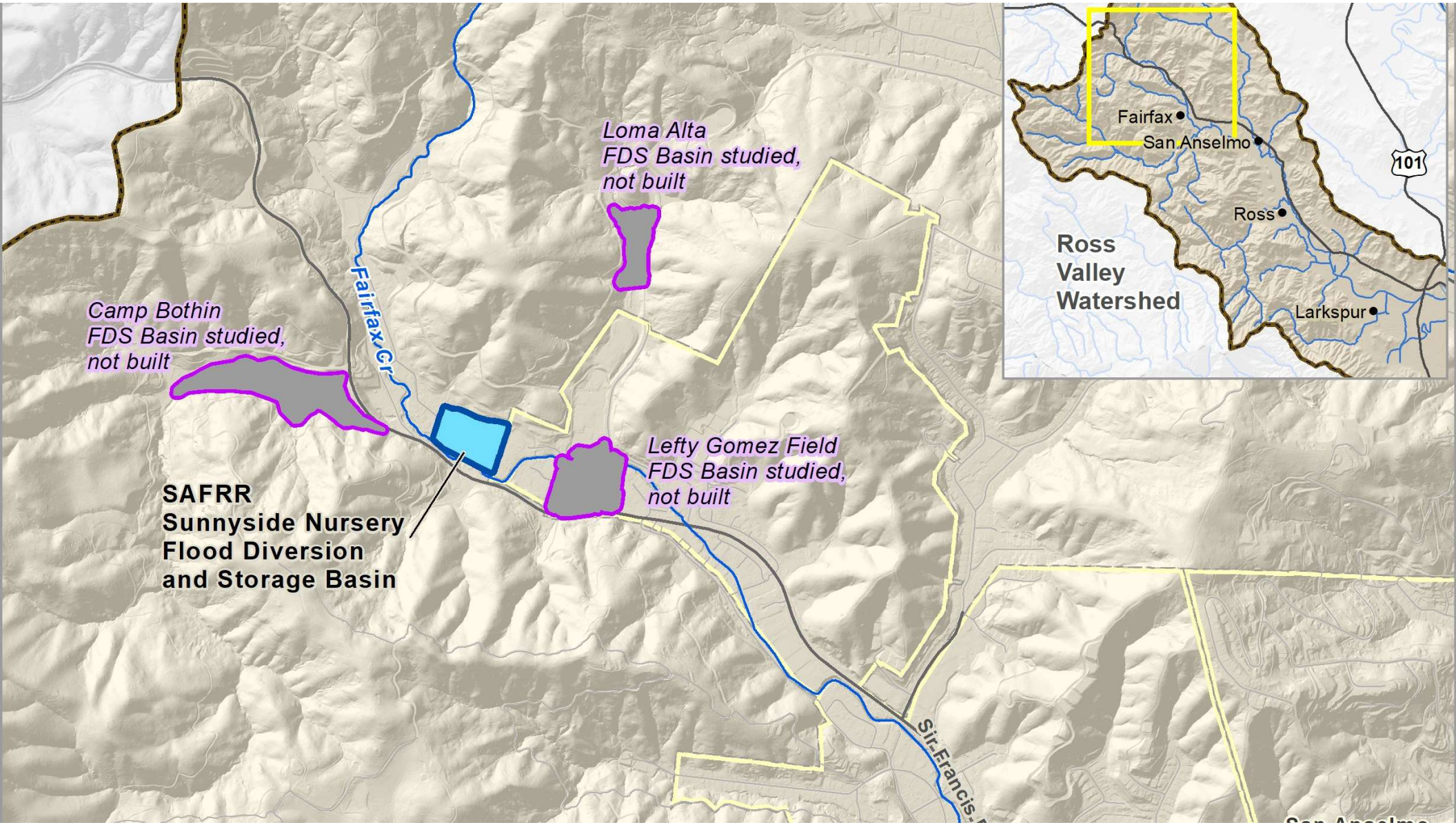
MarinFloodDistrict.org
Contact us: 415-473-6528
bdavidson@marincounty.org

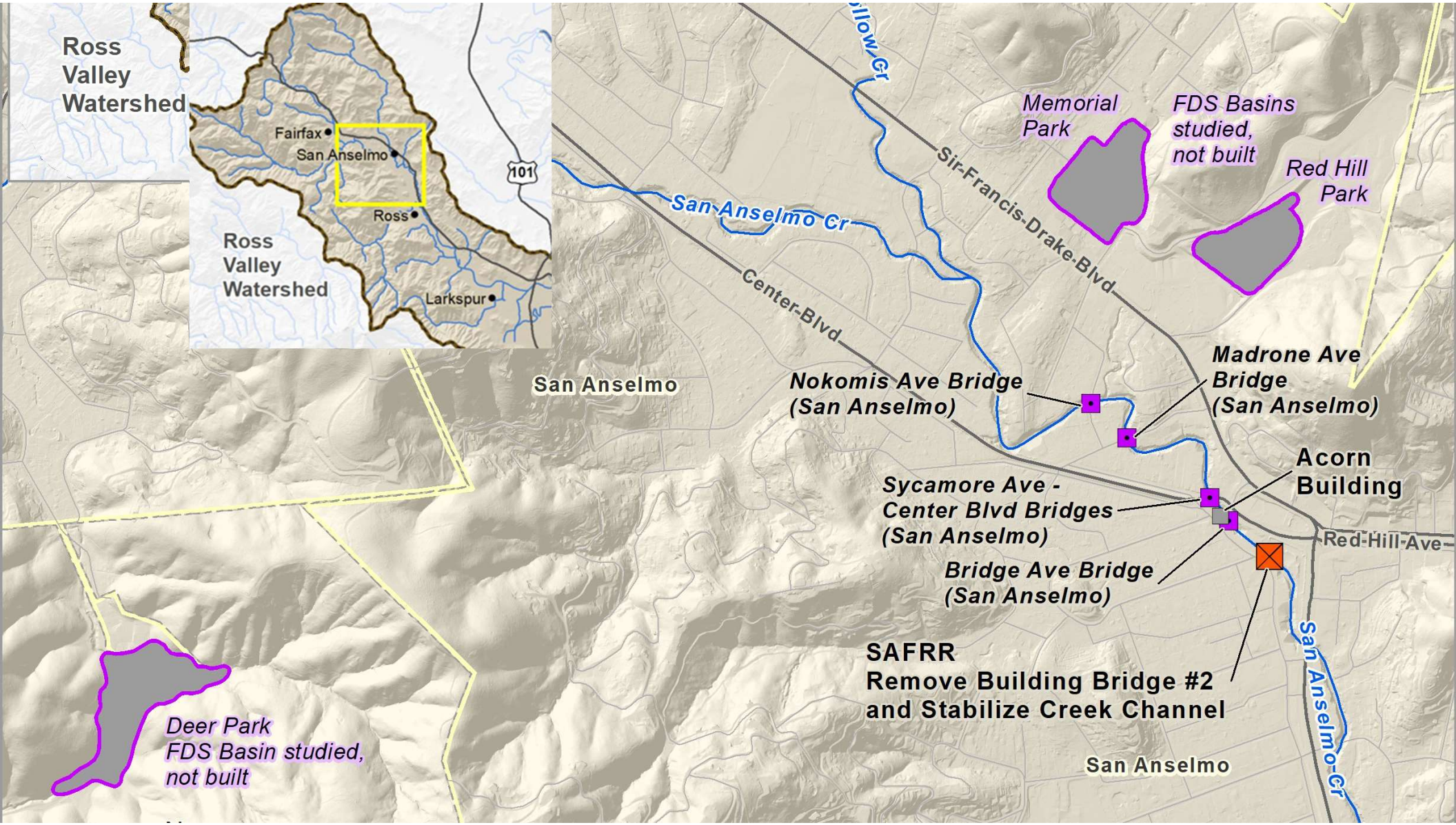
Agenda

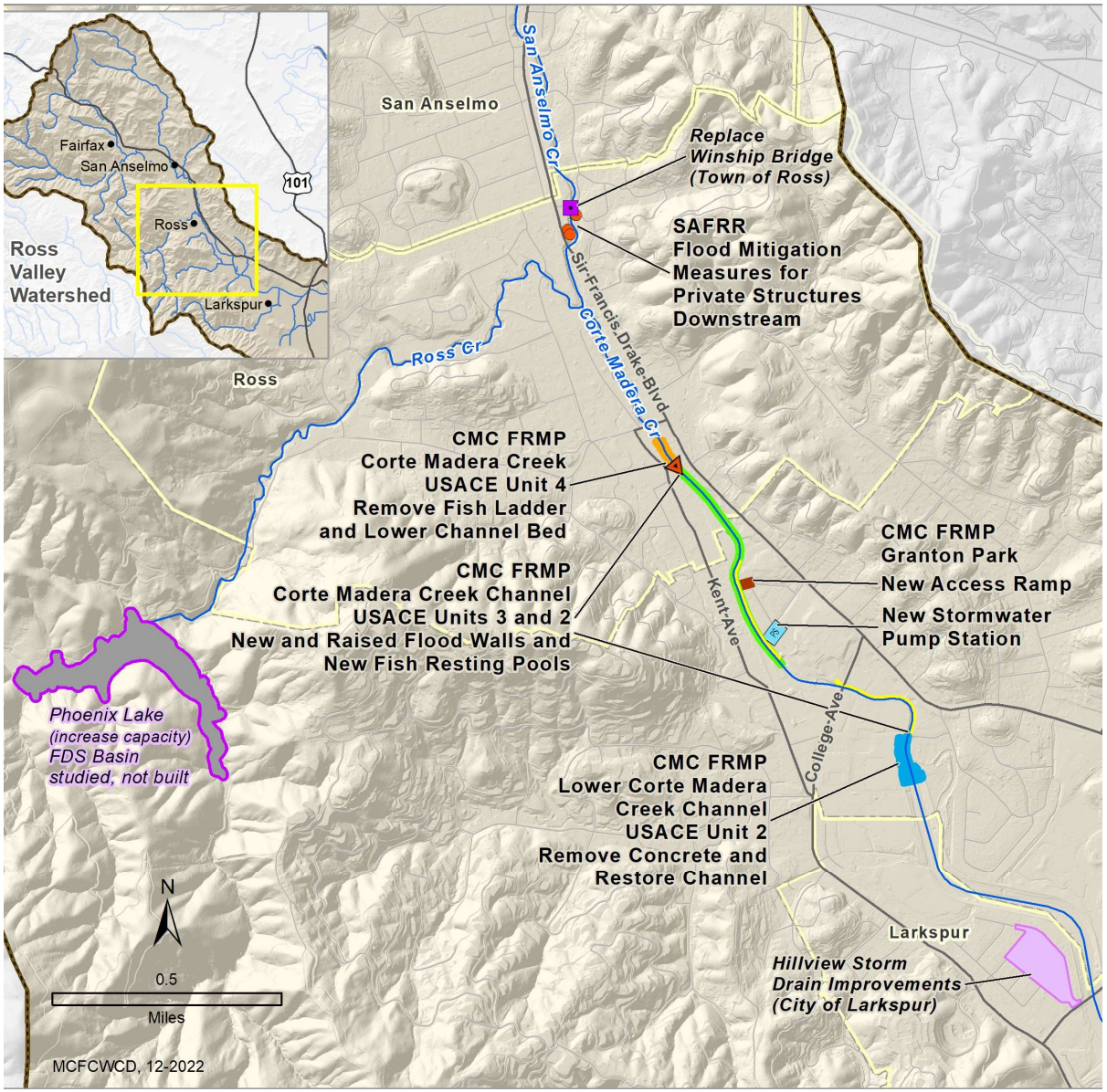
- Overview of District funding and projects (10 minutes)
- Discussion: Bridge removal project within next year -Is this a shared goal? (20 minutes)
- If we have agreement on shared goal, what are the next steps to make it happen? (20 minutes)
- Planning for future meetings? (10 minutes)

Ross Valley Program-Flood Zone 9 Fee Revenue and Project Expenses through 2022

Revenue	**$56.9M**
Fee Revenue through FY 22	$36.8M
Grant Revenue	$20.1M
Projected fee revenue FY 23-27	$14.7M
Expenditures to date	**$52.1M**
Work Plan-Flood Risk Reduction Projects	$40.4M
Creek Maintenance Funding: Towns and County	$1.0M
Engineering and Feasibility Studies ❑ Lefty Gomez Basin ❑ Loma Alta Basin ❑ Deer Park Basin ❑ Memorial Park Basin ❑ Lower Sleepy Hollow Creek improvements ❑ Phoenix Lake Dual Purpose	$10.7M


Loma Alta
FDS Basin studied,
not built
Camp Bothin
FDS Basin studied,
not built
Fairfax Cr
Lefty Gomez Field
FDS Basin studied,
not built
SAFRR
Sunnyside Nursery
Flood Diversion
and Storage Basin
Sir Francis
Fairfax
San Anselmo
Ross
Larkspur
101
Ross
Valley
Watershed


Ross
Valley
Watershed
Fairfax
San Anselmo
Ross
Larkspur
101
Ross
Valley
Watershed
Memorial
Park
FDS Basins
studied,
not built
Red Hill
Park
San Anselmo Cr
Sir-Francis-Drake-Blvd
Center-Blvd
San Anselmo
Nokomis Ave Bridge
(San Anselmo)
Madrone Ave
Bridge
(San Anselmo)
Acorn
Building
Sycamore Ave -
Center Blvd Bridges
(San Anselmo)
Red-Hill-Ave
Bridge Ave Bridge
(San Anselmo)
SAFRR
Remove Building Bridge #2
and Stabilize Creek Channel
San Anselmo
San Anselmo Cr
Deer Park
FDS Basin studied,
not built


Ross Valley Watershed
Fairfax
San Anselmo
Ross
Larkspur
101
San Anselmo
San Anselmo Cr
Replace Winship Bridge (Town of Ross)
SAFRR Flood Mitigation Measures for Private Structures Downstream
Sir Francis Drake Blvd
Corte Madera Cr
Ross Cr
Ross
CMC FRMP Corte Madera Creek USACE Unit 4 Remove Fish Ladder and Lower Channel Bed
CMC FRMP Corte Madera Creek Channel USACE Units 3 and 2 New and Raised Flood Walls and New Fish Resting Pools
CMC FRMP Granton Park New Access Ramp
New Stormwater Pump Station
Kent Ave
College Ave
Phoenix Lake (increase capacity) FDS Basin studied, not built
CMC FRMP Lower Corte Madera Creek Channel USACE Unit 2 Remove Concrete and Restore Channel
Larkspur
Hillview Storm Drain Improvements (City of Larkspur)
N
0.5
Miles
MCFCWCD, 12-2022

2023 Project Cost Summary

REMOVAL OF BUILDING BRIDGE #2-EXPENDITURES TO DATE

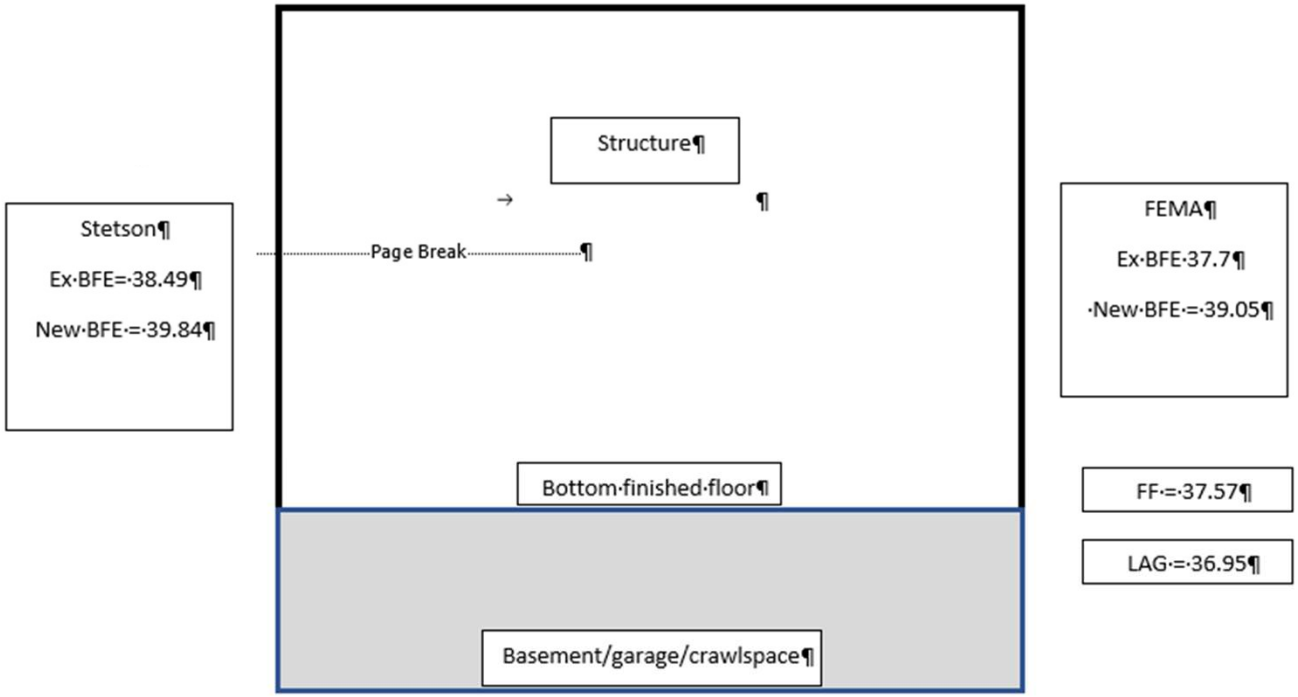
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Recommended Next Steps

FEMA Compliance

- ❑ Letter to FEMA from Ross, San Anselmo and County requesting written feedback on flood mitigation measures and next steps
- ❑ Forgo baffle and current MT-2 application
- ❑ Complete FEMA process


Structure¶
¶
Stetson¶
Ex·BFE=·38.49¶
New·BFE·=·39.84¶
Page Break¶
FEMA¶
Ex·BFE·37.7¶
·New·BFE·=·39.05¶
Bottom·finished·floor¶
FF·=·37.57¶
LAG·=·36.95¶
Basement/garage/crawlspace¶

To: Town of San Anselmo Mayor and Town Council
Date: March 13, 2023

RE: HAS $52.1 MILLION BEEN SPENT TO DATE?

If you follow the money, it is clear that the San Anselmo Flood Risk Reduction Project is a disaster. In fact, it may be the biggest boondoggle in Marin County history.

The attached December 7, 2022 Ross Valley Flood Protection and Watershed Program Update shows Z9 flood fee revenues at $56.9Million, Grant Revenue $20.1 Million and expenditures to date at $52.1 Million. (Please see the attached document.)

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The Ross Valley Flood Protection and Watershed Program Update was sent to a Supervisor to use as a presentation for a meeting with San Anselmo. Did the Town Council, Town Staff or the Ad Hoc BB2 committee participate in such a meeting? If so, who was there and when were these numbers presented?

Little to Show for $52.1 Million

$52.1 Million is a huge sum of money, and there are few tangible flood benefits to show for that staggering expenditure. Marin County Flood Control District has spent the bulk of our flood fee money on staff, consultants, and engineering instead of actual construction. Is this acceptable to the Town Council of San Anselmo?

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Respectfully,
John Crane
86 Sir Francis Drake Boulevard, Ross, CA

From: William Maly
To: Town Council
Subject: Town Council March 14, 2023, Agenda Item #2: San Anselmo Flood Risk Reduction Project
Date: Sunday, March 12, 2023 2:35:28 PM

CAUTION: External Sender

Dear Mayor Burdo, Vice Mayor Burke, and Council Members Colbert, Fineman, and Kullaway,

I am a San Anselmo resident with a home on Barber Avenue. Although my property is bordered by San Anselmo Creek, it has never been threatened with flooding, and I doubt it ever will no matter what happens upstream. Nonetheless, I am keenly interested in the San Anselmo Flood Risk Reduction project and want to offer my thoughts related to Item 2 on the Town Council's March 14, 2023, agenda.

I am dismayed by the passions focused on the bark-covered slab with picnic tables that was created as a temporary measure after the demolition of a much-loved restaurant in our downtown. The calls for preserving this temporary space are a mindless distraction—or a short-sighted red herring—that diverts attention from the vastly more important issue: How do we make sure that San Anselmo's downtown businesses are less susceptible to future flooding, and how do we solve this problem without increasing flooding risks to downstream property owners.

For all the time and money spent on trying to figure out how to mitigate flooding in the Ross Valley, we keep bumping into obstacles. There are so many stakeholders and interests, and such poor coordination and communication.

Please prod Flood Control District and other county officials to get their act (and needed funding) together and expeditiously implement a plan based on sound science that will reduce both downtown and downstream flooding risks. If credible engineering studies say that the existing bridge structure poses a safety risk, then let's not stand in the way of it being torn down. And let's accept its replacement with a temporary baffle if that is what it takes to meet FEMA's sensible requirement to not make changes that could increase downstream creek levels. Hopefully the baffle will be just a short-term fix—and hopefully the existing eyesore next to Creekside Pizza will soon be replaced with an expanded Creek Park with an uncovered, natural, free-flowing stream that people can enjoy as they walk along San Anselmo Avenue.

Thank you for your time and consideration.

William Maly
70 Barber Avenue
San Anselmo

San Anselmo Flood Risk Reduction Project Update

MARIN COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

TOWN OF SAN ANSELMO PRESENTATION

MARCH 28, 2023

Rosemarie Gaglione, PE
Public Works Director
District Engineer

Berenice Davidson, PE
Public Works Assistant Director
Floodplain Administrator

Agenda

- Ross Valley Program History
- SAFRR Project Overview
- SAFRR Project Timeline
- SAFRR Project Budget
- Sunnyside Detention Basin
- Building Bridge 2 Removal

Ross Valley Program History

- Fee Measure Passed 2007
- Work Plan adopted in 2012 - Designed to reduce flood risk in the Valley
- Included multiple detention basins, channel improvements, removal of obstructions and habitat restoration.
  - Memorial Park Detention Basin
  - Phoenix Lake
  - Lefty Gomez and others
- Most of the detention basin locations were removed due to public opposition or technical concerns.
- Deletion of these basins contribute the need for added mitigations.

San Anselmo Flood Risk Reduction Project Overview

SAFRR Project Elements

- Sunnyside Nursery Flood Diversion and Storage Basin - Fairfax
  - Divert peak flows from creek

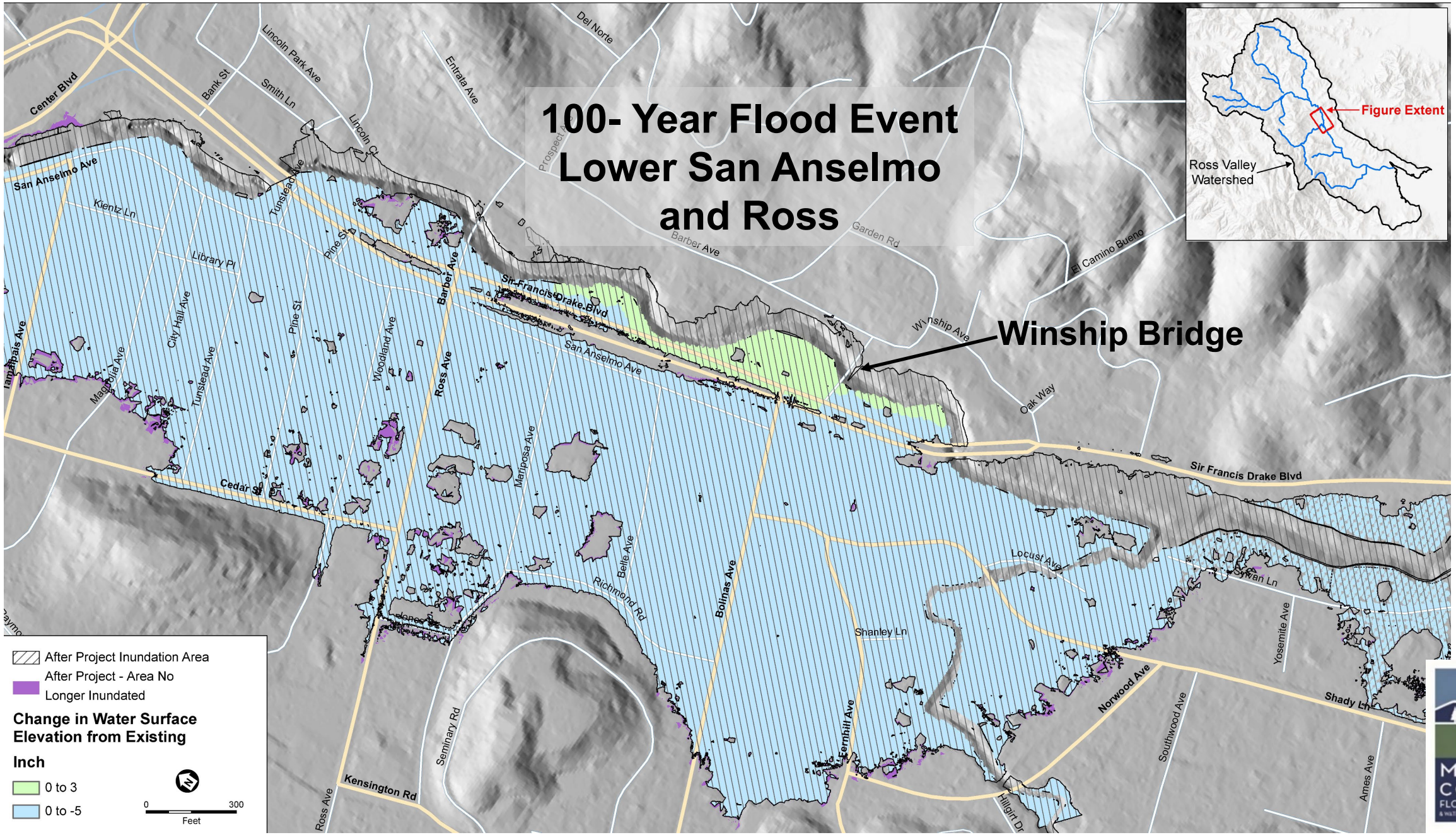
- Building Bridge 2 Removal – San Anselmo
  - Remove obstruction from creek
  - Reduce localized flooding

- Creek Improvements in Creekside Park and next to Basin
  - Increase creek capacity & bank stability
  - Enhance fish habitat

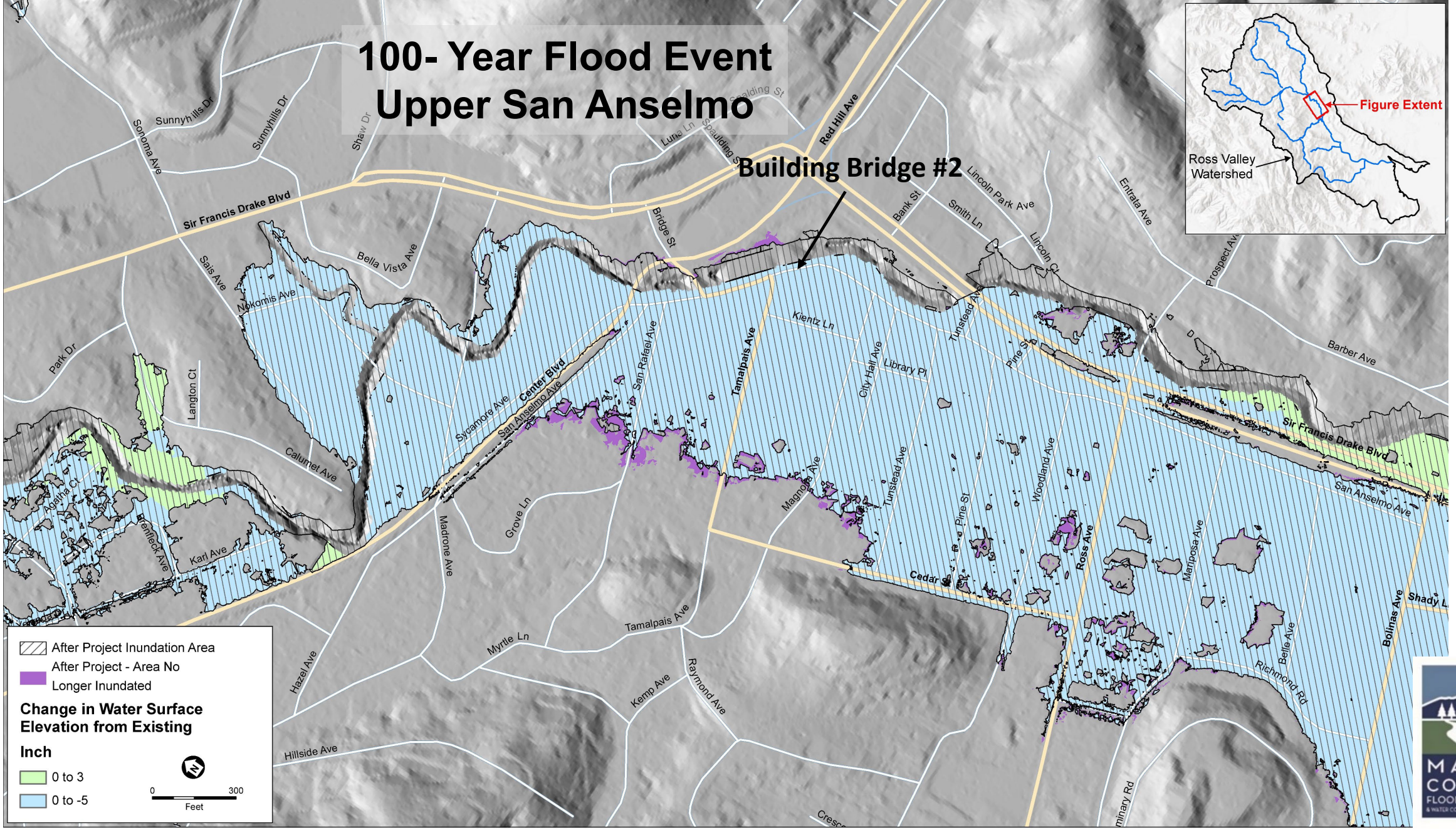
SAFRR Project Benefits and Impacts

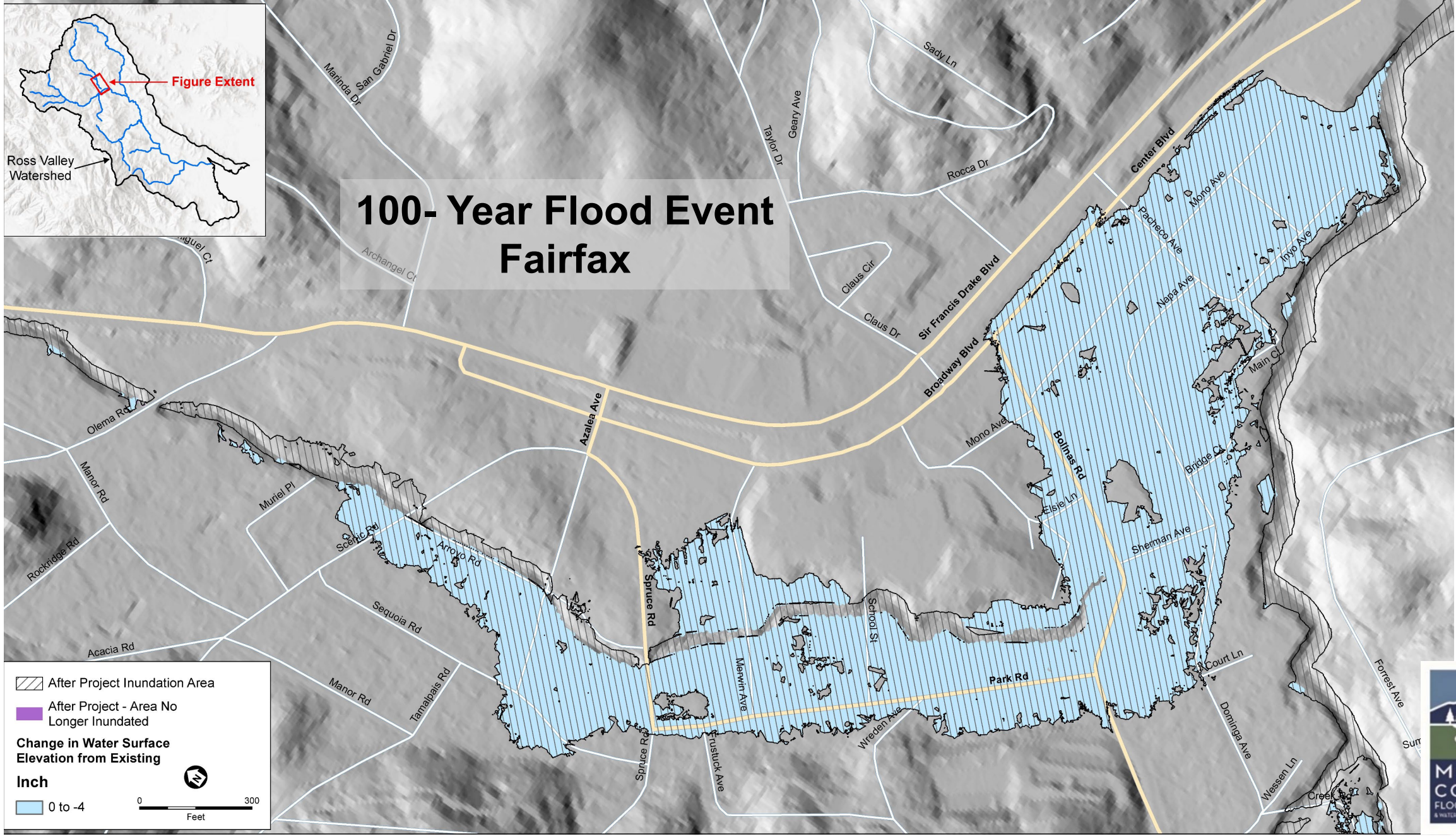
SAFRR Final EIR - Table 3-1
Modeled Project Outcomes on Parcels Affected by Flooding

Flood Risk Change by Number of Parcels	10-year event	25-year event	100-year event
Removed from Inundated Area	300	20	10
Decreased Inundation Depth	230	615	470
Added to Inundated Area or Increase in Depth	0	20	20
Total with Reduced Flood Risk	*530*	*635*	*480*
Total with Increased Flood Risk	*0*	*20*	*20*


100- Year Flood Event
Lower San Anselmo
and Ross
Winship Bridge
Figure Extent
Ross Valley
Watershed
After Project Inundation Area
After Project - Area No
Longer Inundated
Change in Water Surface
Elevation from Existing
Inch
0 to 3
0 to -5
0
300
Feet
Center Blvd
San Anselmo Ave
Kientz Ln
Bank St
Lincoln Park Ave
Smith Ln
Lincoln Ct
Del Norte
Entrata Ave
Prospect
Barber Ave
Garden Rd
El Camino Bueno
Winship Ave
Sir Francis Drake Blvd
Tunstead Ave
Pine St
Library Pl
City Hall Ave
Woodland Ave
Ross Ave
Magnolia Ave
Cedar St
Mariposa Ave
Bolinas Ave
Belle Ave
Richmond Rd
Oak Way
Locust Ave
Sylvan Ln
Shanley Ln
Fernhill Ave
Norwood Ave
Southwood Ave
Yosemite Ave
Shady Ln
Ames Ave
Seminary Rd
Kensington Rd
Hillgirt Dr

100- Year Flood Event
Upper San Anselmo




Figure Extent
Ross Valley Watershed
100- Year Flood Event
Fairfax
Marinda Dr
San Gabriel Dr
Sady Ln
Geary Ave
Taylor Dr
Rocca Dr
Center Blvd
Mono Ave
Pacheco Ave
Inyo Ave
Napa Ave
Claus Cir
Claus Dr
Sir Francis Drake Blvd
Broadway Blvd
Main Ct
Olema Rd
Azalea Ave
Mono Ave
Bolinas Rd
Bridge Ct
Elsie Ln
Sherman Ave
Manor Rd
Muriel Pl
Scenic Rd
Arroyo Rd
Rockridge Rd
Spruce Rd
School St
Merwin Ave
Park Rd
Court Ln
Sequoia Rd
Acacia Rd
Manor Rd
Tamalpais Rd
Wreden Ave
Frustuck Ave
Dominga Ave
Wessen Ln
Forrest Ave
After Project Inundation Area
After Project - Area No Longer Inundated
Change in Water Surface Elevation from Existing
Inch
0 to -4
0
300
Feet
MARIN COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

SAFRR Project Timeline

Sunnyside Detention Basin

- Construction – Completed 2022
- Environmental Mitigation Planting – Spring/Summer 2023

Building Bridge 2 Removal

- CEQA and Permits Complete (may need minor revision)
- Design – 90 % Complete
- FEMA - In progress
- Private Property Mitigation – Pending
- Construction – Summer 2024

SAFRR Project Budget: Cost

Description	Encumbered and/or Spent	Estimated Remaining	Total
Detention Basin Design Costs	$2,700,000	-	$2,700,000
Detention Basin Construction	$6,400,000	-	$6,400,000
BB2 Design Costs	$1,000,000	-	$1,000,000
BB2 Construction	$100,000	$3,200,000	$3,300,000
SAFRR Real Estate Cost	$5,600,000	$400,000	$6,000,000
SAFRR Staff Labor Costs	$1,400,000	$600,000	$2,000,000
SAFRR Environmental Costs	$1,400,000	-	$1,400,000
SAFRR Offsite Environmental Mitigation Costs	-	$ 200,000	$200,000
Other Costs (1)	$100,000	-	$100,000
SAFRR Structural Mitigation ***(Place Holder)***	-	$3,000,000	$3,000,000
Total SAFRR Project Costs	**$18,700,000**	**$7,400,000**	**$26,100,000**

MARIN COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

SAFRR Project Budget: Revenue

Revenue Source	Amount
State Department of Water Resources Grant	$8,720,500
Flood Zone 9 Fee (Required DWR Grant Match)	$8,720,500
Additional Zone 9 contribution (2)	$6,400,000
Total Revenue Available for SAFRR	**$23,841,000**
NOTES: 2. Approximately half of fee revenue FY 2023-2027, the rest needed for Corte Madera Creek Flood Risk Management Project contribution	

Anticipated Additional Revenue Needs: $2.3M

District staff are working on a grant application for the FEMA Hazard Mitigation Grant Program to close the funding gap.

Sunnyside Nursery Flood Diversion and Storage Basin

Purpose: Detain creek flow during five year event to reduce flood risk downstream (downtown Fairfax)

Status:

- Fully operational
- Off-site environmental mitigation
- Plantings planned along San Geronimo Creek
- Winter 2022/23 storms did not require or result in detention
- Starts to fill after Fairfax alarm



Location: 3000 Sir Francis Drake Blvd, Fairfax

MARIN COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

BB2 Removal Project: Why Removal?

- The bridge is a substantial obstruction to creek flow
  - 60 feet long by 90 feet wide
  - Low beams below top of creek bank
  - Concrete footings in the stream channel
- Removal allows more flood water to remain in creek channel
- 80 to 100 years old, signs of extreme deterioration
- Unsafe for public use

Building Bridge 2 Removal Project

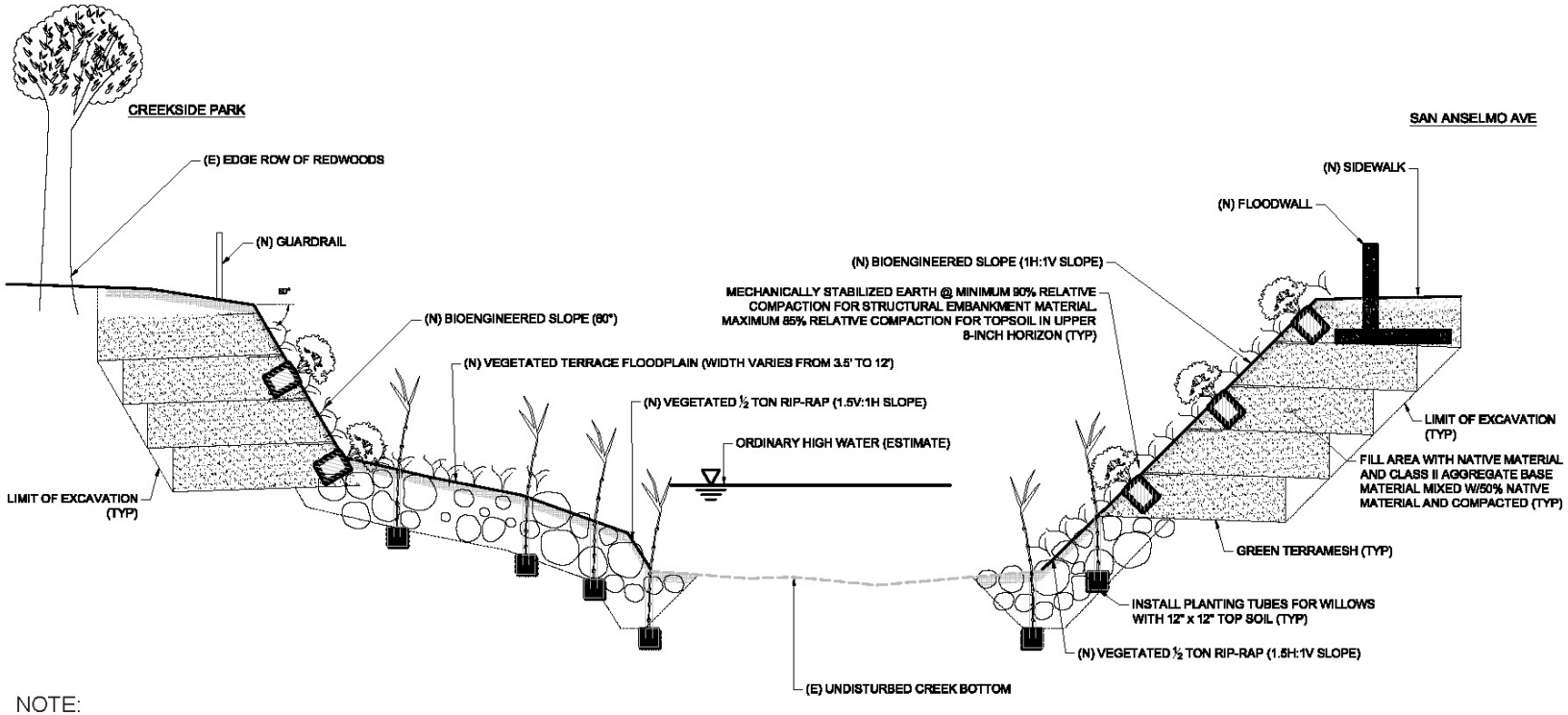




Building Bridge 2 Removal Project: Creek Restoration & Creekside Park Integration

- **Channel Restoration:** Remove bridge and restore to natural channel and replant with willow trees and native shrubs
- **Channel Reinforcement:** Remove and replace right bank channel wall to preserve adjacent Town park area
- **Pedestrian Bridge:** Construct abutment walls for pedestrian bridge
- **Wooden Observation Structure**: Remove and replace wooden observation deck
- **Ramp to the Creek:** Reconstruct maintenance path to creek
- **Floodwall Benches:** Install concrete benches to act as flood walls along San Anselmo Avenue

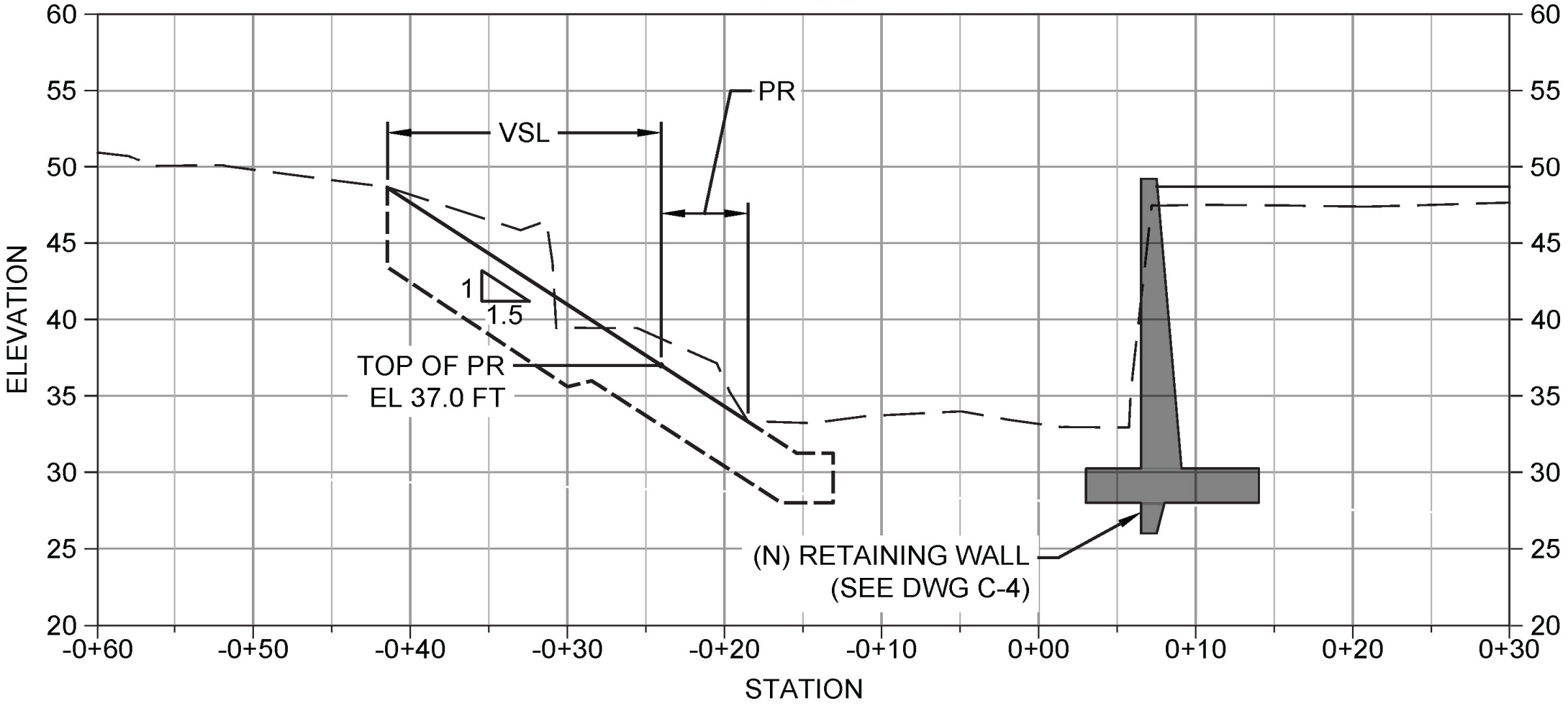
Building Bridge 2 Removal Project: Left Bank Creek Restoration & Park Integration



NOTE:
(N) New structures or features
(E) Existing structures or features
(TYP) Typical example of structure or feature
V:H Vertical to horizontal

Not to scale

Section: Channel Reinforcement: New Wall Right Bank



Building Bridge 2 Removal Project: Status

- Purchased the property (former Lappart Restaurant) for removal with District and DWR Grant Funds
- Upper building removed in 2019
- Completed 90% plans
- Certified CEQA EIR, minor update will be required
- Acquired permits, may need refinements

Building Bridge 2 Removal: Next Steps

FEMA Coordination

- District & FEMA - Review District Model and Mitigation Approach
- District - Prepare and Submit Conditional Letter of Map Revision (CLOMR)
- FEMA - Review of Model (after this Construction can proceed)
- FEMA - Floodplain Remapping Public Outreach (independent of BB2 Project)

Permits and Environmental

- Permits - Natural Resources Updates
- CEQA Addendum (ESA)
- Building Permits - SA

Private Property Mitigation

- Review Survey & Update as needed
- Private Property Outreach
- Work with Property Owners to Mitigate

Design and Construction

- Finalize Design
- Bidding and Contract Award
- Construction (Summer 2024)

MARIN COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

Options

PLAN A – REMOVE BB2 & MITIGATE PRIVATE PROPERTIES

- Preferred Option
- Full benefits of project achieved at completion of construction
- Implement mitigations required by FEMA & CEQA before beginning with BB2 removal
- Timing of Winship Bridge Project by Ross influences CEQA and mitigations required

PLAN B - REMOVE BB2 & INSTALL BAFFLE

- Back up plan
- Baffle alternative creates a restriction that keeps the flow in the creek the same as the bridge did before its removal
- This creates a “no rise” condition, meaning no change in water surface elevation
- The baffle alternative would give us time to implement mitigations for down stream private properties while removing the structurally compromised bridge and meeting grant deadlines.

MARIN COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

What is a Creek Model?

- A model is a way to describe an event or process mathematically.
It uses various equations that describe discreet responses and puts them all together.
- We model creeks, traffic flow, structural resistance to earthquakes and more
- Creek models are complex, as they must take into account the slope and roughness of surfaces, the intensity of rainfall and any built elements that hinder or help flow and more
- Our ability to build more accurate models improves with advances in computer software and surveying equipment
- The District Model has been validated using the 2005 storm highwater marks
- The current flood maps are based on the existing FEMA Model, which is an older model

MARIN COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

Private Property Mitigations

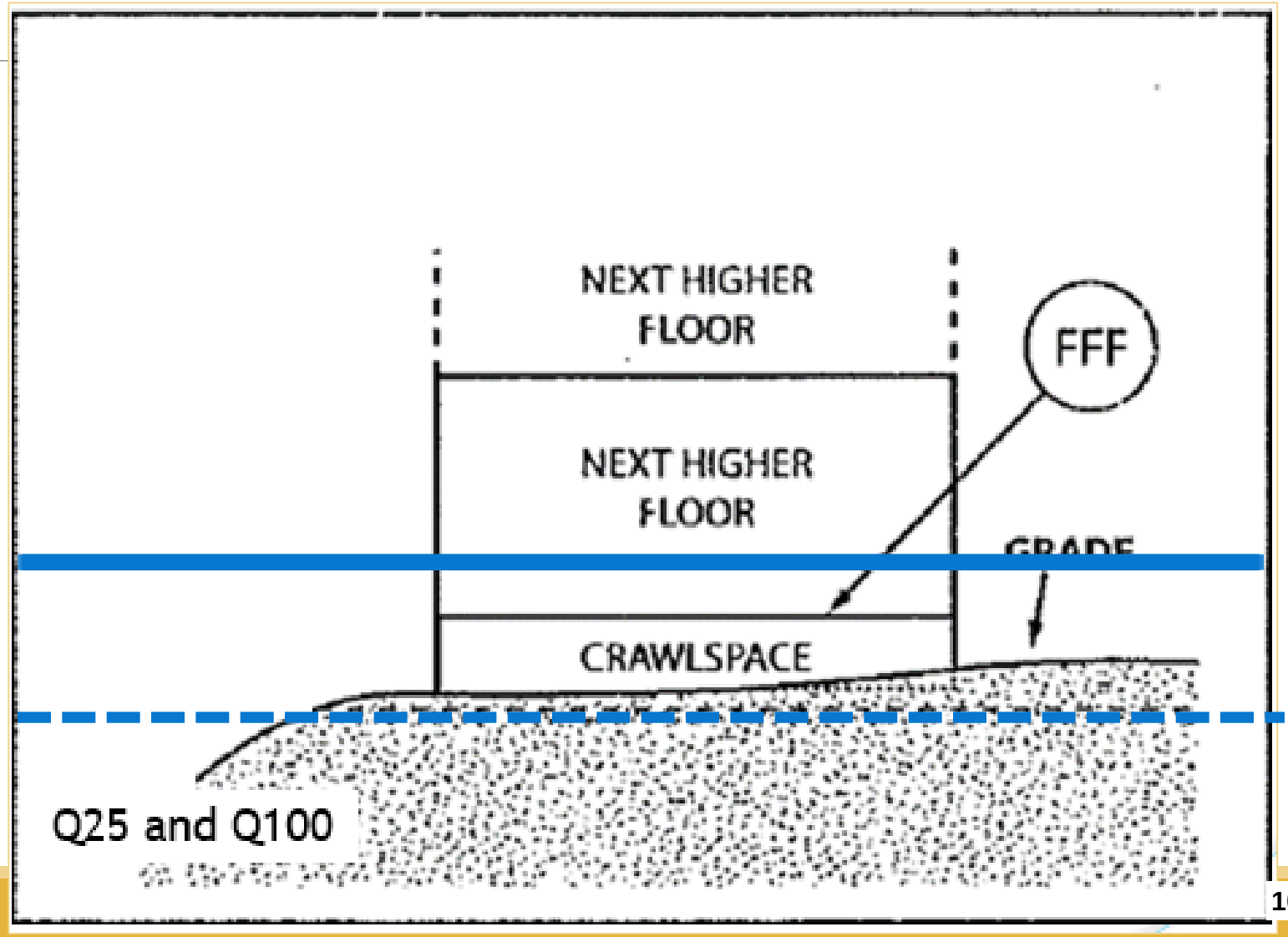
- Role of FEMA, District, Cities and Towns
- Types of Mitigations being considered:
  - Home elevation
  - Flood proofing
  - Raise mechanical equipment



Mitigation: Elevate Home

After Project WSE

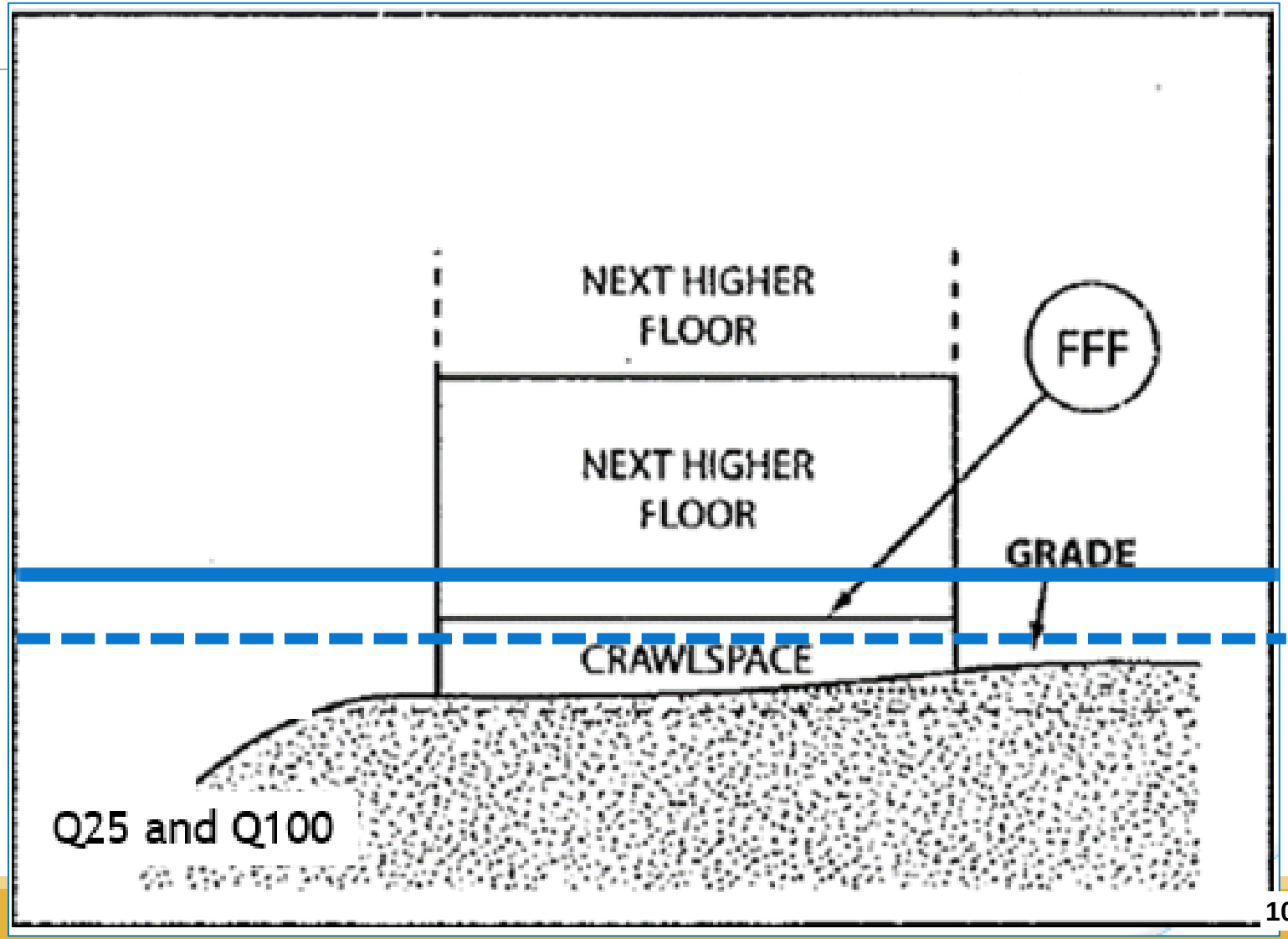
Before Project WSE



Mitigation: Elevate Home

After Project WSE

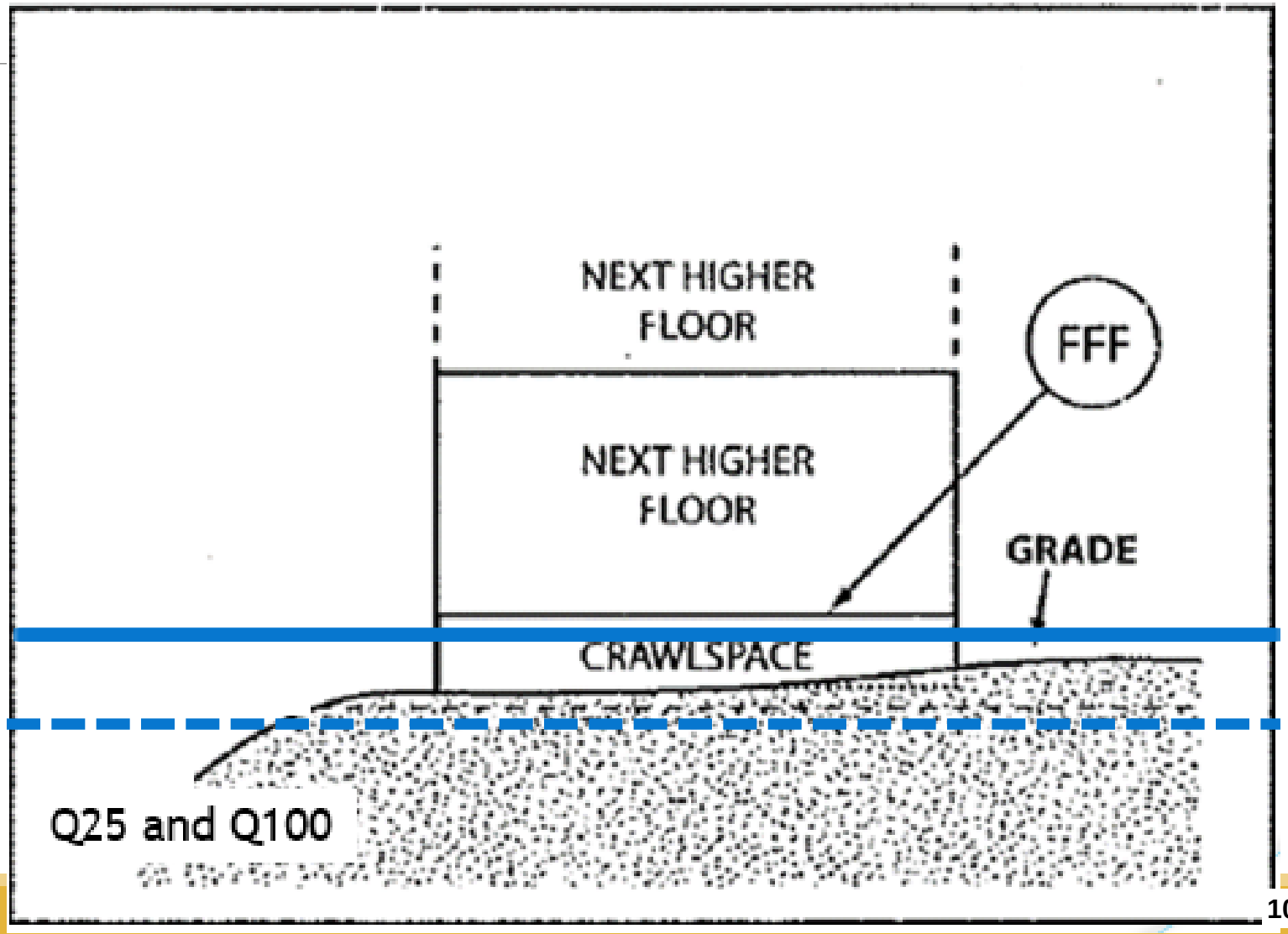
Before Project WSE



Mitigation: Move Mechanicals

After Project WSE

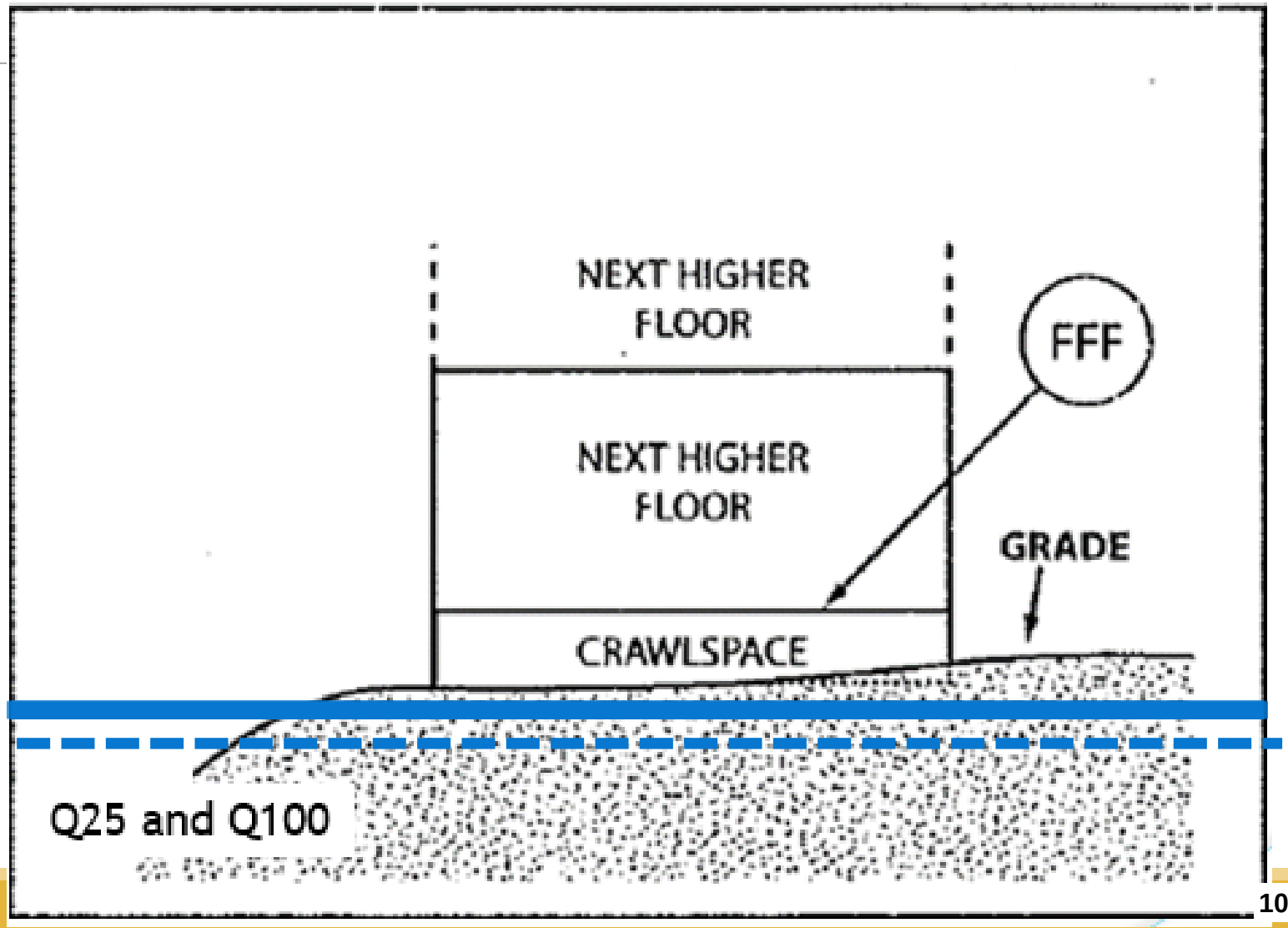
Before Project WSE



Mitigation: No Mitigation

After Project WSE

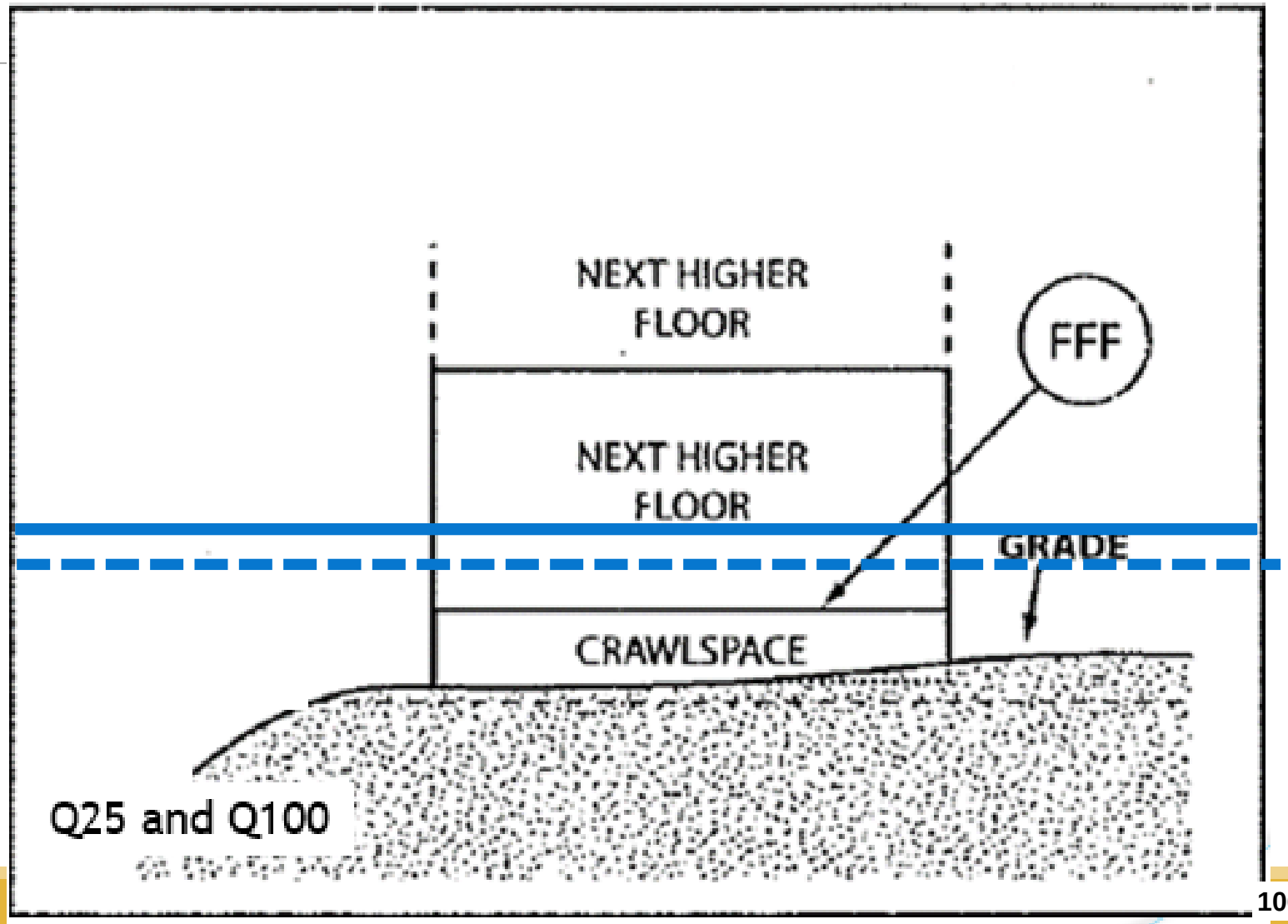
Before Project WSE



Mitigation: No Mitigation

After Project WSE

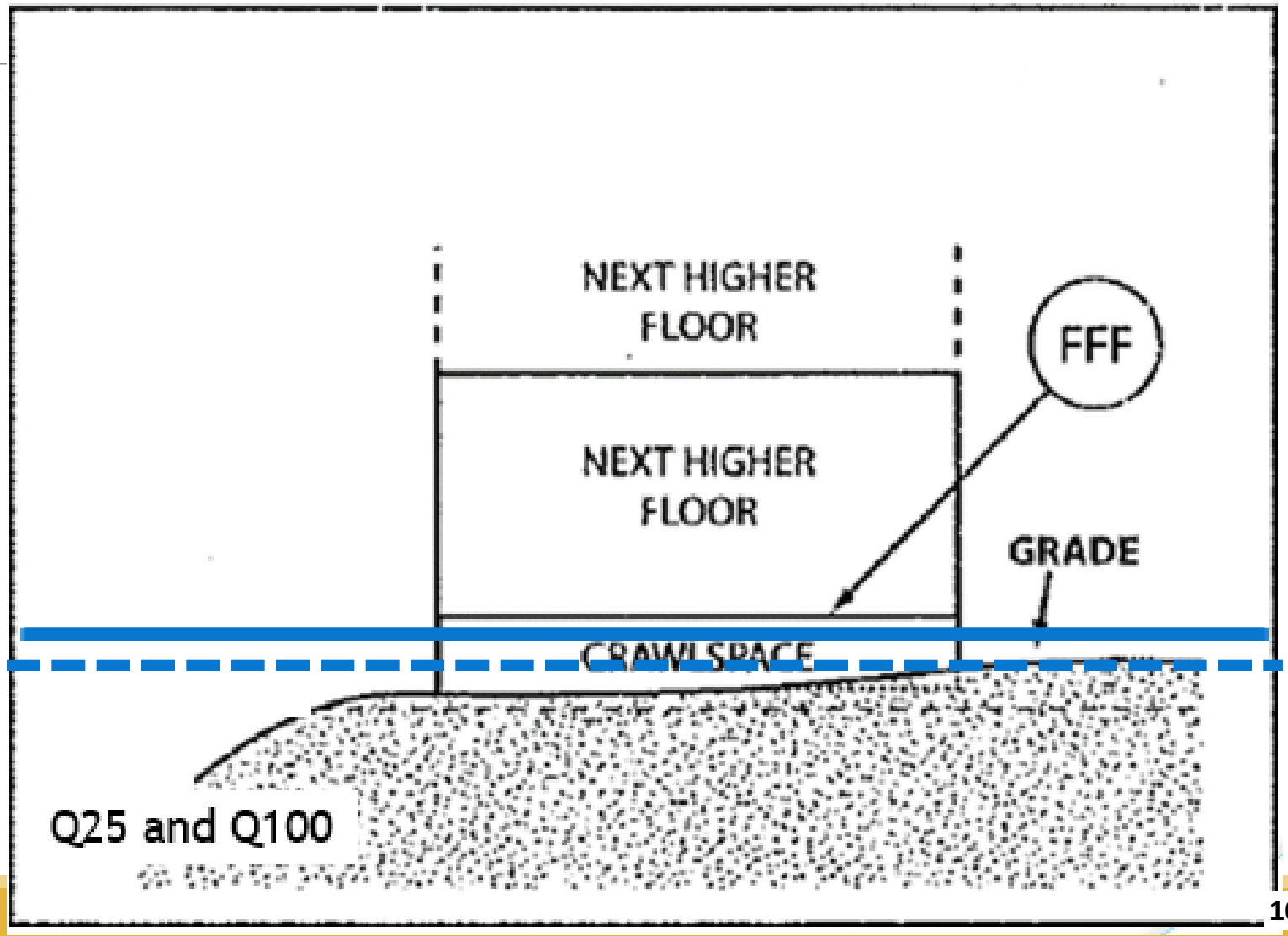
Before Project WSE



Mitigation: No Mitigation

After Project WSE

Before Project WSE



Summary

- Building Bridge 2 is a major creek obstruction and contributes to flooding.
- Building Bridge 2 will be removed summer 2024.
- Removal Project will facilitate construction of San Anselmo's Creekside Park.
- Removal Project will enhance creek channel and improves fish habitat.
- 480 parcels will see a flood risk reduction benefit once it is removed.
- Mitigation measures will be implemented for affected parcels in conformance with FEMA, local Floodplain Ordinance and the Environmental Impact Report.
- Temporary baffle is an option to preserve grant funding.

MARIN COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

Questions?

TO: TOWN COUNCIL March 28, 2023 **Item #:** 3.

FROM:
Sean Youra, Climate Action Coordinator; Megan H. Acevedo, Town Attorney

SUBJECT:
Introduce an Ordinance Amending the Town's Single-Use Foodware Regulations and Approve an Agreement with the County for Enforcement of those Regulations

RECOMMENDATION

1. Introduce by title only and waive further reading of the proposed Ordinance regulating single-use foodware and foodware accessories (Attachment 1).
2. Authorize the Town Manager to execute the Agreement Between County of Marin and Town of San Anselmo Regarding Enforcement of the Foodware Ordinance (Attachment 2).

BACKGROUND

On November 28, 2018, the Town Council adopted Ordinance 1129 to regulate single-use foodware. The Ordinance supported the Town's zero-waste and environmental goals by reducing the use of single-use plastic foodware in the Town that often ends up in landfills or in the ocean rather than being recycled.

On June 25, 2019, the Town Council adopted Ordinance 1136 to clarify terms and add additional provisions to the single-use foodware regulations. The Ordinance required food vendors in the Town to provide compostable and/or reusable foodware for both dine-in and takeout. The Ordinance imposed similar requirements on Town purchases and Town-sponsored events.

On May 10, 2022, the County of Marin adopted its Reusable Foodware Ordinance, which was modeled off of existing jurisdiction ordinances including San Anselmo's foodware ordinance. The County conducted an extensive ordinance development process that included significant community outreach (Attachment 3) and has created a model ordinance for jurisdictional adoption, with the goal that all jurisdictions in Marin would adopt this same ordinance. Adoption of this model ordinance would level the playing field for food vendors across the County by adopting the same requirements, ensuring consistent enforcement, and minimizing confusion for consumers and food service providers.

DISCUSSION

A. County-Enforced Single-Use Foodware Ordinance

Staff has conducted a thorough comparison of the Town's existing foodware ordinance and the County's foodware ordinance (Attachment 4). In staff's judgment, the differences between both ordinances are, for the most part, minor with most of the differences being in how terms are defined.

The proposed ordinance contains six key features and uses the hierarchy of: reusables are best, natural-fiber compostable foodware is compliant, and single-use plastics, including bioplastics, are prohibited. The ordinance only allows fiber-based compostable foodware as compliant alternatives because the compost facility at the Redwood Landfill will not accept bioplastics given its status as an organic compost production facility. The proposed ordinance covers all entities selling prepared food to the public in the Town including restaurants, grocery stores and delis, bakeries, carry-out, quick services, farmers markets, food trucks, and any other business that requires a health permit.

The ordinance key features include:

1. Takeout disposable *foodware* must be natural-fiber compostable (no bio or "compostable" plastics). Takeout foodware must be certified by the Biodegradable Products Institute (BPI). Aluminum is allowed. "Foodware" means all containers, bowls, plates, food trays, cups, lids, boxes, and other like items that are used for prepared foods, including without limitation, foodware for takeout foods and/or leftovers from partially consumed meals prepared by food vendors.
2. Takeout *foodware accessories* must be natural-fiber compostable and available only "upon request" or at a self-serve takeout station. Food vendors shall provide plastic straws only on request, to accommodate any person's access needs. "Foodware accessories" means types of items usually provided alongside prepared food including but not limited to forks, spoons, knives, chopsticks, napkins, cup sleeves, food wrappers, beverage trays, condiment containers, straws, stirrers, splash sticks, cocktail sticks, toothpicks, tray-liners, and plate-liners.
3. Reusable foodware and utensils must be used if a customer is dining in at a restaurant. Natural-fiber compostable accessories can be provided upon request.
4. All food vendors shall charge customers twenty-five cents ($0.25) at the point of sale for every non-reusable cup provided. Income from the non-reusable cup charge shall be retained by the food vendor. Exemptions are available for Cal Fresh/SNAP and WIC customers.
5. All food vendors who provide solid waste containers for customer use, must provide separate receptacles for solid waste, recyclables, and organics. Receptacles must have graphic-rich signage. This is a requirement of state laws AB 827 and SB 1383 and would enable customers and employees to properly sort waste.
6. Temporary exemptions will be provided via a Countywide list if compliant products are not available for certain foodware or foodware accessories.

Enforcement of the proposed ordinance by the County would begin November 10, 2023. As outlined in the Ordinance (Attachment 1) and Agreement (Attachment 2), the Town of San Anselmo would authorize the County of Marin to enforce the ordinance on behalf of the Town.

B. Provisions Requiring Town Enforcement

There are two provisions of the proposed Town ordinance that differ from the County ordinance and will therefore, require ongoing Town enforcement. First, the County's ordinance exempts public and private schools from its requirements, but the Town's existing regulations do not exempt all schools. When the Town Council adopted the current single-use foodware ordinance, public schools were exempted because they are considered agencies of the State and therefore, they generally have sovereign immunity from local regulations. However, the Council opted to include private schools in the definition of food vendors so that the current Town restrictions apply to private schools, with the exception of the disposable cup charge.

When the Board of Supervisors adopted the single-use foodware ordinance in 2022, it exempted public and private schools from the County regulations to be in alignment with Assembly Bill 1276, which went into effect on June 1, 2022 (Cal. Pub. Res. Code §§ 42270 *et seq*.). The state law exempts public and private schools from its prohibition on distributing single-use foodware accessories (e.g., straws, plastic utensils, etc.) and condiments (e.g., ketchup packets) to consumers unless requested (Cal. Pub. Res. Code §§ 42271, 42273). There is an argument that the State's explicit exemption of all schools from its regulation of single-use foodware accessories and condiments preempts local regulations of those items.

As drafted, the proposed ordinance regulates private schools as it would any other food vendor, with the exception of the disposable cup charge. The County will not enforce this provision, as it is not part of the County's regulations. Therefore, the Town will be responsible for enforcing any adopted restrictions on private schools. The Town can either follow the County and State's lead by exempting public and private schools from its regulations, or it can continue regulating private school foodware to the degree that the state law does not preempt Town regulations.

Town staff conducted research on whether the private schools in the Town are compliant with the existing foodware regulations. All the private schools besides San Domenico School and Irene M. Hunt School (Side by Side) do not prepare food or beverages on-site. Both San Domenico and Irene M. Hunt schools use either compostable or reusable foodware and foodware accessories. All the private schools confirmed they also provide three-stream waste bins (i.e., landfill, recycling, and compost) as required per the foodware ordinance. In practical terms, it appears that the private schools to which the Town's ordinance currently apply are in compliance with the Town regulations.

Second, the proposed ordinance includes Section 5-10.070(a), which prohibits the sale of polystyrene foam coolers and ice chests within the Town, which is a regulation in the Town's existing foodware ordinance under Section 5-10.08. Since the County will not enforce any provisions beyond what is in their model ordinance, the Town would assume responsibility for enforcement of this particular provision.

C. Implementation

As was true of the Town's current single-use foodware ordinance, the proposed ordinance takes a proactive approach by educating all retail food facility owners regularly of the requirements of the proposed ordinance and taking enforcement action only as necessary. The County's Environmental Health Services Division (EHS) is in a unique position to provide proactive outreach during regularly-scheduled visits to businesses as a part of its food program.

As with the administrative citations utilized by the Town under its current regulations, enforcement by the County will include written notice of non-compliance and a reasonable opportunity to correct, prior to issuance of any penalty. Should foodware or foodware accessories made of compliant compostable natural fiber not be commercially available, as determined by the EHS Director or their designee, the County may approve a temporary exemption of specific nonreusable foodware or foodware accessories items until they are made commercially available. The County will maintain a list, updated annually, with foodware and/or foodware accessories deemed not available commercially.

By having the County's EHS Division oversee outreach and enforcement of the proposed ordinance, this would free up Town staff to focus efforts on the Town's many other programs and projects, and provide needed enforcement capacity. However, staff would still plan to conduct outreach to affected businesses by updating the single-use foodware webpage on the Town website and distributing information about the ordinance and how to comply in Town newsletters and flyers. In preparation for this ordinance being considered by the Council, staff emailed and hand delivered a letter to all San Anselmo food vendors informing them about the proposed ordinance discussion, and included information about the discussion in the Town newsletter as well.

D. Compliance with State Regulations

Adoption of the proposed ordinance would support the Town and businesses in their efforts to comply with recent state waste-related legislation including Assembly Bills 1276, 1200, and 1201. These bills were signed into law by Governor Newsom in October 2021 and address compostable foodware accessories distribution, composition, and labeling. The proposed ordinance is in alignment with all three of these new laws which go into effect in 2022, 2023, and 2024, respectively. The proposed ordinance is also in compliance with AB 827 which requires food service businesses to provide customers with easily accessible recycling and organics collection bins.

E. Equity Impact

While there can be lifecycle cost savings from switching to reusable foodware materials and research has shown that fiber-based disposable foodware items are cost competitive with plastic options, there can still be an initial cost to research and transition to compliant materials. This could have an impact on smaller food vendors. In 2021, Marin County offered a free technical assistance and grant program open to all businesses in the County (both incorporated and unincorporated areas) to assist with the transition. The current County project has existing funding available to develop outreach materials and tools to assist food vendors with the transition. Limited County funding is also available to provide a grant program which could focus on small businesses that may need additional assistance with the transition.

FISCAL IMPACT

Financial impacts of implementation are expected to be minimal as a result of adopting the proposed Ordinance. If the Town adopts the proposed ordinance within twelve (12) months of County adoption (by May 10, 2023), the County's Environmental Health Division will take on the role of enforcement through the food inspection program and the County's one-time fees would be waived. If the Town adopts the ordinance after May 10, 2023, the Town's fee in the amount of $5,796 (based on 56 food facilities in the Town) would be assessed. The fee was calculated based on the time and resources needed to revise County's EHS Division systems to include additional businesses after the initial development period (estimated as 0.5 hours per food facility).

GENERAL PLAN CONSISTENCY

The 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 the Ordinance and approval of the agreement with the County are exempt from the California Environmental Quality Act (CEQA) under section 15061(b)(3) of the State CEQA Guidelines, because it can be seen with certainty that amending and enforcing the Town's single-use foodware ordinance would not have the potential for causing a significant effect on the environment. In addition, the Ordinance and agreement are exempt from the requirements of CEQA pursuant to CEQA Guidelines sections 15307 and 15308 as actions by a regulatory agency taken to protect the environment and natural resources.

The Ordinance is consistent with the following measures of the adopted Climate Action Plan:

- **W-6: Extended Producer Responsibility:** Encourage the State to regulate the production and packaging of consumer goods and take-back programs. Encourage on-demand delivery services like Amazon and Blue Apron to reduce packaging waste and investigate requirements and incentives for same through ordinance or engagement campaigns.

- **W-7: Inorganic Waste:** Promote reuse, repair, and recycling of inorganic materials, and encourage reduced use of packaging and single use items.
- **W-8: Waste from Public Facilities:** Increase opportunities for recycling, reuse, and composting at Town facilities.

CONCLUSION

Staff respectfully requests the Council's introduction of the proposed Ordinance and authorization for the Town Manager to execute the Agreement with the County.

Attachments:

1. Proposed Ordinance
2. Agreement
3. Outreach Summary
4. Comparison Table
5. Presentation Slides

ORDINANCE NO. 2023-
ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO AMENDING TITLE 5 CHAPTER 10 OF THE SAN ANSELMO MUNICIPAL CODE (SINGLE-USE FOODWARE)

WHEREAS, the Town has a desire and responsibility to protect the health, welfare, and safety of its citizens and economy. The proliferation of non-reusable (or disposable) foodware, packaging, and plastics has contributed to street litter, ocean pollution, marine, and other wildlife harm along with the greenhouse gas emissions from the production of the disposable materials; and

WHEREAS, using reusable dishware significantly reduces the generation of unnecessary waste, and in most applications saves money, reduces disposal costs, and improves customer experience; and

WHEREAS, reducing the generation of non-reusable foodware including plastic utensils, plastic cups, plastic clamshells, and plastic straws maximizes the operating life of landfills, reduces litter, and helps to lessen the economic and environmental costs of managing waste. This will also help protect the Town's environment from contamination and degradation making it a cleaner, healthier region to all citizens and visitors; and

WHEREAS, non-reusable foodware threatens public health because many types contain fluorinated chemical additives are known or suspected carcinogens or endocrine disruptors; These additives are known to leach from foodware into food and beverage containers and into compost, soil, and water; and

WHEREAS, on November 28, 2018, the Town Council adopted the Town's first single-use foodware ordinance (Ordinance No. 1129) and on June 25, 2019, the Town Council adopted Ordinance No. 1136 to clarify the ordinance's terms and add additional provisions to the single-use foodware regulations; and

WHEREAS, numerous jurisdictions in the San Francisco Bay Area and the State of California have adopted legislation reducing the use of non-reusable food packaging with local and national businesses successfully replacing single-use food packaging with affordable durable and reusable foodware or, when needed, compliant compostable fiber foodware products; and

WHEREAS, on May 10, 2022, the County of Marin adopted a local Reusable Foodware Ordinance which includes language offering enforcement services via the Environmental Health Services Food Program for cities and towns adopting the same ordinance for the food vendors in their jurisdictions; and

WHEREAS, the Town of San Anselmo wishes to utilize the enforcement services offered by the County of Marin through the County's Environmental Health Services Food Program.

NOW, THEREFORE, based on the foregoing, the Town Council of the Town of San Anselmo hereby ordains as follows:

SECTION I. Findings

The above recitals are true and correct and are incorporated as findings herein.

SECTION 2. **Amendment to San Anselmo Municipal Code Title 5 Chapter 10 (Single Use Food Service Ware)**

Title 5 (Sanitation and Health) is amended to repeal Chapter 10 (Single Use Food Service Ware) and replace it in its entirety with Chapter 10 (Reusable Foodware Regulations) to read as follows:

Title 5, Chapter 10 – Reusable Foodware Regulations

5-10.010 - Definitions.

(a) *"BPI Certified"* means those Compostable fiber Foodware products that have been certified by the Biodegradable Products Institute (BPI) to safely and readily biodegrade in an industrial composting facility in the typical processing time. As of January 1, 2020, BPI ensures all certified products are Fluorinated Chemical free.

(b) *"Compliant Non-Reusable Foodware"* means that an item or product intended for disposal after one use and is: (1) accepted by the County through its composting collection program as Compostable as identified by the Deputy Director of Environmental Health Services or their designee; (2) is certified by either BPI Certified or other third party product certification recognized by the County through its Deputy Director of Environmental Health Services or their designee to ensure the item is free of harmful chemicals including but not limited to Fluorinated Chemicals, that may have been used in foodware manufacture, and is (3) made entirely of Natural Fiber, as defined that term is below, and including but not limited to paper, wood, or sugarcane fibers.

(c) *"Compliant Foodware Accessory"* means that an item or material is (1) accepted in Marin County composting collection program as Compostable; and is (2) made entirely of Natural Fiber.

(d) *"Compost Facility"* means compost facilities used by the Town's current waste haulers for composting organic material.

(e) *"Compostable"* means an item or material (1) will break down, or otherwise become part of usable compost in a safe and timely manner and (2) is Natural Fiber-based or made from other materials approved by the Deputy Director of Environmental Health Services or designee.

(f) *"Compostable Plastics or Biodegradable Plastics"* means the disposable products developed from polylactic acid (PLA), which require a specific set of conditions to compost and/or biodegrade that do not exist in the County or the region. These products are considered non-compliant.

(g) "Town" means the Town of San Anselmo.

(h) *"Town Facility"* means any building or structure owned, leased, or operated by the Town of San Anselmo.

(i) *"Customer"* means any person obtaining Prepared Food from a Food Vendor.

(j) *"Director*" means the Deputy Director of Environmental Health Services or their designee.

(k) *"Disposable (or Non-Reusable) Cup"* means a beverage cup designed for single-use to serve beverages such as water, hot and cold drinks, and alcoholic beverages.

(l) *"Effective Date"* means thirty days following passage of the Ordinance.

(m) *"EPS"* means expanded polystyrene, also known as Polystyrene Foam.

(n) *"Fluorinated Chemical"* means a class of fluorinated organic compounds containing at least one (1) fully fluorinated carbon atom, also known as perfluoroalkyl (PFOA) and polyfluoroalkyl (PFOS) substances, or PFAS chemicals. California Prop 65 lists PFOA and PFOS as reproductive toxicants.

(o) *"Foodware"* means all containers, bowls, plates, food trays, cups, lids, boxes, and other like items that are used for Prepared Foods, including without limitation, Foodware for takeout foods and/or leftovers from partially consumed meals prepared by Food Vendors.

(p) *"Foodware Accessories"* means types of items usually provided alongside Prepared Food including but not limited to forks, spoons, knives, chopsticks, napkins, cup sleeves, food wrappers, beverage trays, condiment containers, straws, stirrers, splash sticks, cocktail sticks, toothpicks, tray-liners, and plate-liners.

(q) *"Food Vendor"* means a food facility as that term is defined in Health & Safety Code section 113789, or its successor, including but not limited to a restaurant, bar, grocery store, delicatessen, bakery, food service establishment (carry out, quick service, full-service), food truck, itinerant restaurant, pushcart, farmers market, caterer, microenterprise home kitchen operation, or cottage food operation, that sells Prepared Food to be consumed on and/or off the premises located or operating within the Town except that for purposes of this ordinance the term "food vendor" shall not include a public school cafeteria.

(r) *"Natural Fiber"* means a plant-based, non-synthetic fiber, including but not limited to paper, wood, bamboo, palm leaf, wheat straw, or sugarcane. Natural Fiber does not include plastic of any kind.

(s) *"On Request"* means that only at the request of a customer shall the compliant product be provided.

(t) *"Polystyrene Foam"* means and includes blown polystyrene and expanded and extruded foams (sometimes incorrectly called Styrofoam, a Dow Chemical Co. trademarked form of polystyrene foam insulation) which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene). Polystyrene Foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays, coolers, packing peanuts, and egg cartons.

(u) *"Prepared Food"* means food or beverages, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared on the premises of the Food Vendor and includes Takeout Food. For the purposes of this chapter, Prepared Food does not include raw, butchered meats, fish and/or poultry, which are sold from a butcher case or similar appliance.

(v) *"Reusable or Durable"* Foodware and Foodware Accessories, including plates, bowls, cups, jars, trays, glasses, straws, stirrers, condiment cups, utensils, etc. that are manufactured of durable materials and specifically designed and manufactured to be washed and sanitized and to be used repeatedly over an extended period of time, and are safe for washing and sanitizing according to applicable regulations.

(w) *"Takeout Food"* means food or beverages requiring no further preparation to be consumed and which generally are purchased to be consumed off the premises of the Food Vendor.

5-10.020 - Dine-in Foodware regulations.

Food Vendors within the incorporated areas of Town:

(a) Shall sell or provide food and beverages for consumption on the premises using Reusable Foodware and utensils (forks, spoons, knives, chopsticks) except as otherwise provided in section 5-10.030 (b);

(b) May provide all other Compliant Foodware Accessories, which are made of Natural Fibers, including napkins, food wrappers, straws, stirrers, cocktail sticks, toothpicks, tray-liners, and plate-liners.

(c) Shall offer condiments in reusable containers or dispensers rather than pre-packaged single-use condiment packets; and

5-10.030 - Takeout Foodware regulations.

Food Vendors within the incorporated areas selling Takeout Food for consumption off premises:

(a) Shall provide takeout food in Reusable Foodware, or compostable Natural Fiber Compliant Foodware, or items composed entirely of glass or aluminum;

(b) Shall provide all other Compliant Foodware Accessories, which are made from Natural Fibers, including napkins, cup sleeves, beverage trays, condiment containers, straws, stirrers, splash sticks, cocktail sticks, and toothpicks only Upon Request or at self-serve stations; and

(c) Takeout food bags shall be Reusable, paper, or comply with Chapter 9 (regulations for single use carryout bags).

(d) Takeout Food delivery services shall provide the option for Compliant Foodware Accessories (forks, spoons, knives, chopsticks) and single-use condiments only On Request. A Food Vendor or a Takeout Food delivery service may include lids, spill plugs, and sleeves without request for Non-Reusable Cups for delivery.

(e) Food Vendors shall provide plastic straws only On Request, to accommodate any person's access needs.

5-10.040 - Town purchasing, facilities, and Town sponsored events.

The following regulations apply to Town purchases, facilities, and Town-sponsored events:

(a) All Town facilities that involve food service shall use Reusable Foodware and Compliant Foodware Accessories.

(b) Town-managed concessions, Town-sponsored events, and Town-permitted events shall use Reusable Foodware or Compliant Foodware and Compliant Foodware Accessories.

(c) These entities are prohibited from using Non-Reusable plastic foodware, including EPS/Polystyrene Foam, and Compostable or Biodegradable Plastics. No Town department shall purchase or acquire Non-Reusable plastic foodware for use at any Town facility. Organizations or individuals using Town facilities shall use Reusable or Compliant Foodware and Compliant Foodware Accessories.

(d) The Town shall prohibit the use of EPS/Polystyrene Foam and Non-Reusable plastic foodware by vendors, franchisees, lessees, contractors, or other commercial food and beverage purveyors at all Town government center facilities, and Town parks. Prohibited products include, but are not limited to, EPS/Polystyrene Foam and Non-Reusable plastic food containers, straws, bowls, plates, trays, utensils, clamshells, and cups which are not intended for reuse, on or in which any foods or beverages are placed or packaged.

(e) As of the Effective Date, all Town departments that hold contracts, lease agreements, permits or other agreements that involve food service shall incorporate this prohibition into all new and renewed contracts, leases, permits, agreements, etc.

(f) The use or distribution of EPS/Polystyrene Foam, and Non-Reusable plastic foodware at special events at Town facilities that are sponsored or co-sponsored by the Town shall be prohibited. This prohibition shall apply to the event organizers, agents of the event organizers, event vendors, and any other party (including non-profit organizations) who have an agreement with one or more of the co-sponsors of the event to sell goods or beverages at the event or otherwise provide an event-related service.

(g) Written agreements with any vendor, including non-profit organizations, to sell food or beverages at an event that is sponsored or co-sponsored by the Town, shall specifically prohibit the usage and distribution of EPS/Polystyrene Foam and Non-Reusable plastic foodware.

5-10.050 - Non-Reusable cup charge.

(a) All Food Vendors shall charge customers twenty-five cents ($0.25) at the point of sale for every Non-Reusable cup provided unless they are exempt under this chapter.

(b) Income from the Non-Reusable cup charge shall be retained by the Food Vendor.

(c) Charges for Non-Reusable cups shall be identified separately on any post-sale receipt provided and, pre-sale, shall be clearly identified for the customer on media such as menus, ordering platforms, and/or menu boards. Customers placing orders by telephone shall be informed verbally of Non-Reusable cup charges.

(d) All customers demonstrating, at the point of sale, a payment card or voucher issued by the California Special Supplemental Food Program for Women, Infants, and Children (WIC) pursuant to Article 2 (commencing with section 123275) of Chapter 1 of Part 2 of Division 106 of the California Health and Safety Code and as amended, or an electronic benefit transfer card (EBT) issued pursuant to section 10072 of the California Welfare and Institutions Code, and individuals with disabilities shall be exempt from the Non-Reusable cup charge.

5-10.060 - Separate waste receptacles required.

(a) All Food Vendors who provide solid waste containers for customer use, must provide separate receptacles for solid waste, recyclables, and organics. Receptacles shall be colored black or grey for garbage, blue for recycling, and green for compost/organics.

(b) To the extent possible given space constraints, all receptacles for solid waste, recyclables, and organics should be placed adjacent to one another.

(c) Graphic-rich signage must be posted on or above each receptacle following the waste hauler's guidelines.

5-10.070 – Town-Enforced Provisions.

(a) Polystyrene (EPS) Coolers and Ice Chests. The sale of Polystyrene foam coolers and ice chests is prohibited within the Town of San Anselmo. Coolers and ice chests that do not have exposed Polystyrene foam and that are designed for reuse are exempt from the provisions of this Chapter.

(b) Private School Cafeterias. With the exception of the non-reusable cup charge under section 5-10.050, private schools shall comply with the regulations applicable to Food Vendors in this Chapter.

(c) Notwithstanding the provisions of 5-10.090, and/or any designation by the Town of San Anselmo that the Marin County Environmental Health Services Division be designated as the enforcement agency of and within the Town of San Anselmo regarding the terms of this Chapter, the Town of San Anselmo has sole responsibility for enforcement of this section 5-10.070 and may utilize any available enforcement mechanism, including but not limited to San Anselmo Municipal Code Title 1, Chapter 6 (Administrative Citations) and Title 1, Chapter 2 (Penalty Provisions and Abatement of Public Nuisances).

5-10.080 - Exemptions.

(a) Entities packaging Prepared Foods outside Marin County are exempt from the provisions of this chapter; provided, however, such entities are urged to follow the provisions of this chapter.

(b) Non-Reusable Foodware and Foodware Accessories composed entirely of aluminum is exempt from the provisions of this chapter.

(c) Should Foodware or Foodware Accessories made of Compliant compostable Natural Fiber not be commercially available, as determined by Director or their designee, the County may approve temporary exemption of specific nonreusable Foodware or Foodware Accessories items until they are made commercially available. The County shall maintain

a list, updated annually, with Foodware or Foodware Accessories deemed not available commercially.

(d) For the immediate preservation of the public peace, health, or safety due to an emergency or natural disaster, the Town Council, or designee, may exempt Food Vendors, persons operating Town facilities and agents, contractors, and vendors doing business with the Town, from the provisions of this Chapter.

5-10.090 - Enforcement.

(a) Compliance with this ordinance is required as of the Effective Date.

(b) Enforcement of this chapter shall be pursuant to this section, San Anselmo Municipal Code Title 1, Chapter 6 (Administrative Citations) and Title 1, Chapter 2 (Penalty Provisions and Abatement of Public Nuisances) inclusive.

(c) Enforcement shall include written notice of non-compliance and a reasonable opportunity to correct, prior to issuance of any penalty.

(d) It is found and determined to by the Town Council that the public interest, health, safety, and welfare of the residents of the Town require that the Marin County Environmental Health Services Division be designated as the enforcement agency of and within the Town and as such enforcement agency it is authorized with the enforcement of the provisions of this chapter and the Marin County Environmental Health Services division is vested, for the purposes of enforcing this chapter within Town, with all of the jurisdiction and powers vested in or available to said division by this Chapter and said health and safety code.

(e) Beginning on November 10, 2023, the Town Council hereby delegates enforcement powers to the County's Environmental Health Services. Enforcement will progress on the regular inspection schedule of all covered Food Vendors in the County as described in this chapter.

5-10.100 - Violations

On behalf of the Town, beginning on November 10, 2023, the County may choose to undertake the following legal actions to correct and/or abate nuisances and violations of this ordinance. The Director of Environmental Health Services or their designee is authorized to promulgate regulations and take any and all other actions reasonable and necessary to enforce the provisions of this Article, including but not limited to, entering the premises of any food provider during regular business hours to verify compliance, and by the issuance of Administrative Citations. The remedies and penalties provided by this Article are cumulative and in addition to any other remedies available at law or in equity.

(a) Administrative Citations.

Administrative citations may be issued for violations of this Chapter at the discretion of the Director. The issuance of an administrative citation under this chapter shall not supersede or limit the remedies provided elsewhere in this Code or California law, including other administrative citation remedies. Issuance of an administrative citation may be exercised in place of, but shall not be considered a waiver of, the use of any other available enforcement remedy.

(b) Process and Service of Citation.

1. Prior to issuance of citation penalty, the County shall issue a violation warning letter to the facility operator and provide the facility operator thirty (30) days to correct the violation(s).
2. The violation warning letter and/or citation shall be mailed to the food facility operator named in the facility's permit.
3. The failure of any interested person to receive the violation warning letter and/or citation shall not affect the validity of the proceedings.

(c) Administrative Citation Penalty Schedule.

Following the violation warning letter described in Section 7.25.090(b)(1) above and thirty (30) day cure period, if the violations remains, the County may issue the following administrative penalties:

1. A fine not exceeding $100.00 for the first violation;
2. A fine not exceeding $200.00 for a second violation of the same Code provision within one year; and
3. A fine not exceeding $500.00 for each additional violation in excess of two, of the same Code provision within one year.

(d) Response to Citation Penalty

Following receipt of citation penalty, food facility operator shall have thirty (30) days to pay the fine as indicated on the citation, or to request a waiver of payment of the penalty due to unique undue hardship. This waiver may be granted by the Director upon demonstration by a food facility operator to the satisfaction of the Director that strict application of the requirements would cause undue hardship. An "undue hardship" includes, but is not limited to the following: 1. A situation unique to the food facility where a suitable alternative that conforms with the requirements of this chapter does not exist for a specific application. 2. Imposing the provisions of this Chapter would cause significant economic hardship. "Significant economic hardship" may be based on, but not limited to, demonstrating that suitable Foodware or Foodware Accessories made of Compliant compostable Natural Fiber is not available at a commercially reasonable price and the additional cost associated with providing the Compliant Foodware or Foodware is particularly burdensome to the food facility based on the type of operation(s) affected, the overall size of the business/operation, the number, type and location of its facilities, the impact on the overall financial resources of the food facility, and other factors. Reasonable added cost for a suitable item as compared to a similar item that the food

facility can no longer use shall not by itself constitute adequate grounds to support an exemption for such item. In determining whether a significant economic hardship has been established, the Director or designee shall consider the following information: ability of the food facility to recover the additional expense by increasing its prices; the availability of tax credits and deductions; outside funding; and other options.

(e) Nonpayment of Citation for More than One Year Deemed Nuisance.
Nonpayment of any assessed violation for longer than one year shall constitute a nuisance and be subject to the nuisance abatement procedures in Marin County Code Chapter 1.05, including payment of civil penalties of up to $2,500 per violation per day and enforcement and other abatement costs incurred by the County.

SECTION III. California Environmental Quality Act

This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the Town. The Town Council hereby finds that under section 15061(b)(3) of the State CEQA Guidelines, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment. It also finds the Ordinance is exempt from the requirements of CEQA pursuant to CEQA Guidelines sections 15307 and 15308 as an action by a regulatory agency taken to protect the environment and natural resources.

SECTION IV: SEVERABILITY
Every section, paragraph, clause, and phrase of this Ordinance is hereby declared to be severable. If for any reason, any section, paragraph, clause, or phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, clauses or phrases, and the remaining portions or this ordinance shall continue in full force and effect unless amended or modified by the Town.

SECTION V: EFFECTIVE DATE AND PUBLICATION
This Ordinance shall take effect thirty days following its adoption and a summary of the ordinance shall be published at least once in a newspaper of general circulation, printed and published in the County of Marin.

SECTION V: VOTE

The foregoing ordinance was introduced by the Town Council of the Town of San Anselmo on March 28, 2023, and passed and adopted at a regular meeting of the Town Council held on this ____ day of April, 2023, by the following vote:

AYES:

NOES:

ABSENT:

Steve Burdo, Mayor

ATTEST:

Serge Avila, Clerk

AGREEMENT BETWEEN
COUNTY OF MARIN AND TOWN OF SAN ANSELMO
REGARDING ENFORCEMENT OF THE FOODWARE ORDINANCE

This AGREEMENT (AGREEMENT), made and entered into this _____ day of _____, 2023, by and between the COUNTY OF MARIN, hereinafter referred to as "COUNTY", and TOWN OF SAN ANSELMO, hereinafter referred to as "TOWN", both in the State of California, collectively the "PARTIES", for participation in the County Environmental Health Services (EHS) Reusable Foodware Ordinance Implementation and Enforcement Program (the "PROGRAM").

SECTION 1: RECITALS

1.1 Parties have the mutual desire and responsibility to protect the health, welfare, and safety of its citizens and economy. The proliferation of non-reusable (or disposable) foodware, packaging, and plastics has contributed to street litter, ocean pollution, marine, and other wildlife harm along with the greenhouse gas emissions from the production of the disposable materials.

1.2 Using reusable dishware significantly reduces the generation of unnecessary waste, and in most applications saves money, reduces disposal costs, and improves customer experience.

1.3 Non-reusable foodware threatens public health because many types contain fluorinated chemical additives are known or suspected carcinogens or endocrine disruptors. These additives are known to leach from foodware into food and beverage containers and into compost, soil, and water.

1.4 On May 10, 2022, COUNTY adopted a local Reusable Foodware Ordinance, and which includes language offering enforcement services via COUNTY'S Environmental Health Services for cities and towns in the County of Marin adopting the same ordinance for the food vendors in their jurisdictions.

1.5 TOWN is adopting a local Reusable Foodware Ordinance and wishes to utilize the enforcement services offered by COUNTY through COUNTY'S Environmental Health Services.

1.6 TOWN and COUNTY have determined that the public interest would be best served by the performance of these functions as provided in the Reusable Foodware Ordinance and as provided in this AGREEMENT.

SECTION 2: PURPOSE OF THE AGREEMENT

This AGREEMENT is entered into by and between the PARTIES to define the responsibilities of the PARTIES for the implementation enforcement of Reusable Foodware Regulations within Town as defined in Town Code Title 5, Chapter 10.

SECTION 3: PROGRAM DEFINITION AND SCOPE

COUNTY shall act as the enforcement agency for the Reusable Foodware Ordinance, as detailed in Town Code section 5-10.090. Enforcement as detailed in Town Code section 5-10.090, will begin on November 10, 2023.

TOWN participation in the Program is encouraged but completely voluntary. However, development and implementation of such a program requires staff time and resources which would be exacerbated if jurisdictions joined the Program piecemeal over the course of several years. To address these potential cost impacts, there will be a one-time fee to join the Program. However, to encourage and incentivize jurisdictions to join during the initial development phase, COUNTY will waive the on-boarding fee for any jurisdiction that opts into the program within twelve (12) months of the COUNTY'S adoption of the ordinance.

The one-time on-boarding fee was calculated based on the time and resources needed to revise COUNTY'S EHS Division systems to include additional businesses after the initial development period (estimated as 0.5 hours per food facility). The fee is scaled based on the number of food facility operators within the jurisdiction (see Table 1).

Table 1: Environmental Health Division One-Time Enforcement Program Fee for Reusable Foodware Ordinance

Jurisdiction	Number of Food Facilities	One-Time On-Boarding Fee
Belvedere	3	$311
Corte Madera	58	$6,003
Fairfax	45	$4,658
Larkspur	49	$5,072
Mill Valley	70	$7,245
Novato	198	$20,493
Ross	6	$621
San Anselmo	56	$5,796
San Rafael	322	$33,327
Sausalito	70	$7,245
Tiburon	31	$3,209

If jurisdictions adopt the ordinance after the twelve (12) month period following COUNTY adoption, the EHS Division can still provide enforcement, but the fee would no longer be waived for those jurisdictions.

SECTION 4: RESPONSIBILITIES

4.1 TOWN SHALL:

a. TOWN has or shall adopt a Reusable Foodware Ordinance in compliance with and mirroring the Reusable Foodware Ordinance adopted by the COUNTY on May 10, 2022.
b. Pay the onboarding fee as detailed in Section 4 above within 30 (thirty) days of written request for payment by COUNTY, unless otherwise waived.

4.2 COUNTY SHALL:

a. Act is enforcement agency for the Reusable Foodware Ordinance for the TOWN as detailed in its Reusable Foodware Ordinance and in this AGREEMENT.

b. Provide updates to TOWN of any modifications to its Ordinance or modifications to the enforcement Program.

SECTION 5: TERM OF AGREEMENT AND TERMINATION.

5.1 This AGREEMENT shall remain in force unless terminated by either PARTY. Either PARTY may terminate this AGREEMENT by giving three (3) months written notice to the other PARTY.

5.2 In the event of termination of this AGREEMENT, any supplementary agreements may also be terminated in accordance with the termination provisions contained in such agreements.

5.3 If TOWN amends its Reusable Foodware Ordinance which, in the COUNTY'S sole determination and discretion, does not comport with the COUNTY's Reusable Foodware Ordinance and Program, COUNTY may terminate this AGREEMENT at any time.

SECTION 6: COMPLIANCE WITH LAW.

In the performance of its obligations pursuant to this AGREEMENT, PARTIES shall comply with all applicable federal, state and local laws, ordinances and regulations in any manner affecting the performance of this AGREEMENT, and must at all times comply with such laws, ordinances, and regulations as they may be amended from time to time.

SECTION 7. INDEMNIFICATION AND GENERAL LIABILITY

TOWN shall indemnify, hold harmless, release and defend COUNTY, its officers, agents and employees from any and all liability, actions, claims, damages, costs or expenses, including attorneys' fees and the costs and expenses of suit which may be asserted by any complainant, arising in any respect, out of TOWN's negligent or intentional acts or omissions arising under or related to this AGREEMENT.

COUNTY shall indemnify, hold harmless, release and defend TOWN, its officers, agents and employees from any and all liability, actions, claims, damages, costs or expenses, including attorneys' fees and the costs and expenses of suit which may be asserted by any complainant, arising in any respect, out of COUNTY's negligent or intentional acts or omissions arising under or related to this AGREEMENT.

SECTION 8. OBLIGATIONS.

Termination of this AGREEMENT will not invalidate the indemnification obligations of TOWN to COUNTY and/or obligations properly incurred by TOWN before the termination date to the extent those obligations cannot be canceled.

SECTION 9. INTEGRATION.

This AGREEMENT represents the entire AGREEMENT of the PARTIES with respect to the subject matter thereof. No representations, warranties, inducements or oral agreements have been made by any of the parties except as expressly set forth herein, or in other contemporaneous written agreements.

SECTION 10. AMENDMENT.

Except as otherwise provided herein, this AGREEMENT may not be changed, modified or rescinded except in writing and approved by all parties hereto.

SECTION 11. INDEPENDENT AGENCY.

Each party performs the terms and conditions of this AGREEMENT as an entity independent of the other party. Each party's agents or employees shall not be agents or employees of the other party to this AGREEMENT.

SECTION 12. ASSIGNMENT.

This AGREEMENT may not be assigned, transferred, hypothecated, or pledged by any party without the express written consent of the other party.

SECTION 13. BINDING ON SUCCESSORS, ASSIGNEES OR TRANSFEREES.

This AGREEMENT shall be binding upon the successor(s), assignee(s) or transferee(s) of TOWN. This provision shall not be construed as an authorization to assign, transfer, hypothecate or pledge this AGREEMENT other than as provided above.

SECTION 14. SEVERABILITY.

Should any part of this AGREEMENT be declared unconstitutional, invalid, or beyond the authority of either party to enter into or carry out, such decisions shall not affect the validity of the remainder of this AGREEMENT, which shall continue in full force and effect provided that the remainder of this AGREEMENT can, absent the excised portion, be reasonably interpreted to give effect to the intentions of the parties.

SECTION 15. SUCCESSORS; NO THIRD-PARTY BENEFICIARIES.

Nothing in this AGREEMENT, whether express or implied, shall be construed to give any person or entity (other than the PARTIES hereto and their respective successors and assigns) any legal or equitable right, remedy or claim under or in respect of this AGREEMENT or any covenants, conditions or provisions contained herein.

SECTION 16. CONTACTS AND NOTICES.

All notices under this AGREEMENT shall be in writing (unless otherwise specified) delivered to the parties by hand, by commercial courier service, or by United States mail, postage prepaid, addressed to the parties at the addresses set forth below or such other addresses as the parties may designate by notice.

For COUNTY:
Greg Pirie, Deputy Director, Environmental Health Services
County of Marin – Community Development Agency
3501 Civic Center Drive, Room 236
San Rafael, CA 94903

For TOWN:
David Donery, Town Manager
525 San Anselmo Ave.

San Anselmo, CA 94960

COUNTY:

By: _____

_____
Print Name

_____
Print Title

APPROVED AS TO FORM:

By:

_____
COUNTY Counsel

TOWN:

By: _____

_____
Print Name

_____
Print Title

APPROVED AS TO FORM:

By:

_____
TOWN Attorney

Reusable Foodware Ordinance Public Outreach Summary

As part of the County's outreach efforts, virtual workshops for residents and businesses were hosted on July 14 and September 15, 2021, and a public comment period was held to solicit feedback. City staff supported local outreach via social media and targeted emailing. Outreach was provided in both Spanish and English and business types included restaurants, bars, and convenience markets. A summary of countywide outreach is outlined below.

Food Vendor Grant Program and Technical Assistance	75 businesses called and 62 site visits completed across all jurisdictions. During site visits, businesses were informed of the ordinance features, provided outreach materials, and offered the opportunity to apply for the grant program and receive free technical assistance. 6 out of the 40 businesses visited were provided in-language Spanish assistance.
	11 businesses have been approved and are currently in the grant program. 3 out of the 6 Spanish speaking businesses are interested and have applied for the grant.
City of San Rafael Business Outreach	Two City interns surveyed business in San Rafael locations including Downtown San Rafael, Montecito Shopping Center, Northgate 1, Canal. Interviews were also conducted with large grocery stores like Whole Foods and Andy's Market.
	Over 50 business owners or administrators reached via outreach effort.
	Interns had one-on-one conversations with business owners of the potential impacts of the RFO on their business, encouraged the completion of the County business survey, and collected comments not listed on survey.
Food Vendor Survey Results *(provided in English + Spanish)*	97 responses
	Vendors are mostly concerned with cost, supply, and customer behavior change
	Vendors see the biggest benefits of this ordinance as less landfilled waste, reduced waste overall, and having more sustainable options for customers
	Over 50% of businesses support a $0.25 charge
	68% do not think it would be difficult to switch to all reusables for dine in (of which 18% would want help from the County or cities)
Resident Survey Results *(provided in English + Spanish)*	338 responses
	95% are in favor of reducing plastic materials from going to landfill
	91% support Marin County requiring all food vendors use foodware that is either reusable or compostable
	79% support a County-wide cup charge
Business Workshop Meeting	Held on 9/15/2021 with over 45 attendees. Spanish translation services were offered at the meeting. The meeting was recorded and is publicly available on the County's website.
Resident Community Meeting	Held on 7/14/2021 with over 28 attendees. The meeting was recorded and is publicly available on the County's website.
20+ Meetings with Stakeholders	Stakeholders from across the County, including restaurant owners, various chamber of commerce groups (including the Council of Chambers), Latinx business leaders, disability advocates, haulers and processors, food inspectors, advocacy groups, etc.
1 Letter	Sent to all food vendors with information about the proposed ordinance, survey link, outreach flyer, and invitation to attend the business workshop meeting.
33 Public Comments	County received 33 public comments on the publicly available draft ordinance. Public comments on the ordinance have been accepted since February 2020.

Comparison Table – County Foodware Ordinance vs. San Anselmo Foodware Ordinance

County Ordinance	San Anselmo Ordinance
Definition: BPI Certified	No definition for BPI Certified
Definition: Compliant Non-Reusable Foodware	No definition for Compliant Non-Reusable Foodware
Definition: Compliant Foodware Accessory	No definition for Compliant Foodware Accessory
Definition: Compost Facility	Referred to as “Municipal Compost Facility”
Definition: Compostable Plastics or Biodegradable Plastics	No definition for Compostable Plastics or Biodegradable Plastics
Definition: County	No definition for County
Definition: County Facility	No definition for County Facility
Definition: Customer	No definition for Customer
Definition: Director	No definition for Director
Definition: Effective Date	No definition for Effective Date
Definition: EPS	Referred to as “Polystyrene & Polystyrene Foam”
Definition: Foodware	Referred to as “Disposable Foodware”
Definition: Foodware Accessories	Referred to as “Disposable Foodware Accessories”
Definition: Natural Fiber	No definition for Natural Fiber
Definition: On Request	No definition for On Request
No definition for Full-Service Restaurant	Definition: Full-Service Restaurant
No definition for Private Schools	Definition: Private Schools
No definition for Takeout Food Delivery Service	Definition: Takeout Food Delivery Service
Compostable defined as “an item or material (1) will break down, or otherwise become part of usable compost in a safe and timely manner and (2) is Natural Fiber-based or made from other materials approved by the Deputy Director of Environmental Health Services or designee.”	Compostable defined as “all disposable products certified by BPI (Biodegradable Products Institute - A third party organization that reviews and certifies compostable products that meet ASTM D6400 and ASTM 6868 conditions for compostability) or Fluorinated Free and are accepted by the Town’s Municipal Compost Facility.”
Food Vendor defined as “a food facility as that term is defined in Health & Safety Code section 113789, or its successor, including but not limited to a restaurant, bar, grocery store, delicatessen, bakery, food service establishment (carry out, quick service, full-service), food truck, itinerant restaurant, pushcart, farmers market, caterer, microenterprise home kitchen operation, or cottage food operation, that sells Prepared Food to be consumed on and/or off the premises located or operating within the Town, except that for purposes of this ordinance the term ‘food vendor’ shall not include a public or private school cafeteria.”	Food Vendor defined as “any restaurant, private school, bar, grocery store, delicatessen, bakery, food service establishment (carry out, quick service, full-service), food truck, itinerant restaurants, pushcart, farmers market or other similar establishments, selling prepared food to be consumed on and off the premises located or operating within the Town of San Anselmo”

Dine-in foodware regulations require offering condiments in reusable containers or dispensers rather than pre-packaged single-use condiment packets.	No requirement for offering condiments in reusable containers or dispensers.
Takeout foodware regulations allow takeout food to be provided using glass materials as well as aluminum.	Takeout foodware regulations do not specifically call out glass materials as an option for takeout food, but would be covered by reusable foodware which is an option as well.
Takeout foodware regulations do not include an allowance for alternative foodware items if a compostable foodware item is not available, but the ordinance does allow for exemptions for foodware and foodware accessories if commercially available compostable options do not exist.	Takeout foodware regulations allow an alternative foodware item made of other materials, except polystyrene foam and polystyrene foodware, to be substituted if a compostable foodware item is not available.
Town purchases and town-sponsored event regulations require organizations or individuals using Town facilities to use reusable or compostable foodware and foodware accessories.	No requirement for organizations or individuals using Town facilities to use reusable or compostable foodware and foodware accessories.
Town purchases and town-sponsored event regulations require that all Town departments that hold contracts, lease agreements, permits, or other agreements that involve food service to incorporate prohibitions on non-reusable plastic foodware and polystyrene foam into all new and renewed contracts, leases, permits, agreements, etc.	No requirement to incorporate prohibitions on non-reusable plastic foodware and polystyrene foam into Town contracts, lease agreements, permits, or other agreements. However, the ordinance already prohibits the Town from purchasing foodware and foodware accessories that are not compostable.
Disposable cup charge regulations apply to all food vendors.	Disposable cup charge regulations apply to all food vendors except for full-service restaurants.
Waste receptacle regulations apply to all food vendors that provide solid waste containers for customer use.	Waste receptacle regulations apply to all food vendors except full-service restaurants.
Temporary exemptions allowed if specific compliant foodware or foodware accessories are not commercially available if approved by the County Deputy Director of Environmental Health Services or their designee. Although exemptions aren't allowed due to undue hardship, the County Deputy Director of Environmental Health Services may grant a waiver for undue hardship to a food vendor that receives a citation penalty for noncompliance.	Temporary exemptions allowed for "significant difficulty" and "significant expense" for up to two years if approved by the Town Manager or their designee.
Private school cafeterias are exempt from the regulations in the ordinance.	Private schools are only exempt from the disposable cup charge regulation.

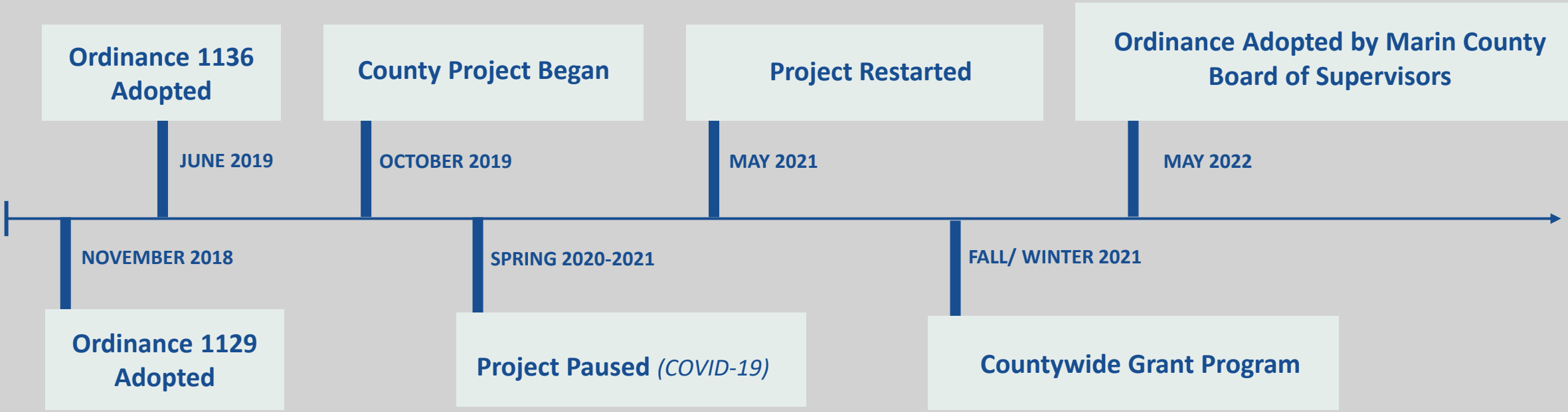


Town of San Anselmo
Council Meeting
March 28, 2023

REUSABLE FOODWARE ORDINANCE

Item 3 Attachment 5

BACKGROUND


Ordinance 1136 Adopted
JUNE 2019
County Project Began
OCTOBER 2019
Project Restarted
MAY 2021
Ordinance Adopted by Marin County Board of Supervisors
MAY 2022
NOVEMBER 2018
Ordinance 1129 Adopted
SPRING 2020-2021
Project Paused (COVID-19)
FALL/ WINTER 2021
Countywide Grant Program

WHY A FOODWARE ORDINANCE?

- Plastic waste and litter left on streets and sidewalks collects in gutters, storm drains, and creeks and, ultimately, **gets discharged into San Francisco Bay and Pacific Ocean**.
- Reduction of plastics at the source by encouraging reuse and recyclable or compostable materials would **reduce litter and debris** from going into the landfills.
- Adoption of a clear consistent foodware ordinance would **provide guidance and clarity** to businesses and the community who want to do the right thing but are unclear on what that is.
- Adoption of the ordinance would also assist the Town and local businesses in **complying with recently adopted state legislation** focused on waste reduction.

Item 3 Attachment 5

WHY A FOODWARE ORDINANCE?
REPLACING DISPOSABLES

- Improves environment:
  - **Reduces litter, chemicals in foodware, and amount of waste being sent to landfill**
- Less GHGs and use of resources to produce, transport, and dispose
- Switching to reusables saves money!



WHY A FOODWARE ORDINANCE?
DISPOSABLE FOODWARE EXAMPLES

- Bowls, Plates, Clamshells, and Other To-Go containers
- Cups
- Straws
- Utensils
- To-Go Accessories
  - Napkins, cup sleeves, lids, condiment packets, cup spill plugs, stirrers, tooth/cocktail picks, etc.

KEY ORDINANCE FEATURES

- **Applies to All Food Vendors**
  - Except public or private school cafeterias
- **Ordinance Enforcement:**
  - Not until November 10, 2023 (18 months after initial County of Marin adoption)
- **To-Go Foodware Must Be:**
  - Fiber-based, BPI-certified compostable (no bio-plastic)
  - Aluminum allowed
- **Dine-In Foodware Must Be:**
  - Reusable
  - Exceptions allowed for specified items, such as paper napkins, paper straws, and foil wrappers
  - Plastic stirrers, cocktail sticks, plugs and toothpicks banned

KEY ORDINANCE FEATURES CONTINUED

- **To-Go Accessories:**
  - Only upon request or at take-out station
  - Must be fiber-based compostable, when available
- **Disposable Cup Itemized Charge**
  - 25 cents (with exceptions), retained by food vendor
- **Front and Back of House 3-Stream Collection Containers**

STAKEHOLDER ENGAGEMENT

- **County Public Engagement ran from 10/2019-1/2022**
- **Stakeholder Meetings**
  - Formal Resident and Business Workshop Meetings
  - Spanish translation services offered & recorded
  - 20+ meetings, including restaurant owners, various chamber of commerce groups (including the Council of Chambers), Latinx business leaders, disability advocates, haulers and processors, food inspectors, advocacy groups, etc.
- **Resident Survey (provided in both English and Spanish)**
  - 338 responses
- **Food Vendor Survey (provided in both English and Spanish)**
  - 97 responses
- **County accepted public comments on draft ordinance from 2/2020-11/2021**
- **Letter to all food vendors countywide**
- **FAQ and matrix of compliant alternatives**
- **Variety of publications, including flyers and press releases**

Item 3 Attachment 5

STAKEHOLDER ENGAGEMENT COUNTYWIDE GRANT PROGRAM

- **Ran from 07/2021-11/2021**
  - Open to all food vendors in Marin County
  - Businesses could receive $100-$500 to voluntarily adopt requirements and receive technical assistance
- **Program Highlights**
  - 25% of businesses are using grant funds to purchase reusable foodware products
  - 19% of the businesses called and visited were provided Spanish in-language assistance
  - Several businesses showed appreciation for the education and compliance guidance around the new ordinance



STAKEHOLDER ENGAGEMENT OUTREACH AND MESSAGING









COUNTYWIDE APPROACH & ENFORCEMENT

- County enforcement begins on November 10, 2023 (18 months after County's initial adoption)
- County Environmental Health Services (EHS) will take proactive approach in education and enforcement
  - Cost would be passed through to businesses via Food Inspection Fees
  - EHS may grant a citation waiver for undue hardship circumstances
- County will maintain a temporary exempt product list on its website
- The one-time enforcement fee for the Town would be waived if the ordinance is adopted by May 10, 2023

STAFF RECOMMENDATIONS

- Introduce Reusable Foodware Ordinance to replace the existing Town Code Title 5, Chapter 10 Single Use Food Service Ware in its entirety
- Authorize the Town Manager to execute the agreement between the County and Town regarding enforcement of the foodware ordinance



THANK YOU

QUESTIONS?



APPENDIX SLIDES

PURCHASING GUIDE

COUNTY OF MARIN

REUSABLE FOODWARE FOR DINE-IN

These are not complete lists nor does the County endorse or recommend specific manufacturers or distributors but provides these resources for informational purposes. This list will be periodically updated. If you are a manufacturer or distributor and would like your product to be considered for inclusion on this list, please email

Webstaurant Store - webstaurantstor
International Tableware -
Katom Restaurant Supply, Inc -

Updated 1-23-23

Vendor	Product	Size	Material	Image	Colors	Estimated Price	Comments
Baskets							
Artisan Collection™ 9" Oval Basket	Oval Metal Basket	9" Oval	Powder Coated over Steel		Black	$10.68 ea	
9" x 7 1/4" x 2 3/4" Oval Natural-Colored Rattan Basket	Rattan Oval	11" x 1 1/2" round	Rattan		Natural	$2.99 ea	
Acopa 9" x 6" Oval Chrome Wire Basket	Oval Chrome Wire	Acopa 9" x 6"	Chrome		Silver	$3.98ea	



Studies have shown that replacing disposable with earth-friendly and money-saving reusable foodware can dramatically reduce your opertional cost.

https://www.marincounty.org/depts/cd/divisions/environmental-health-services/reusable-foodware-ordinance

REUSABLE COST SAVINGS

CLEAN WATER ACTION FACT SHEET

Net Cost Impact* of switching from disposable to reusable food ware items for dine-in

Numbers are based on case studies of *ReThink Disposable* certified food businesses.

J&J Hawaiian invested $557 to replace:

- Disposable Paper Food Clamshells with Reusable Plates & Bowls
- Disposable Paper Food Trays with Reusable Baskets
- Disposable Plastic Utensils with Silverware
- Disposable Wooden Chopsticks with Reusable Plastic Chopsticks
- Disposable Plastic Water & Paper Soda Cups with Reusable Glasses
- Disposable Plastic Sauce Cups & Lids with Reusable Sauce Cups

ANNUAL NET COST SAVINGS: $20,517



Kirk's Steakburgers invested $220 to replace:

- Disposable Paper Trays with Reusable Baskets
- Disposable Paper Soda Cups with Reusable Cups
- Disposable Plastic Water Cups with Reusable Cups

ANNUAL NET COST SAVINGS: $3,981



New York Pizza invested $170 to replace:

- Disposable Paper Plates with Reusable Metal Pizza Trays
- Disposable Plastic Utensils with Reusable Silverware
- Disposable Plastic Water Cups with Reusable Glasses

ANNUAL NET COST SAVINGS: $3,043

**Net Cost Impact takes into account any upfront and ongoing costs associated with the purchase and care of reusable items and capital improvements needed to carry out ReThink Disposable's recommendations. Net cost savings are based on avoided disposable foodware purchases.*

NOTE: With the exception of Kirk's Steakburgers, the above restaurants had no mechanized dishwashing.

Rene Rose invested $636 to replace:

- Disposable Plastic Plates with Reusable Plates
- Disposable Plastic Bowls with Reusable Bowls
- Disposable Plastic Sauce Cups & Lids with Reusable Sauce Cups
- Disposable Plastic Water Cups with Reusable Glasses

ANNUAL NET COST SAVINGS: $22,122



Shish Grill invested $80 to replace:

- Disposable Foam Cups for soda and water with Reusable Glasses
- Disposable Plastic Sauce Cups with Reusable Sauce Cups

ANNUAL NET COST SAVINGS: $974

https://www.marincounty.org/depts/cd/divisions/environmental-health-services/reusable-foodware-ordinance

REUSABLE COST SAVINGS

Marin County Restaurants: Conversion to Dine-in Reusables Potential Cost & Waste Reduction

Restaurant Sector	# of Restaurants	Sector %	Restaurant Annual Cost Savings	Restaurant Sector Annual Cost Savings	Total Annual Waste Reduction (# of Foodware Items Eliminated)
Café/Bakery/Snack	247	23%	$4,319	$1,066,670	32,643,767
Fast Casual	197	18%	$4,687	$923,241	50,386,986
Fast Food	189	18%	$3,810	$716,236	24,972,965
Full Service	439	41%	n/a	n/a	n/a
All Restaurants	**1,072**	**100%**	**$4,282**	**$2,706,146**	**108,003,718**

Study based on model by Reusable San Mateo County of Marin County's 1,072 restaurants

https://www.marincounty.org/depts/cd/divisions/environmental-health-services/reusable-foodware-ordinance

PLASTIC VS. COMPOSTABLE COST COMPARISONS

Item	Plastic Per Unit Cost	Compostable Per Unit Cost
16 oz. Cold Cup	$0.06	$0.08
Clamshell To-Go Container	$0.19	$0.20
Plastic Utensils (fork, spoon, knife)	$0.03	$0.04
Take-Out Bag	$0.02	$0.05
Hot Cup Sleeve	$0.03	$0.03
Food Wrap	$0.01	$0.02
Straw	$0.01	$0.02
Plates	$0.10	$0.09
Bowl	$0.08	$0.07
Stirrer	<$0.01	<$0.01

Item 3 Attachment 5
https://www.marincounty.org/depts/cd/divisions/environmental-health-services/reusable-foodware-ordinance

TEMPORARY EXEMPT PRODUCTS

TEMPORARY EXEMPT PRODUCT

This list will be reviewed and updated annually by the County. When a compliant alternative to a product becomes available, the County will update this list and the product will be subject to enforcement within six (6) months of list posting. The County will inform food service facilities of updates to this list as a part of regular enforcement activities of the County's Reusable Foodware Ordinance.

- Hot Cup (i.e., beverage or soup)
- Hot / Cold Cup Lid
- Food Container Lid
- Rotisserie Dome Container
- Sandwich Wedge Container
- Sushi Tray
- Baked Goods Box
- Bottled Juice / Beverage Container (ONLY for beverages made on-site)

Last Updated: 2/22/22

Item 3 Attachment 5

https://www.marincounty.org/depts/cd/divisions/environmental-health-services/reusable-foodware-ordinance

525 San Anselmo Avenue
San Anselmo, CA 94960

TO: TOWN COUNCIL March 28, 2023 **Item #:** 4.

FROM:
Linda M. Kenton, Assistant Town Manager and Town Librarian and David P. Donery, Town Manager

SUBJECT:
2023-2025 Work Plan Priorities

RECOMMENDATION

Receive report and provide input at future meeting.

BACKGROUND

Town staff presents work plan priorities to Town Council, biennially in Spring, in concert with the upcoming budget. The development of work plan priorities or goals in previous years has included retreats with Council and staff, public meetings that involved presentations/activities and online surveys designed to solicit ideas and provide input from San Anselmo residents. Beginning in 2021 work plan priorities began to span a two-year cycle as opposed to annually. This allowed for improved long-term planning and completion of larger projects. The final 2021-23 work plan priorities progress report was presented to Town Council on December 13, 2022.

DISCUSSION

Work plan priorities are based on staff knowledge and assessment of Town needs in both the short term and the future and encompasses some projects already underway. The work plan priorities for FY2023-25 are presented in two formats: as outlined by Town Departments (Attachment 1) and organized within seven categories (Attachment 2).

Each Department work plan priority has been developed using this format:

1. Category (of service)
2. Priority
3. Description
4. Employee Impact
5. Fiscal Impact

Each work plan priority organized by category (of service) groups any number of goals under the unifying principle of service to the community. These seven categories are the result of research and analysis conducted by staff. They include:

1. Livability and Quality of Life
Create opportunities for lifelong learning and diverse entertainment through innovative Recreation and Library activities for residents of all ages and abilities.

2. Quality Facilities – Maintaining and improving town facilities for residents and town staff.

3. Connecting with the Community
Provide equitable community engagement that includes an outreach approach with intentional effort to engage a representation of the Town's diverse audiences.

4. Sustainable, Natural and Built Environment
Thoughtful planning and operations that ensure the long-term viability of the City's infrastructure, facilities, and environment.

5. Excelling in Town Services
Provide excellent and sustainable delivery of services by making data driven investments & decisions. Support continuous improvement and cross departmental collaboration to improve service delivery to residents and provide for their public safety.

6. Planning for the Future – Utilize comprehensive planning to balance the community's character with its evolving needs.

7. Investing in People
Provide professional management and training that encourages a culture of innovation, collaboration, and transparency to deliver quality service through an exceptional workforce.

Timeline

March 28 Town Council Meeting:

1. Introduce the 2023-2025 work plan priorities and proposed timeline.

April 11 Town Council Meeting:

1. Receive input and direction from Town Council to move forward with proposed plan.

May 5 Town Council and Town Staff Retreat:

1. Department work plan priorities presented with input incorporated from Town Council as directed from April 11 meeting.
2. Seek further input from Town Council on work plan priorities.

May 23 Town Council Meeting:

1. Adopt FY 2021-2023 Work Plan Priorities with recommendations as discussed on May 5 retreat

CONCLUSION

Staff respectfully requests the Council's introduction of the proposed Ordinance and authorization for the Town Manager to execute the Agreement with the County.

Attachments:

1. Proposed Ordinance
2. Agreement
3. Outreach Summary
4. Comparison Table
5. Presentation Slides

Staff seeks Council input and direction on the priorities/goals as outlined at a future meeting. The work plan priorities will be included in the Town's annual budget.
Before Council is the proposed work plan priorities for FY 2023-2025. After a period of thought and reflection, the staff seeks Council input in crafting the best work plan priorities for the Town and adoption of these.
Respectfully Submitted,

Linda M. Kenton
Assistant Town Manager & Town Librarian

David P. Donery
Town Manager

Attachment 1: DRAFT Work Plan Priorities by Department – FY 2023-2025
Attachment 2: DRAFT Work Plan Priorities by Category – FY2023-2025

DRAFT—2023-25 Priorities Work Plan

Finance/Admin Services Workplan

1) **Category:** Investing in People
   Priority: Town-wide compensation study
   Description: Conduct a Town-wide compensation study. The goal in reviewing employee compensation is to benchmark the Town's salaries with the goal of providing competitive compensation to comparable local municipalities to assist in recruitment and retention of talented employees. Become Employer of Choice.
   Staff Impact: Moderate
   Fiscal Impact: TBD

2) **Category:** Excelling in Town Services
   Priority: Update Town's Investment Policy
   Description: Update the existing Investment Policy (1997) to reflect best practices and to ensure compliance with federal, state, and applicable laws and regulations.
   Staff Impact: Low
   Fiscal Impact: None

3) **Category:** Investing in People
   Priority: Implement Ready Set Audit Results for Human Resources
   Description: An audit of the Town's rules, policies, ordinances, and other areas was conducted by Ready Set to assure that they are fair, equitable and completely bias free. As part of that audit, HR wants to implement new recruiting strategies to be sure that we are reaching all potential candidates.
   Staff Impact: Moderate
   Fiscal Impact: Low

4) **Category:** Investing in People
   Priority: Employee Trainings (Lunch & Learn)
   Description: Develop a Lunch and Learn program, a joint lunch for their employees to encourage learning, foster building strong relationships, and enhancing professional development. Lunch and Learn events offer opportunities for coworkers to share ideas and discuss issues in a relaxed atmosphere.
   Staff Impact: Low
   Fiscal Impact: Low

5) **Category:** Excelling in Town Services
   Priority: Update Fee Study
   Description: A review of the fee study is needed to ensure that the Town's fees are updated to reflect the latest cost information. The study will identify the full costs of providing each service, including direct, indirect, and overhead costs. Identifying the full

cost of a services will assist in determining the appropriate fee for each service and prevent the subsidization of individual services with taxpayer dollars.
Staff Impact: Low
Fiscal Impact: Low

6) **Category:** Connecting with the Community
Priority: Town telephone system
Description: Update the current Town phone system from an analog system to allow for increased efficiency and usability. Voicemails can be integrated into the email system to allow for better response capabilities and customer service.
Staff Impact: Low
Fiscal Impact: Moderate

7) **Category:** Excelling in Town Services
Priority: Update Finance/Payroll/HR Systems
Description: Review the options for a change in Town's software to a cloud-based system more suited for a smaller local municipality.
Staff Impact: Moderate
Fiscal Impact: Moderate

8) **Category:** Connecting with the Community
Priority: Implement Online Records Management Program
Description: Through an RFP process, retain services of an online records retention service for the purposes of providing efficient access to Town records for both staff and the public.
Staff Impact: Moderate/High
Fiscal Impact: Moderate

Library – Department Work Plan Priorities

1) **Category:** Quality Facilities
Priority: Improved shelving for special collections
Description: Instead of holding special collections such as Take and Make Kits, memory kits out of public view, providing shelving in public area for better marketing and access.
Employee Impact: Moderate
Fiscal Impact: Depends on the plan and shelving found to meet needs of collections.

2) **Category:** Livability and Quality of Life, Connecting with the Community
Priority: Reimagine the Take and Make Kits collection
Description: This popular collection has expanded beyond the limits of "take and make" and needs to be reevaluated and rebranded for expansion.

Employee Impact: Moderate
Fiscal Impact: Low

3) **Category:** Quality Facilities
Priority: Study the organization of physical public space
Description: Enlist the services of a consultant to help redesign the public library space.
Employee Impact: High
Fiscal Impact: High

4) **Category:** Quality Facilities
Priority: Implement plan designed by consultant to redesign public library space
Description: Hire contractors, identify equipment/furniture, and execute plan
Employee Impact: High
Fiscal Impact: High

5) **Category:** Quality Facilities
Priority: Study the organization of physical staff workspace on lower level and implement recommendations.
Description: Enlist the services of a consultant to help redesign the public library staff workroom space.
Employee Impact: High
Fiscal Impact: High

6) **Category:** Excelling in Town Services
Priority: Complete implementation of RFID project
Description: Items have been tagged and staff has been using RFID pads and other equipment. Next steps in roll-out include peripherals to support the use of the technology and training patrons to use RFID enabled tools for checking out materials.
Employee Impact: High
Fiscal Impact: Moderate-High

7) **Category:** Livability and Quality of Life
Priority: Establish Zip Books program
Description: Organize and deploy zip books program, grant funded by the CA state library, to deliver books, unavailable in the local library system, to residents' homes via Amazon
Employee Impact: Moderate-High
Fiscal Impact: Low

Interdepartmental—Library and Public Works

8) **Category:** Quality Facilities
Priority: Repaint/Repair internal building, museum, and Council Chamber lobby areas
Description: There are many areas in need of repair where chunks of wall have eroded or chipped away. There are innumerable scuffs and scratches throughout the building which need to be cleaned up and walls improved with fresh paint.
Employee Impact: Moderate
Fiscal Impact: High

Planning—Department Work Plan Priorities

1) **Category:** Investing in people
Priority: Onboard new Planner
Description: Hire and train a new planner to provide current planning activities such processing land use permits, assisting the public over the phone, via email, and at the counter
Employee Impact: Moderate
Fiscal Impact: High.

2) **Category:** Planning for the Future
Priority: Comprehensive General Plan Update, including the Circulation Update
Description: Begin the comprehensive General Plan Update of the 1988 current General Plan. Will update all elements of the General Plan (exception of the Housing Element and Safety Element) and include new optional element, such as Environmental Justice and Economic Development.
Employee Impact: Moderate to High
Fiscal Impact: High. Aspects of update can be offset by staff, but CEQA Analysis and technical aspects of the General Plan Update will need to be prepared by a consultant.

3) **Category:** Planning for the Future
Priority: Housing Element Implementation
Description: Implement at least 22 Housing Policy Action Items as required by the Housing Element
Employee Impact: Low to Moderate
Fiscal Impact: Low

4) **Category:**
Priority: Continue to Enhance the Planning Departments levels of service.
Description: Enhance levels of service by improving and updating the Planning Department's web presence to make it easy for users to navigate and find information

and resources, continue to improve processing timelines, improve, and maintain response times, and proactive shepherding of projects through the Town's discretionary processes.
Employee Impact: Low to Moderate
Fiscal Impact: Low

5) **Category:** Sustainable, Natural and Built Environment
Priority: Continue to grow Economic Development in Town
Description: Enhance and grow the Planning Department's Economic Development and Housing initiatives by providing more structure (policies and implementation of actions) to what we would like and need to accomplish.
Employee Impact: Low to Moderate
Fiscal Impact: Low

6) **Category:** Investing in People
Priority: Develop a training program for Planning Department staff
Description: Create a cohesive team where there is training to keep informed with up-to-date information, cross training of duties and responsibilities (where possible given job descriptions constraints by union and job descriptions), experiences to help grow staff.
Employee Impact: Low to Moderate
Fiscal Impact: Low

7) **Category:** Excelling in Town Services
Priority: Enhanced and consistent record keeping where information is accessible and easy to find.
Description: Digitize remaining Planning paper files, create any necessary databases, convert microfiche to digital pdf plans (soft file) and provide a comprehensive digital data file storage service, such as Docuware, Laserfiche, etc.
Employee Impact: Low to High depending on whether outside resources or internal staff will be used.
Fiscal Impact: Low to Moderate

8) **Category:** Planning for the Future, Sustainable, Natural and Built Environment
Priority: Develop Gas Ban Ordinance
Description: Finalize Ordinance for Town Council consideration of a Gas Ban Ordinance. Requires the preparation of a study to support the ban.
Employee Impact: Low to Moderate
Fiscal Impact: Low

9) **Category:** Planning for the Future, Sustainable, Natural and Built Environment
Priority: Update Downtown and other Commercial Land Uses

Description: Consider Zoning Code amendments to the Land Use Regulations Table 3A (Title 10, Chapter 3, Article 3, Section 10-3.302) to the Downtown and other commercial land uses that will attract businesses to the Town.
Employee Impact: Senior Planner and Planning Director staff time over 6 months.
Fiscal Impact: Approximately $12,000 (+/- 10% of staffs time over 6 months)

Police – Department Work Plan Priorities

1) **Category:** Investing in People
Priority: Address Staffing Issues: Retention and Recruiting
Description: The Central Marin Police is currently facing a significant staffing issue wherein; it is losing people faster than it can replace them. In addition, applicant numbers are dwindling at an alarming rate. This especially important work plan priority is to work closely with the Town and City Managers over the next two years to improve entry level recruitment and current employee retention.
Staff Impact: Moderate
Fiscal Impact: Impact to budget should "top-step" salaries be increased, or employees are brought in at a higher "step" than is currently allowed.

2) **Category:** Investing in People
Priority: Increase Training for all Staff
Description: Increase training for all staff to include new mandates and expectations from communities.
Staff Impact: Moderate
Fiscal Impact: Increase to training budget to pay for increase in training (e.g., tuition, travel costs, etc.)

3) **Category:** Connecting with the Community
Priority: Initiate complete overhaul and redesign of the website
Description: Currently, the website is over ten years old and is outdated and works poorly on smart phones. Conduct a complete overhaul and redesign of the website to bring it up to acceptable current day standards.
Staff Impact: High
Fiscal Impact: Cost of outside vendor for website design and staff time.

4) **Category:** Investing in People
Priority: Improve and evolve the organizational mental and physical wellness of staff
Description: Continue to improve and evolve the organizational mental and physical wellness of staff.
Staff Impact: Moderate
Fiscal Impact: Minimal cost since most will be covered by year two of a federal grant.

5) **Category:** Sustainable, Natural and Built Environment
Priority: Continue to convert the fleet of vehicles to electric & hybrid
Description: Continue to convert the fleet of vehicles away from sole combustion engines to fully electric and/or hybrid models. This will include patrol vehicles, CSO/Cadet vehicles, unmarked vehicles, and motorcycles.
Staff Impact: Minimal
Fiscal Impact: No increase to yearly budget. Cost will be about the same as purchasing combustion vehicles. Will only replace when a vehicle is at its end of life.

6) **Category:** Investing in People
Priority: Implement new SB2 legislation and mandates
Description: Implement new SB2 legislation and mandates regarding the certification and de-certification of police officers.
Staff Impact: Moderate
Fiscal Impact: Minimal.

Public Works – Department Work Plan Priorities

1) **Category:** Excelling in Town Services
Priority: Develop 5-year Capital Improvement Plan that includes a regular update and communication schedule for all capital improvement projects.
Description: Creation of a framework for Council to receive consistent updates of all Capital Improvement projects (CIP). Quarterly reports on CIP expenditures (budget status report from DPW). In addition, staff will be bringing forward a new 5 Year Capital Improvement Plan. Public Works typically reports twice a year to the Capital Program Monitoring Committee and the Financial Advisory Committee and will create a new format to provide an update to the Council on CIP projects.
Staff Impact: Moderate
Fiscal Impact: Low

2) **Category:** Excelling in Town Services
Priority: Improve pavement condition index and repair streets
Description: Continue to program paving, crack sealing and slurry sealing projects to improve road conditions and reduce reconstruction and maintenance costs by improving the Pavement Condition Index (PCI).
Staff Impact: Moderate
Fiscal Impact: High

3) **Category:** Excelling in Town Services
Priority: Coordinate with County on Flood Control. Finalize Bridge designs.
Description: Continue working towards 25-Year level (4% recurrence interval) flood protection with the removal and replacement of bridges and working with the County on the SAFRR project to remove Building Bridge 2.
Staff Impact: Moderate
Fiscal Impact: Moderate

4) **Category:** Sustainable, Natural and Built Environment
Priority: Rehabilitate Town Parks and Medians
Description: Work on improving general maintenance and rehabilitation of parks and medians.
Staff Impact: Moderate
Fiscal Impact: Moderate

5) **Category:** Quality Facilities
Priority: Develop an annual plan to address maintenance for all Town-maintained buildings and facilities
Description: Program funds to address painting, rot repair, heating/ventilation/air-conditioning (HVAC), and other building maintenance issues for all Town-maintained buildings and facilities.
Staff Impact: Moderate
Fiscal Impact: High

6) **Category:** Planning for the Future, Sustainable, Natural and Built Environment
Priority: Implementation of the Bicycle and Pedestrian Master Plan
Description: Town Staff will continue to prioritize the Bicycle and Pedestrian Master Plan as adopted in the Complete Streets Resolution by the integration of the Bicycle and Pedestrian Master Plan elements into public works projects.
Staff Impact: Moderate
Fiscal Impact: Moderate

7) **Category:** Planning for the Future, Sustainable, Natural and Built Environment
Priority: Evaluate and develop a Water Conservation plan for Town buildings, parks, and medians
Description: Due to the drought the Town has been working diligently on reducing domestic water usage throughout parks, medians, and buildings.
Staff Impact: Moderate

Fiscal Impact: Moderate

8) Category: Sustainable, Natural, and Built Environment
Priority: Design and seek funding for the development of the Resilient Hub project
Description: This project would install solar panels with battery storage on Town Hall or Library Buildings to create community-serving space equipped with an emergency power center that provides clean energy resilience for both town services and residents, equipped for extreme weather, providing power, broadband, cooling, water, social services, and older adult assistance in an emergency situation.
Staff Impact: High
Fiscal Impact: High

Public Works—Building

1) Category: Excelling in Town Services
Priority: Develop and implement residential Seismic Program.
Description: Provide homeowners with information on earthquake strengthening for existing one- and two-family dwellings, develop a soft-story program for existing structures, and an automatic gas shutoff valve program.
Staff Impact: High
Fiscal Impact: Low

2) Category: Excelling in Town Services
Priority: Develop and implement program with Ross Valley Fire Department (RVFD) to aid in fire resistance "hardening" of dwellings in the Wildland Urban Interface (WUI).
Description: The Building Department is interested in the possible allocation of fire abatement funding to help homeowners in the WUI to add WUI compliant vents and siding to reduce the potential of fires or the spread of fire within San Anselmo and Marin County.
Staff Impact: High
Fiscal Impact: Low

3) **Category:** Excelling in Town Services
Priority: Develop online permitting for solar systems-SB 379 compliance
Description: SB 379 requires local jurisdictions to adopt an online permitting system for residential solar energy systems. This bill would require every city, county, or city and county to implement an online, automated permitting platform that verifies code compliance and issues permits in real time or allows the city, county, or city and county to issue permits in real time for a residential solar energy system, as defined, that is no larger than 38.4 kilowatts alternating current nameplate rating and a residential energy storage system, as defined, paired with a residential solar energy system that is no larger than 38.4 kilowatts alternating current nameplate rating.
Staff Impact: High
Fiscal Impact: Moderate

4) **Category:** Excelling in Town Services
Priority: Implement expedited permitting program per AB 2234 requirements
Description: New bill will regulate response time for permit applications. If an application for a post entitlement phase permit is incomplete, the Town must provide applicants with list of incomplete items and description of how to make application complete within 15 business days of submission of application. If an application for a post entitlement phase permit is noncompliant, the Town must provide the applicant a full set of written comments with a comprehensive request for revisions within 30 business day (projects with 25 units or fewer) or 60 business days (projects with more than 25 units).
Staff Impact: High
Fiscal Impact: Moderate

5) **Category:** Excelling in Town Services, Sustainable, Natural and Built Environment
Priority: Update Green Building code
Description: The Sustainability Committee has raised the question of banning gas in residential new construction. If the Town bans the use of gas, the Building Department will update the Green Building Code to fulfill the new requirement.
Staff Impact: High
Fiscal Impact: Low

Recreation – Department Work Plan Priorities

1) **Category:** Quality Facilities
   Priority: Upgrade and Improve the facilities located at the Robson Harrington House.
   Description: Make improvements to the inside program space, home to our after-care programs. Improvements would include painting, replacing carpets, kitchen improvements and replacing blinds. Addition of an office space for staff to work and hold meetings with both parents and staff.
   Employee Impact: Moderate
   Fiscal Impact: The Department will use reserve funds which will be included in the FY 2023/24 Recreation Fund budget under capital outlay.

2) **Category:** Connecting with the Community
   Priority: Age-Friendly Strategic Plan
   Description: Age-Friendly San Anselmo will present a completed strategic plan to Town Council. To achieve the Vision of the strategic plan, the Town and the community will develop and reinforce a culture that allows for people to actively age with dignity, respect, and independence. Nurturing a commitment to an age-friendly future will be an essential factor in successfully implementing the strategies in the plan.
   Employee Impact: High
   Fiscal Impact: Minimal

3) **Category:** Connecting with the Community
   Priority: Create a Volunteer Corps for Parks and Recreation Projects.
   Description: The Parks and Recreation Commission will create a sub-committee to create a data base of past and future volunteers to work on parks and reaction projects. Projects would include earth day, tutoring, park clean-up projects and more. (Should I say something about coordinating with Kelley?)
   Employee Impact: Moderate
   Fiscal Impact: Minimal

4) **Category:** Livability and Quality of Life
   Priority: Expand Toddler Enrichment Programs
   Description: The new early childhood classes will be designed to build a community of caregivers and create an environment for toddlers to socialize play and learn. Teachers and caregivers will encourage early childhood development by guiding children to explore through stories, songs, sensory and art. Our goal is to have programs at both the Robson Harrington House and Memorial Park.
   Employee Impact: High
   Fiscal Impact: Minimal

5) **Category:** Connecting with the Community
Priority: Update and reorganize Recreation Department webpage.
Description: The new Recreation registration software, Civic Rec, pairs with the Town website, Civic Plus. The department will connect the two platforms to update and reorganize our website and registration process. This will create a better experience for our recreation community.
Employee Impact: High
Fiscal Impact: Minimal

6) **Category:** Excelling in Town Services
Priority: Re-format the Community Event Application and Process.
Description: The Town of San Anselmo is vibrant community. The Recreation department receives many requests for events throughout the year. Requests include everything from concerts to bake sales. Currently there is one application that goes to Town Council for approval. The department will develop a process and applications for larger events, smaller events and tables at existing events. The application process will include interdepartmental communications, insurance requirements and street closure and janitorial costs.
Employee Impact: High
Fiscal Impact: Minimal

Interdepartmental Projects - Recreation & Public Works

1) **Category:** Quality Facilities
Priority: Resurface Tennis Courts & Stripe Two for Pickle Ball
Description: Resurface tennis courts due to failing and cracked concrete
Employee Impact: High
Fiscal Impact: High

2) **Category:** Quality Facilities
Priority: improvements to Red Hill Dog Park
Description: This project would include improvements to drainage and ground covering.
Employee Impact: Moderate
Fiscal Impact: High

3) **Category:** Quality Facilities
Priority: Implement phase 3 of Millennium Playground restoration
Description: Phase three will involve enhancing the playground with new features placed in areas of the playground where former features existed. This will begin with a community engagement process to help determine the plan. The plan will go through a cost estimating process and a fundraising program will be launched. The improvements will be made once these goals are met.
Employee Impact: Moderate

Fiscal Impact: High

4) **Category:** Quality Facilities
Priority: Repair the walls within the Robson Harrington Community Gardens.
Description: The crumbling walls have become a safety issue.
Employee Impact: Moderate
Fiscal Impact: High

5) **Category:** Quality Facilities
Priority: Paint ICC Center
Description: The paint is peeling.
Employee Impact: High
Fiscal Impact: High

Ross Valley Fire – Department Work Plan Priorities

1) **Category:** Excelling in Town Services
Priority: Implement RVFD leadership reorganization
Description: The Ross Valley Fire Department is in leadership transition due to the expiration in June of the shared services agreement with County Fire. The member agencies and the Fire Board are exploring options including a potential shared services agreement with Central Marin Fire for Fire Chief and Chief Officer services.
Employee Impact: High
Fiscal Impact: Medium

2) **Category:** Quality Facilities
Priority: Perform needs assessment for living quarters at Station 20
Description: DPW staff to work with Fire Department staff to explore options to renovate the living quarters at Fire Station #20 with the goal of updating the space to accommodate a third member on each operational shift (scheduled for FY2025-26).
Employee Impact: High
Fiscal Impact: Low

3) **Category:** Quality Facilities
Priority: Renovate living quarters at Station 20
Description: Complete renovation construction on Fire Station #20.
Employee Impact: High
Fiscal Impact: High

Working Copy
Work Plan 2023-25

	C	D	E	F	G	H	I	J	K	L	M	N
1	**Livability & Quality of Life**		**Quality Facilities**		**Connecting with the Community**		**Sustainable, Natural and Built Environment**		**Excelling in Town Services**		**Planning for the Future**	
2												
3	Create opportunities for lifelong learning and diverse resources through innovative Recreation and Library activities and entertainment for residents of all ages.		Plan, maintain and improve Town facilities for residents and town staff.		Provide equitable community engagement that includes an outreach approach with intentional effort to engage a representation of the Town's diverse audiences.		Thoughtful planning and operations that ensure the long-term viability of the Town's infrastructure, facilities, and environment.		Provide excellent and sustainable delivery of services by making data driven investments & decisions. Support continuous improvement and cross departmental collaboration to improve service delivery to residents and provide for their public safety.		Utilize comprehensive planning to balance the community's character with its evolving needs	
4												
5	Implement Housing Element programs, policies and actions (PLAN)		Improve shelving for Library special collections (LIB)		Implement new Town telephone system (F/A)		Complete and implement Economic Development Plan (PLAN)		Update Town's Investment Policy (F/A)		Conduct comprehensive General Plan Update (PLAN)	
6												
7	Complete and implement Economic Development Plan (PLAN)		Study the organization of Library physical public space (LIB)		Implement Online Records Management Program (F/A)		Develop Gas Station Ban Ordinance (PLAN)		Update Fee Study (F/A)		Implement Housing Element programs, policies and actions (PLAN)	
8												
9	Implementation of the Bicycle and Pedestrian Master Plan (PW)		Implement Library reorg plan designed by consultant (LIB)		Reimagine the Library "Take and Make Kits" collection (LIB)		Continue to convert the fleet of vehicles to electric & hybrid (CMPA)		Update Finance/Payroll/HR Systems (F/A)		Develop Gas Station Ban Ordinance (PLAN)	
10												
11	Develop and implement Age-Friendly Strategic Plan (REC)		Study the organization of Library physical staff workspace on lower level (LIB)		Complete implementation of Library RFID project (LIB)		Develop an annual plan to address maintenance for all Town-maintained buildings and facilities (PW)		Complete implementation of Library RFID project (LIB)		Update downtown land uses (PLAN)	
12												
13	Expand Toddler Enrichment Programs (REC)		Repaint/Repair internal Library building, museum, and Council Chamber lobby areas (LIB)		Establish Zip Books program (LIB)		Design and seek funding for a Resilient Hub solar project for the Library roof (PW)		Invest in digital record keeping program (PLAN)		Develop and implement residential Seismic Program (PW-BLD)	
14												

Updated:3/23/2023

Working Copy
Work Plan 2023-25

	C	D	E	F	G	H	I	J	K	L	M	N
1	**Livability & Quality of Life**		**Quality Facilities**		**Connecting with the Community**		**Sustainable, Natural and Built Environment**		**Excelling in Town Services**		**Planning for the Future**	
15	Implement phase 3 of Millennium Playground restoration (REC)		Develop an annual plan to address maintenance for all Town-maintained buildings and facilities (PW)		Update the Planning Department web pages (PLAN)		Evaluate and develop a Water Conservation Plan for Town buildings, Parks, and medians(PW)		Continue to convert the fleet of vehicles to electric & hybrid (CMPA)		Develop and implement program with Ross Valley Fire Department (RVFD) to aid in fire resistance "hardening" of dwellings in WUI (PW-BLD)	
16												
17			Upgrade and Improve the facilities at the Robson Harrington House (REC)		Initiate complete overhaul and redesign of the website (CMPA)		Develop 5-year Capital Improvement Plan, that includes a regular update and communication schedule for all capital improvement projects (PW)		Implement new SB2 legislation regarding certification of officers (CMPA)		Update Green Building code (PW-BLD)	
18												
19			Resurface Tennis Courts & Stripe Two for Pickle Ball (REC)		Develop and implement Age-Friendly Strategic Plan (REC)		Develop and implement program with Ross Valley Fire Department (RVFD) to aid in fire resistance "hardening" of dwellings in WUI (PW-BLD)		Initiate complete overhaul and redesign of the website (CMPA)			
20												
21			Research and develop plan for improvements to Red Hill Dog Park (REC)		Create a Volunteer Corps for Parks and Recreation Projects (REC)		Develop online permiting for solar systems - SB 379 Compliance (PW-BLD)		Develop 5-year Capital Improvement Plan, that includes a regular update and communication schedule for all capital improvement projects (PW)			
22												
23			Implement phase 3 of Millennium Playground restoration (REC)		Update and reorganize Recreation Department webpage (REC)		Update Green Building code (PW-BLD)		Develop an annual plan to address maintenance for all Town-maintained buildings and facilities (PW)			
24												

Updated:3/23/2023

Working Copy
Work Plan 2023-25

	C	D	E	F	G	H	I	J	K	L	M	N
1	**Livability & Quality of Life**		**Quality Facilities**		**Connecting with the Community**		**Sustainable, Natural and Built Environment**		**Excelling in Town Services**		**Planning for the Future**	
25			Repair the walls within the Robson Harrington Community Gardens (REC)						Implementation of the Bicycle and Pedestrian Master Plan (PW)			
26												
27			Paint ICC Center (REC)						Evaluate and develop a Water Conservation Plan for Town buildings, Parks, and medians(PW)			
28												
29			Research and repurpose Carriage House area at Robson Harrington Park (REC)						Develop and implement residential Seismic Program (PW-BLD)			
30												
31			Rennovate living quarters at Fire Station 20 (RVFD)						Develop and implement program with Ross Valley Fire Department (RVFD) to aid in fire resistance “hardening” of dwellings in WUI (PW-BLD)			
32												
33			Perform needs assesment for living quarters at Station 19 (RVFD)						Develop online permiting for solar systems - SB 379 Compliance (PW-BLD)			
34												
35									Implement expedited permiting program - per AB 2234 requirements (PW-BLD)			
36												
37									Update Green Building code (PW-BLD)			
38												
39									Expand Toddler Enrichment Programs (REC)			
40												

Updated:3/23/2023

Working Copy
Work Plan 2023-25

	C	D	E	F	G	H	I	J	K	L	M	N
1	**Livability & Quality of Life**		**Quality Facilities**		**Connecting with the Community**		**Sustainable, Natural and Built Environment**		**Excelling in Town Services**		**Planning for the Future**	
41									Update and reorganize Recreation Department webpage (REC)			
42												
43									Re-format the Community Event Application and Process (REC)			
44												
45									Implement RVFD leadership reorganization (RVFD)			

Updated:3/23/2023

	O
1	**Investing in People**
2	
3	Provide professional management and training that encourages a culture of innovation, collaboration, and transparency to deliver quality service through an exceptional workforce.
4	
5	Conduct Town Compensation Study (F/A)
6	
7	Implement Ready Set Audit Results (F/A)
8	
9	Institute Employee Trainings (Lunch & Learn) (F/A)
10	
11	Study the organization of Library physical staff workspace on lower level (LIB)
12	
13	Onboard new Planner (PLAN)
14	

Updated:3/23/2023

	O
1	**Investing in People**
15	Develop a training program for Planning Department staff (PLAN)
16	
17	Invest in digital record keeping program (PLAN)
18	
19	Address staffing issues: retention & recruiting (CMPA)
20	
21	Increase training for all staff (CMPA)
22	
23	Improve and evolve the organizational mental and physical wellness of staff (CMPA)
24	

Updated:3/23/2023

	O
1	**Investing in People**
25	Implement new SB2 legislation regarding certification of officers (CMPA)
26	
27	Implement RVFD leadership reorganization (RVFD)
28	
29	Rennovate living quarters at Fire Station 20 (RVFD)
30	
31	Perform needs assesment for living quarters at Station 19 (RVFD)
32	
33	
34	
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40	

Updated:3/23/2023

	O
1	**Investing in People**
41	
42	
43	
44	
45	

Updated:3/23/2023

TO: TOWN COUNCIL March 28, 2023 **Item #:** 5.

FROM:
David Donery, Town Manager
Serge Avila, Town Clerk

SUBJECT:
That the Town Council consider options related to the interview and appointment processes for Town Boards, Committees and Commissions and provide direction to staff.

RECOMMENDATION

That the Town Council consider options related to the interview and appointment processes for Town Boards, Committees and Commissions and provide direction to staff.

BACKGROUND

Historically, the Town Council interviews applicants and incumbents for the various Town's boards, committees and commissions before the Town Council regular meeting starts at 7:00pm.

Staff schedules and confirms a ten-minute appointment for each one of the applicants and incumbents. Council then proceeds with the interview and makes appointments either through a consent or business item.

DISCUSSION

During their regular meeting of January 24, 2023, the Council requested that staff bring options designed to streamline the interview process. Staff has compiled several options for Council consideration:

Option 1: Continue to interview applicants and incumbents before each Council meeting starting no earlier than 6PM as needed.

Option 2: Conduct interviews before one of the monthly meetings (second or fourth Tuesday) each month as needed.

Option 3: Schedule a separate Special Meeting once a month dedicated only to interviews and make appointments at the dedicated Special Meeting.

Option 4: Schedule all interviews and appointments to a quarterly Special Meeting dedicated solely to this process.

Alternate consideration:

The Town Council may choose to not interview incumbents if there is no competition for a seat. This would reduce the number of interviews by up to 40%. If there are more candidates, including incumbents, than there are available seats, incumbents would be interviewed along with other applicants.

It has been stated in past conversations regarding whether or not to interview incumbents that the council appreciated the chance to hear what is happening at the committee level during these interviews. Staff believes that the development of the BCC action plans will be useful in providing this information on an annual basis,

FISCAL IMPACT

The discussion of this item has no fiscal impact on the town.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

Adopting a format for Council to continue interviews and appointments for boards and commission is not a "project" under the California Environmental Quality Act (CEQA), 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).

CONCLUSION

Staff seeks guidance on whether or not to change the current practice and if change is desired, which option is preferred. Staff also seeks guidance on whether or not to incorporate the alternate consideration of deferring incumbent interviews when no competition exists for a seat.

TO: TOWN COUNCIL March 28, 2023 **Item #:** 6.

FROM:
Serge Avila, Town Clerk / Public Information Officer

SUBJECT:
Consider to reappoint (2) two incumbents to the Economic Development Committee and (1) one applicant to the Parks and Recreation Commission.

RECOMMENDATION

Economic Development Committee
Reappoint a total of two (2) incumbents to the Economic Development Committee from the following pool of interviewed incumbents:

- Benedetto Cico
- Rebecca Bugas

Parks and Recreation Commission
Appoint a total of one (1) to the Parks and Recreation Commission from the following pool of interviewed applicants:

-Applicant- Tayra Gottschalk (interviewed February 28, 2023)
-Applicant- Jeffrey McKinley (interviewed February 28, 2023)
-Applicant- Ivy Tzur (interviewed March 28, 2023)

BACKGROUND

The **Economic Development Committee** has a membership of nine seats plus an alternate. There are four seats available. Benedetto Cico and Rebecca Bugas are incumbents and were interviewed earlier today.

The **Parks and Recreation Commission** has a membership of seven seats plus two youth . There is one seat available. Tayra Gottschalk and Jeffrey McKinley were interviewed on February 28, 2023 and Ivy Tzur was interviewed earlier today.

FISCAL IMPACT

There would be no direct fiscal impact to the Town to approve this item.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

The proposed decision is exempt from the California Environmental Quality Act (CEQA), under the "common sense" exemption, because it can be seen with certainty that there is no possibility that the activity in question may have a significant negative effect on the environment. (Cal. Code Regs. tit. 14, § 15061).

ATTACHMENTS:

Attachment 1 – Benedetto Cico (Application, w/no Resume
Attachment 2 – Rebecca Bugas (Application, w/no Resume)
Attachment 3 - Tayra Gottschalk (Application, w/ no Resume)
Attachment 4 – Jeffrey McKinley (Application, with Resume)
Attachment 5 – Ivy Tzur (Application, w/no Resume)

Print

Boards, Committees and Commissions Application - Submission #1819

Date Submitted: 3/16/2023

TOWN OF SAN ANSELMO

APPLICATION FOR APPOINTMENT TO A SAN ANSELMO BOARD/COMMISSION/COMMITTEE

To: San Anselmo Town Council

Date*

03/16/2023

I wish to apply for an appointment to a term/balance*

Economic Development Committee

Name*

Benedetto Cico

Home Address*

201 Stuyvesant Drive

Occupation*

Owner-Manager

Employer's Address

339 San Anselmo Avenue

Home Phone*

4154537691

Work Phone

4154555366

Cell Phone

4158473816

E-Mail*

cico@usabound.com

Number of years as resident of San Anselmo*

25+

Number of years as a resident in Marin*

25+

Education Level Achieved*

Some College

Name and phone numbers of three San Anselmo residents who can be contacted for referral information about me:

1.) Name*

Pat Tomsley

1.) Phone*

415-785-4450

2.) Name*

Peter Knuth

2.) Phone*

415-725-3060

3.) Name*

Robert Wells

3.) Phone*

415-847-4565

I would be able to regularly attend the meetings of this Board/Commission/Committee.*

- (●) YES
- ( ) NO

I would be available to attend additional meetings when they are necessary.*

- (●) YES
- ( ) NO

I am familiar with the responsibilities and functions of this Board/Commission/Committee.*

- (●) YES
- ( ) NO

I have attended meetings of the Board/Commission/Committee as a member of the public.*

- (●) YES
- ( ) NO

List briefly, previous experience serving the public office, and/or civic commissions,boards, or committees.*

Current EDC member

Reasons for this appointment.*

Continue commitment to serve

What are your qualifications for this appointment.*

For more than 35 years owner and manager

Briefly, what do you consider to be the most important, one or two current issues facing this Board/Commission/Committee?*

To retain and business and merchants in San Anselmo

I understand that I and all other applicants will be personally interviewed by the Town Council as part of the selection process for this appointment. I also understand that my application material will be a public document and available on the Town's website. Sensitive materials that you don't wish to be posted on the website should not be included with the application.*

- (●) YES
- ( ) NO

Other Boards/Commissions/Committees on which you would be interested in serving if not appointed to this seat?*

None

You may attach personal resumes or other information which you believe would be helpful to the Council in its selection process.

Choose File No file chosen

Thank you for your interest in serving the Town of San Anselmo and its citizens. For further information, please contact the Town Clerk, at townclerk@townofsananselmo.org or 415-258-4660.

Print

Boards & Committee Applications - Submission #1785

Date Submitted: 1/25/2023

TOWN OF SAN ANSELMO

APPLICATION FOR APPOINTMENT TO A SAN ANSELMO BOARD/COMMISSION/COMMITTEE

To: San Anselmo Town Council

Date*

1/25/2023

I wish to apply for an appointment to a term/balance*

Economic Development Committee

Name*

Rebecca Bugas

Home Address*

25 San Francisco Blvd

Occupation*

Business Development and Marketing, Coleman Consulting Group

Employer's Address

1101 Fifth Avenue, Suite #345, San Rafael, CA 94901

Home Phone*

4157296054

Work Phone

(415) 453-8500

Cell Phone

(415) 729-6054

E-Mail*

RLBUGAS@gmail.com

Number of years as resident of San Anselmo*

21

Number of years as a resident in Marin*

21

32. **Education Level Achieved***

College/University Degree (Major)

33.

34. **Name and phone numbers of three San Anselmo residents who can be contacted for referral information about me:**

35.

36. **1.) Name***

Elizabeth Brown

37. **1.) Phone***

(415) 846-4486

38.

39. **2.) Name***

Bob Borinstein

40. **2.) Phone***

(415) 721-7036

41.

42. **3.) Name***

Kerrie McHugh

43. **3.) Phone***

(415) 307-6257

44.

45. **I would be able to regularly attend the meetings of this Board/Commission/Committee.***

1. ◉

YES ⊙

○

2. NO ○

46.

47. **I would be available to attend additional meetings when they are necessary.***

1. ◉ YES ⊙
2. ○ NO ○

48.

49. **I am familiar with the responsibilities and functions of this Board/Commission/Committee.***

1. ◉ YES ⊙
2. ○ NO ○

50.

51. **I have attended meetings of the Board/Commission/Committee as a member of the public.***

1. ◉ YES ⊙
2. ○ NO ○

52.

53. **List briefly, previous experience serving the public office, and/or civic commissions,boards, or committees.***

current
member of the EDC, Board of the Rafael Racquet Club for 3 terms, will eventually join the Commission on Aging, I'm not kidding!

54.

55. **Reasons for this appointment.***

applying to serve for a second term on EDC

56.

57. **What are your qualifications for this appointment.***

I
have been a business owner in San Anselmo since 2019 and want to open another business here when timing is right, have been a resident for over 20 years, raising 3 our kids in this community and public schools

58.

59. **Briefly, what do you consider to be the most important, one or two current issues facing this Board/Commission/Committee?***

Important
to recognize that San Anselmo is more than just the downtown and more than just young families. And as the community ages, important to offer activities, businesses and spaces that make sense for those residents

60.

61. **I understand that I and all other applicants will be personally interviewed by the Town Council as part of the selection process for this appointment. I also understand that my application material will be a public document and available on the Town's website. Sensitive materials that you don't wish to be posted on the website should not be included with the application.***

1. YES ⊙
2. NO ○

62.

63. **Other Boards/Commissions/Committees on which you would be interested in serving if not appointed to this seat?***

Park & Recreation Commission

64.

65. **You may attach personal resumes or other information which you believe would be helpful to the Council in its selection process.**

66.

67. **Thank you for your interest in serving the Town of San Anselmo and its citizens. For further information, please contact the Town Clerk, at townclerk@townofsananselmo.org or 415-258-4660.**

Print

Boards & Committee Applications - Submission #1781

Date Submitted: 1/22/2023

TOWN OF SAN ANSELMO

APPLICATION FOR APPOINTMENT TO A SAN ANSELMO BOARD/COMMISSION/COMMITTEE

To: San Anselmo Town Council

Date*

1/22/2023

I wish to apply for an appointment to a term/balance*

Parks & Recreation Commission

Name*

Tayra Gottschalk

Home Address*

9 Prospect Ave San Anselmo

Occupation*

Mama of an 8, 3, & 10 month old

Employer's Address

Home Phone*

4154042374

Work Phone

Cell Phone

4154042374

E-Mail*

tchel4@gmail.com

Number of years as resident of San Anselmo*

6

Number of years as a resident in Marin*

6

Education Level Achieved*

College/University Degree (Major)

Name and phone numbers of three San Anselmo residents who can be contacted for referral information about me:

1.) Name*

Jan Wu

1.) Phone*

7734560178

2.) Name*

Frank Gomez

2.) Phone*

6507591919

3.) Name*

Jenni Gelman

3.) Phone*

4152500305

I would be able to regularly attend the meetings of this Board/Commission/Committee.*

- (●) YES
- ( ) NO

I would be available to attend additional meetings when they are necessary.*

- (●) YES
- ( ) NO

I am familiar with the responsibilities and functions of this Board/Commission/Committee.*

- (●) YES
- ( ) NO

I have attended meetings of the Board/Commission/Committee as a member of the public.*

- (●) YES
- ( ) NO

List briefly, previous experience serving the public office, and/or civic commissions,boards, or committees.*

When
I first moved to SF I was part of the volunteer committee for the SF Unified School district. I worked as a reading assistant and tutor to elementary and middle school students. I am currently active on the social committee for my son's preschool. I was a member of the art committee for my daughter's second grade class. I have been a volunteer at the Stapleton School of the Preforming Arts.

Reasons for this appointment.*

I
want to continue to improve our park and recreation area as I feel it is the heart of our beautiful little city. I want it to be a safe, thriving space for our community to gather. I am avid user and consumer of the parks and recreation space and feel I have an invested interest in its development.

What are your qualifications for this appointment.*

I
am passionate about our town and the people who live here. I have a deep network of people who live in the community and are invested in the parks and public lands space. I have background in marketing and communication which can be used as outreach to our citizens. There is a lack of communication between the town and its younger community and I would like to bridge that gap.

Briefly, what do you consider to be the most important, one or two current issues facing this Board/Commission/Committee?*

Serving
our community by keeping our park updated and safe for our children. Expanding activities for our youngest city members kids 2-4. Open communication.

I understand that I and all other applicants will be personally interviewed by the Town Council as part of the selection process for this appointment. I also understand that my application material will be a public document and available on the Town's website. Sensitive materials that you don't wish to be posted on the website should not be included with the application.*

- (●) YES
- ( ) NO

Other Boards/Commissions/Committees on which you would be interested in serving if not appointed to this seat?*

None

You may attach personal resumes or other information which you believe would be helpful to the Council in its selection process.

Thank you for your interest in serving the Town of San Anselmo and its citizens. For further information, please contact the Town Clerk, at townclerk@townofsananselmo.org or 415-258-4660.

Form Center

My Forms

Boards, Committees and Commissions Application

Save Progress

TOWN OF SAN ANSELMO

APPLICATION FOR APPOINTMENT TO A SAN ANSELMO BOARD/COMMISSION/COMMITTEE

To: San Anselmo Town Council

Date*

February 5, 2023

I wish to apply for an appointment to a term/balance*

Parks & Recreation Commission

Name*

Jeffrey G. McKinley

Home Address*

20 B Mariposa Avenue, San Anselmo, CA

Occupation*

Retired

Employer's Address

Home Phone*

4158689757

Work Phone

Cell Phone

4158689757

E-Mail*

jeffreymckinley@mac.com

Number of years as resident of San Anselmo*

2+

Number of years as a resident in Marin*

43+

Education Level Achieved*

College/University Degree (Major)

Name and phone numbers of three San Anselmo residents who can be contacted for referral information about me:

1.) Name*

Rita Dempsey

1.) Phone*

415-250-6073

2.) Name*

Kathy Lovold

2.) Phone*

415-572-5459

3.) Name*

Joan O'Connor

3.) Phone*

518-225-4490

I would be able to regularly attend the meetings of this Board/Commission/Committee.*

- (●) YES
- ( ) NO

I would be available to attend additional meetings when they are necessary.*

- (●) YES
- ( ) NO

I am familiar with the responsibilities and functions of this Board/Commission/Committee.*

- (●) YES
- ( ) NO

I have attended meetings of the Board/Commission/Committee as a member of the public.*

- ( ) YES
- (●) NO

List briefly, previous experience serving the public office, and/or civic commissions,boards, or committees.*

I have only recently retired and would now like to give back to the community that I appreciate being a part of.

Reasons for this appointment.*

I am a physically active senior. I hope to represent the senior members of our community on the commission.

What are your qualifications for this appointment.*

See attached copy of professional resume.

Briefly, what do you consider to be the most important, one or two current issues facing this Board/Commission/Committee?*

I believe that it is important for the commission to include representation of all segments of the community and to invite input from all members of the community.

I understand that I and all other applicants will be personally interviewed by the Town Council as part of the selection process for this appointment. I also understand that my application material will be a public document and available on the Town's website. Sensitive materials that you don't wish to be posted on the website should not be included with the application.*

- (●) YES
- ( ) NO

Other Boards/Commissions/Committees on which you would be interested in serving if not appointed to this seat?*

None

You may attach personal resumes or other information which you believe would be helpful to the Council in its selection process.

Choose File Commission Application Resume 2.5.23.docx

Thank you for your interest in serving the Town of San Anselmo and its citizens. For further information, please contact the Town Clerk, at townclerk@townofsananselmo.org or 415-258-4660.

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Submit **Submit and Print**

* indicates a required field

CURRICLUM VITAE

Jeffrey G. McKinley, CPCU

20 B Mariposa Avenue, San Anselmo, VA 94960 Ph. 415.868.9757

Jeff McKinley is a nationally recognized expert in the insurance and risk management fields. His proficiency is the result of more than 45 years of experience as an underwriter, retail broker, program manager, consultant and expert witness. His expertise includes insurance broker operations and insurance industry standard of care, insurance marketing in the United States, London, Europe and Bermuda, alternative risk financing techniques, program structure, and coverage analysis.

Professional experience

2000 - 2022	Risk Management Strategies LLC San Anselmo, CA Principal. Risk management and insurance consulting. Expert witness testimony.
1997 – 2000	DPW Insurance Services Ross, CA Chairman. Created and managed Risk Purchasing Group programs that were marketed through insurance brokers.
1997	Aon (Acquired Alexander & Alexander) San Francisco, CA Managing Director, San Francisco Office. Head of the former Alexander and Alexander office. Senior executive in charge of several major accounts.
1996 – 1997	Alexander & Alexander (Acquired Jardine Insurance Brokers) San Francisco, CA Managing Director, San Francisco Office. Head of San Francisco office. Senior executive in charge of several major accounts.
1986 – 1996	Jardine Insurance Brokers (Acquired Emett & Chandler) San Francisco, CA Executive Vice President and Board Member of Jardine Insurance Brokers, Head of Western Region, National Director of Jardine Risk Management and President of the San Francisco Office. Developed, implemented and responsible for Jardines' entire Quality Control program including creation of procedures manual and auditing offices for compliance. Senior executive in charge of several major accounts.
1981 – 1986	Emett & Chandler San Francisco, CA

		President of the San Francisco Office. Senior executive in charge of several major accounts in the San Francisco office.
	1977 – 1981	Frank B. Hall & Co. San Francisco, CA Vice President. Manager of Ocean Marine Department. Senior executive in charge of several major accounts in the San Francisco office.
	1973 – 1977	Chubb & Son San Francisco, CA Manager, Ocean Marine, Inland Marine and International Department, underwriting.
Education	**1966 – 1970**	Cornell University Ithaca, NY Bachelor of Arts, Cum Laude
Professional designations	**Since 1978**	Chartered Property Casualty Underwriter (since 1978) American Institute for CPCU and Insurance Institute of America
Other Experience	**2002 – 2005**	Membership Committee Member and Chairman (2002-2005).
	2005 – 2009	Member and President of the Board of Meadow Club (2005-2009)

Print

Boards, Committees and Commissions Application - Submission #1793

Date Submitted: 2/9/2023

TOWN OF SAN ANSELMO

APPLICATION FOR APPOINTMENT TO A SAN ANSELMO BOARD/COMMISSION/COMMITTEE

To: San Anselmo Town Council

Date*

02/09/2023

I wish to apply for an appointment to a term/balance*

Parks & Recreation Commission

Name*

Ivy Tzur

Home Address*

47 Magnolia Ave. San Anselmo, CA. 94960

Occupation*

Senior Consultant, Sustainability & ESG Services at Deloitte

Employer's Address

555 Mission St. San Francisco, CA. 94105

Home Phone*

6463733668

Work Phone

Cell Phone

646-373-3668

E-Mail*

ivytzur@gmail.com

Number of years as resident of San Anselmo*

1.5 years

Number of years as a resident in Marin*

1.5 years

Education Level Achieved*

Graduate Degree (Major)

Name and phone numbers of three San Anselmo residents who can be contacted for referral information about me:

1.) Name*

Brian Colbert

1.) Phone*

415-938-6852

2.) Name*

Nish Nadaraja

2.) Phone*

415-305-8482

3.) Name*

Melinda Stier

3.) Phone*

415-224-0770

I would be able to regularly attend the meetings of this Board/Commission/Committee.*

- (●) YES
- ( ) NO

I would be available to attend additional meetings when they are necessary.*

- (●) YES
- ( ) NO

I am familiar with the responsibilities and functions of this Board/Commission/Committee.*

- (●) YES
- ( ) NO

I have attended meetings of the Board/Commission/Committee as a member of the public.*

- (●) YES
- ( ) NO

List briefly, previous experience serving the public office, and/or civic commissions,boards, or committees.*

Advisory committee member (3 years), RANCH Triangle Community Conservation Association (Chicago, IL)

Reasons for this appointment.*

As a resident of San Anselmo and a parent of a middle schooler, I'm deeply invested in the development of our parks and the engagement activities in our community. I'd love to be involved in how the committee assists the Town Council to optimize the public recreation of our residents.

What are your qualifications for this appointment.*

At my previous place of residence in Chicago, IL., I served on the advisory committee for the RANCH Triangle Community Conservation Association. This volunteer-run community organization represented the residents and business within the RANCH Triangle community. As a committee member I helped to ideate, organize and execute various community engagement initiatives that fostered a strong sense of belonging and collaborative investment in our parks and streets.

Briefly, what do you consider to be the most important, one or two current issues facing this Board/Commission/Committee?*

Important current issues facing the Parks & Recreation Commission are funding for park improvements and community engagement - and they are tied together in that improvements in one can strongly benefit the other. After having informative discussions with Dannielle Mauk and Michael Cerio, I learned that these topics are part of a current strategic planning process that is underway, which is excellent.

I understand that I and all other applicants will be personally interviewed by the Town Council as part of the selection process for this appointment. I also understand that my application material will be a public document and available on the Town's website. Sensitive materials that you don't wish to be posted on the website should not be included with the application.*

- (●) YES
- ( ) NO

Other Boards/Commissions/Committees on which you would be interested in serving if not appointed to this seat?*

Open Space Committee

You may attach personal resumes or other information which you believe would be helpful to the Council in its selection process.

Browse... No file selected.

Thank you for your interest in serving the Town of San Anselmo and its citizens. For further information, please contact the Town Clerk, at townclerk@townofsananselmo.org or 415-258-4660.

STAFF REPORT

TOWN OF SAN ANSELMO Item #:1.2

MEETING DATE: 3/28/23

AGENDA TITLE: Consideration of Special Event Application - Friends of Robson Spring Fundraiser 2023

FROM: Mattie O'Grady – Recreation Supervisor

RECOMMENDATION: That Council approve the application for the Friends of Robson Spring Fundraiser scheduled for Sunday, May 7th.

BACKGROUND

The Friends of Robson, a community group formed with the purpose of enhancing the grounds at the Park, would like to hold their second annual spring fundraiser on Sunday, May 7th from 12:00 to 6:00 pm. The main portion of the event will occur at the Lower Robson Harrington Park and will include family friendly activities, entertainment, food, and more. Proceeds from this event will be earmarked for projects outlined in their 2021 Work Plan that was reviewed by the Parks & Recreation Commission on February 15th, 2022 and is included as an attachment.

DISCUSSION/ANALYSIS

The Friends of Robson has been working directly with the Recreation Department and Department of Public Works to make sure this event adheres to all conditions of use required for the rental. The following conditions have been communicated to the applicant:

- All surrounding residents of the Robson Harrington House must be notified of the event. The notice must address the event date, time, purpose, parking issues and concerns, street closure, amplified sound, and it must note the date and time of the Town Council meeting that the application will be on the agenda.
- The applicant must manage the event garbage by hauling out or contacting Marin Sanitary.
- Applicant must abide by Ordinance 1136 stating that all food vendors must provide items in reusable foodware or compostable disposable foodware.
- No alcohol is permitted.
- Applicant must provide portable restrooms during the time of the event.

The attached application provides details of the event with comments and conditions from Town staff. Additional attachments include the 2021 Friends of Robson Work Plan.

FISCAL IMPACT
There would be no direct fiscal impact to the Town to approve this item.

GENERAL PLAN CONSISTENCY
None

CEQA AND CLIMATE ACTION PLAN CONSISTENCY
The proposed project is exempt from the California Environmental Quality Act (CEQA), under the “common sense” exemption, because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (Cal. Code Regs. tit. 14, § 15061).

ATTACHMENTS
[Include all applicable documents that relate to the report. Attachments are labeled numerically (i.e., “Attachment 1,” “Attachment 2,” and so on). Attachments to Attachments are Exhibits, and would be labeled alphabetically (i.e., “Exhibit A, Exhibit B, and so on)]

Attachment 1- Event Application
Attachment 2- Work Plan

TOWN OF SAN ANSELMO
1000 Sir Francis Drake Blvd, Suite # 14
San Anselmo, CA 94960
415-258-4640

APPLICATION FOR COMMUNITY-BASED EVENTS

Please complete this application if you wish to conduct a community-based event (non-commercial) in downtown San Anselmo on public property for more than 50 people or involving the closure of a downtown street for more than fifteen minutes. The application will be reviewed by staff and forwarded to the Town Council for approval.

EVENT INFORMATION

Name of event: Spring Fundraiser – Friends of Robson
Organization(s) presenting the event: Friends of Robson + Harrington
Other event sponsor(s), if any:
Contact Person: Elizabeth Gresso **Phone Number:** 210.414.2069
Address: 456 Laurel Ave **Email:** elizabeth@gressos.net
Event Date(s): May 7, 2023
Start and end times: ~~1~~ 12-6 **Number of attendees (estimate):** <100
Location: Robson Park – Lower Yard
Will alcohol be served or sold?

Yes____ No__X__

Brief Event Description:

Annual Spring Fundraiser
Music · Food · Games · Community
– Friends of Robson Park –
Operating Under San Anselmo Community Foundation 501c3

Public space requested:

____Creek Park
____Pine Street Parking Lot
____Town Hall Lawn
____Imagination Park
__X__Other: Robson Park – Lower Yard

____Creek Park Parking Lot
____Magnolia Parking Lot
____Council Chamber
____Memorial Park

_____ San Anselmo Avenue: from (cross streets) _____ to _____
_____ Tunstead Avenue: from (cross streets) _____ to _____
_____ Other street(s): from (cross streets) _____ to _____
_____ Other space use (e.g. parking spaces) _____
_____ Other Facilities: _____

Additional Comments on the Public Space Requested:

N/A

To be qualified for consideration, applicants must fall into one of the following categories:

- Town-Sponsored Events
- Ross Valley* accredited or licensed schools (pre-kindergarten through 12th grade, (both public and private schools)
- Ross Valley* Youth Organized Sporting of Cultural Events
- Organizations located in the Ross Valley* which have received tax-exempt status pursuant to Internal Revenue Service Code Section 501c(3)
- Merchant associations located in incorporated San Anselmo and established as of 2006

*Ross Valley is defined as incorporated and unincorporated areas of San Anselmo, Fairfax, and Ross

Standards & Objectives

The Town Council, with input from downtown merchants, property owners, and local residents, has adopted the following criteria they will consider when reviewing applications for the closure of roadways or other public space in the downtown area.

Does the event:

- ✓ Attract local residents
- ✓ Attract people throughout the Bay Area
- ✓ Attract families
- ✓ Generate interest for people to return and spend money in local businesses
- ✓ Create a positive impact for real estate stimulation
- ✓ Provide a overall positive impact on business
- ✓ Provide an opportunity for downtown merchants to participate in the event
- ✓ Provide access to neighborhood streets during the event
- ✓ Avoid conflicting with a retail holiday
- ✓ Assure public safety
- ✓ Provide adequate parking
- ✓ Benefit the Town
- ✓ Provide access for persons with disabilities
- ✓ Provide for clean-up by event organizers
- ✓ Provide emergency vehicle access
- ✓ Assure that any booths or other structures are designed and placed so that storefronts have access and visibility
- ✓ Allow local businesses to exhibit merchandise on the sidewalk area in front of their stores, without charge, while maintaining wheelchair access

CONDITIONS OF APPROVAL

The following conditions apply to downtown events, unless waived or modified by the Town. Other conditions, as set by the Town Council and staff, may apply to particular events for public safety or other objectives of the Town.

A. **Police**: Off-duty police officers may be required for the event, as determined by the Police Chief, depending on the number of people attending and the nature of the event. Off-duty police officers are required during events where alcohol is served or sold.

B. **Emergency access**: An emergency access lane of at least 14 feet wide must be maintained at all times.

C. **Insurance**: Proof of general liability insurance, naming the Town, its employees, and agents as additional insured, at limits no less than $1,000,000.

D. **Recycling and garbage**: Extra containers for recycling cans and bottles, and garbage cans must be placed throughout the area of the event. Containers and cans are to be emptied when full during the event, and picked up after the event.

E. **Compostable/Disposable Foodware:** In accordance with the Town of San Anselmo's Ordinance 1136 all food vendors will provide takeout food in reusable foodware or compostable disposable foodware, or items composed entirely of aluminum. If a compostable disposable foodware item is not available, an alternative foodware item made of other materials, except polystyrene foam and polystyrene food ware, may be substituted.

F. **Toilet facilities**: Events estimated to attract more than 100 people and lasting more than two hours must provide portable toilets, in the number and location as approved by the Parks superintendent, unless alternate arrangements for toilet facilities are otherwise required or arranged to the approval of the Parks Superintendent. Toilet facilities must be provided for disabled persons at each location where portable facilities are provided. Hand washing facilities must be provided where food is served.

G. **Traffic control**: A traffic and parking control plan, including enforcement measures, must be approved by the Police Chief.

H. **Noticing:** Events that include closure of the street will require advance written notice to businesses and residents on the street(s) that will be closed. These notices must be distributed a minimum of five days prior to the Town Council meeting date that the event application will be considered.

I. **Sales tax**: Persons or businesses selling items as part of the event shall designate San Anselmo as the point of sale for sales tax purposes.

J. **Alcoholic beverages**: A permit is required from the Police Chief and the State Department of Alcohol Beverage Control in order to serve or sell alcoholic beverages. Off-duty police officers are required if alcohol is served or sold.

K. **Fire inspection**: A fire inspection is required of any and all appliances or devices that produce an open or enclosed flame and/or hot materials, including food.

L. **Creek Park**: No more than three booths are allowed inside the turf areas of the park.

M. **Signs and barricades**: Any "No parking signs" that are needed are to be provided by the event organizers, and posted according to the traffic control plan prior to the event. Barricades, detour signs, and other traffic control devices are to be provided by the event organizers.

N. **Parking:** Temporary accessible parking must be provided if a street closure or other event condition renders permanent accessible parking unusable.

O. **Cables**: Cables must be covered so as not to create a tripping hazard. When cable covers are used, they must not create a tripping hazard and must be navigable by wheelchair. The path of travel must be no more than 1:12.

On behalf of the organization applying for the permit to conduct the event, I have read and agree to follow the standards for events, as stated in this application, and have read and agree to follow the permit conditions as stated in this application and those which may be required of me as conditions of approval.

Name: Elizabeth Grasso Date: 3/9/23

NAME OF EVENT: DATE OF EVENT:

DEPARTMENT	COMMENTS/CONDITIONS	APPROVED BY
POLICE		M. Norton
FIRE		J. Weber
RECREATION	See conditions noted in staff report	D. Mauk
PUBLIC WORKS	See conditions noted in staff report	S. Condry & A. Shaw
ADMINISTRATION	See conditions noted in staff report	D. Donery
TOWN COUNCIL		

TOWN OF
SAN ANSELMO
EST. 1907

2021 Robson Park Work Plan

Presented to the
Town of San Anselmo
by the Friends of Robson

Date: February 9, 2021

DESCRIPTION OF WORK:

1. Removal of vegetation from designated area.
2. Placement of weed barrier.
3. Planting of native, drought tolerant plants.
4. Installation of irrigation.
5. Lay down mulch (wood chips).

LOCATION IN PARK:

Terraced area below large retaining wall in front of Carriage House (see photo).

Friends of Robson Responsibilities:

1. Volunteer labor for vegetation removal, planting process and mulch placement.
2. Funding for cost of all aspects of irrigation system.
3. Funding for purchase of weed barrier and plants.

Town Responsibilities:

1. Coordinate with FOR team throughout project.
2. Haul away debris/vegetation.
3. Provide mulch/wood chips.

ITEM 1.2-ATTACHMENT 2



ITEM 1.2-ATTACHMENT 2

FROM:
Sean Youra, Climate Action Coordinator; Megan H. Acevedo, Town Attorney

SUBJECT:
Introduce an Ordinance Amending the Town's Single-Use Foodware Regulations and Approve an Agreement with the County for Enforcement of those Regulations

RECOMMENDATION

1. Introduce by title only and waive further reading of the proposed Ordinance regulating single-use foodware and foodware accessories (Attachment 1).
2. Authorize the Town Manager to execute the Agreement Between County of Marin and Town of San Anselmo Regarding Enforcement of the Foodware Ordinance (Attachment 2).

BACKGROUND

On November 28, 2018, the Town Council adopted Ordinance 1129 to regulate single-use foodware. The Ordinance supported the Town's zero-waste and environmental goals by reducing the use of single-use plastic foodware in the Town that often ends up in landfills or in the ocean rather than being recycled.

On June 25, 2019, the Town Council adopted Ordinance 1136 to clarify terms and add additional provisions to the single-use foodware regulations. The Ordinance required food vendors in the Town to provide compostable and/or reusable foodware for both dine-in and takeout. The Ordinance imposed similar requirements on Town purchases and Town-sponsored events.

On May 10, 2022, the County of Marin adopted its Reusable Foodware Ordinance, which was modeled off of existing jurisdiction ordinances including San Anselmo's foodware ordinance. The County conducted an extensive ordinance development process that included significant community outreach (Attachment 3) and has created a model ordinance for jurisdictional adoption, with the goal that all jurisdictions in Marin would adopt this same ordinance. Adoption of this model ordinance would level the playing field for food vendors across the County by adopting the same requirements, ensuring consistent enforcement, and minimizing confusion for consumers and food service providers.

DISCUSSION

A. County-Enforced Single-Use Foodware Ordinance

Staff has conducted a thorough comparison of the Town's existing foodware ordinance and the County's foodware ordinance (Attachment 4). In staff's judgment, the differences between

both ordinances are, for the most part, minor with most of the differences being in how terms are defined.

The proposed ordinance contains six key features and uses the hierarchy of: reusables are best, natural-fiber compostable foodware is compliant, and single-use plastics, including bioplastics, are prohibited. The ordinance only allows fiber-based compostable foodware as compliant alternatives because the compost facility at the Redwood Landfill will not accept bioplastics given its status as an organic compost production facility. The proposed ordinance covers all entities selling prepared food to the public in the Town including restaurants, grocery stores and delis, bakeries, carry-out, quick services, farmers markets, food trucks, and any other business that requires a health permit.

The ordinance key features include:

1. Takeout disposable *foodware* must be natural-fiber compostable (no bio or "compostable" plastics). Takeout foodware must be certified by the Biodegradable Products Institute (BPI). Aluminum is allowed. "Foodware" means all containers, bowls, plates, food trays, cups, lids, boxes, and other like items that are used for prepared foods, including without limitation, foodware for takeout foods and/or leftovers from partially consumed meals prepared by food vendors.
2. Takeout *foodware accessories* must be natural-fiber compostable and available only "upon request" or at a self-serve takeout station. Food vendors shall provide plastic straws only on request, to accommodate any person's access needs. "Foodware accessories" means types of items usually provided alongside prepared food including but not limited to forks, spoons, knives, chopsticks, napkins, cup sleeves, food wrappers, beverage trays, condiment containers, straws, stirrers, splash sticks, cocktail sticks, toothpicks, tray-liners, and plate-liners.
3. Reusable foodware and utensils must be used if a customer is dining in at a restaurant. Natural-fiber compostable accessories can be provided upon request.
4. All food vendors shall charge customers twenty-five cents ($0.25) at the point of sale for every non-reusable cup provided. Income from the non-reusable cup charge shall be retained by the food vendor. Exemptions are available for Cal Fresh/SNAP and WIC customers.
5. All food vendors who provide solid waste containers for customer use, must provide separate receptacles for solid waste, recyclables, and organics. Receptacles must have graphic-rich signage. This is a requirement of state laws AB 827 and SB 1383 and would enable customers and employees to properly sort waste.
6. Temporary exemptions will be provided via a Countywide list if compliant products are not available for certain foodware or foodware accessories.

Enforcement of the proposed ordinance by the County would begin November 10, 2023. As outlined in the Ordinance (Attachment 1) and Agreement (Attachment 2), the Town of San Anselmo would authorize the County of Marin to enforce the ordinance on behalf of the Town.

B. Provisions Requiring Town Enforcement

There are two provisions of the proposed Town ordinance that differ from the County ordinance and will therefore, require ongoing Town enforcement. First, the County's ordinance exempts public and private schools from its requirements. When the Town Council adopted the current single-use foodware ordinance, public schools were exempted because they are considered agencies of the State and therefore, they generally have sovereign immunity from local regulations. However, the Council opted to include private schools in the definition of food vendors so that the Town restrictions apply to private schools, with the exception of the disposable cup charge.

When the Board of Supervisors adopted the single-use foodware ordinance in 2022, it exempted public and private schools from the County regulations to be in alignment with Assembly Bill 1276, which went into effect on June 1, 2022 (Cal. Pub. Res. Code §§ 42270 *et seq*.). The state law exempts public and private schools from its prohibition on distributing single-use foodware accessories (e.g., straws, plastic utensils, etc.) and condiments (e.g., ketchup packets) to consumers unless requested (Cal. Pub. Res. Code §§ 42271, 42273). There is an argument that the State's explicit exemption of all schools from its regulation of single-use foodware accessories and condiments preempts local regulations of those items.

As drafted, the proposed ordinance regulates private schools as it would any other food vendor, with the exception of the disposable cup charge. The County will not enforce this provision, as it is not part of the County's regulations. Therefore, the Town will be responsible for enforcing any adopted restrictions on private schools. The Town can either follow the County and State's lead by exempting public and private schools from its regulations, or it can continue regulating private school foodware to the degree that the state law does not preempt Town regulations.

Town staff conducted research on whether the private schools in the Town are compliant with the existing foodware regulations. All the private schools besides San Domenico School and Irene M. Hunt School (Side by Side) do not prepare food or beverages on-site. Both San Domenico and Irene M. Hunt schools use either compostable or reusable foodware and foodware accessories. All the private schools confirmed they also provide three-stream waste bins (i.e., landfill, recycling, and compost) as required per the foodware ordinance. In practical terms, it appears that the private schools to which the Town's ordinance currently apply are in compliance with the Town regulations.

Second, the proposed ordinance includes Section 5-10.070(a), which prohibits the sale of polystyrene foam coolers and ice chests within the Town, which is a regulation in the Town's existing foodware ordinance under Section 5-10.08. Since the County will not enforce any provisions beyond what is in their model ordinance, the Town would assume responsibility for enforcement of this particular provision.

C. Implementation.

As was true of the Town's current single-use foodware ordinance, the proposed ordinance takes a proactive approach by educating all retail food facility owners regularly of the requirements of the proposed ordinance and taking enforcement action only as necessary. The County's Environmental Health Services Division (EHS) is in a unique position to provide proactive outreach during regularly-scheduled visits to businesses as a part of its food program.

As with the administrative citations utilized by the Town under its current regulations, enforcement by the County will include written notice of non-compliance and a reasonable opportunity to correct, prior to issuance of any penalty. Should foodware or foodware accessories made of compliant compostable natural fiber not be commercially available, as determined by the EHS Director or their designee, the County may approve a temporary exemption of specific nonreusable foodware or foodware accessories items until they are made commercially available. The County will maintain a list, updated annually, with foodware and/or foodware accessories deemed not available commercially.

By having the County's EHS Division oversee outreach and enforcement of the proposed ordinance, this would free up Town staff to focus efforts on the Town's many other programs and projects, and provide needed enforcement capacity. However, staff would still plan to conduct outreach to affected businesses by updating the single-use foodware webpage on the Town website and distributing information about the ordinance and how to comply in Town newsletters and flyers. In preparation for this ordinance being considered by the Council, staff emailed and hand delivered a letter to all San Anselmo food vendors informing them about the proposed ordinance discussion, and included information about the discussion in the Town newsletter as well.

D. Compliance with State Regulations.

Adoption of the proposed ordinance would support the Town and businesses in their efforts to comply with recent state waste-related legislation including Assembly Bills 1276, 1200, and 1201. These bills were signed into law by Governor Newsom in October 2021 and address compostable foodware accessories distribution, composition, and labeling. The proposed ordinance is in alignment with all three of these new laws which go into effect in 2022, 2023, and 2024, respectively. The proposed ordinance is also in compliance with AB 827 which requires food service businesses to provide customers with easily accessible recycling and organics collection bins.

E. Equity Impact.

While there can be lifecycle cost savings from switching to reusable foodware materials and research has shown that fiber-based disposable foodware items are cost competitive with plastic options, there can still be an initial cost to research and transition to compliant materials. This could have an impact on smaller food vendors. In 2021, Marin County offered a free technical assistance and grant program open to all businesses in the County (both incorporated and unincorporated areas) to assist with the transition. The current County project has existing funding available to develop outreach materials and tools to assist food

vendors with the transition. Limited County funding is also available to provide a grant program which could focus on small businesses that may need additional assistance with the transition.

FISCAL IMPACT

Financial impacts of implementation are expected to be minimal as a result of adopting the proposed Ordinance. If the Town adopts the proposed ordinance within twelve (12) months of County adoption (by May 10, 2023), the County's Environmental Health Division will take on the role of enforcement through the food inspection program and the County's one-time fees would be waived. If the Town adopts the ordinance after the twelve (12) month period following County adoption, the Town's fee in the amount of $5,796 (based on 56 food facilities in the Town) would be assessed. The fee was calculated based on the time and resources needed to revise County's EHS Division systems to include additional businesses after the initial development period (estimated as 0.5 hours per food facility).

GENERAL PLAN CONSISTENCY

The 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 Ordinance is consistent with the following measures of the adopted Climate Action Plan:

- W-6: Extended Producer Responsibility: Encourage the State to regulate the production and packaging of consumer goods and take-back programs. Encourage on-demand delivery services like Amazon and Blue Apron to reduce packaging waste and investigate requirements and incentives for same through ordinance or engagement campaigns.
- W-7: Inorganic Waste: Promote reuse, repair, and recycling of inorganic materials, and encourage reduced use of packaging and single use items.
- W-8: Waste from Public Facilities: Increase opportunities for recycling, reuse, and composting at Town facilities.

CONCLUSION

Staff respectfully requests the Council's introduction of the proposed Ordinance and authorization for the Town Manager to execute the Agreement with the County.

Attachments:

1. Proposed Ordinance
2. Agreement
3. Outreach Summary
4. Comparison Table

ORDINANCE NO. 2023-
ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO AMENDING TITLE 5 CHAPTER 10 OF THE SAN ANSELMO MUNICIPAL CODE (SINGLE-USE FOODWARE)

WHEREAS, the Town has a desire and responsibility to protect the health, welfare, and safety of its citizens and economy. The proliferation of non-reusable (or disposable) foodware, packaging, and plastics has contributed to street litter, ocean pollution, marine, and other wildlife harm along with the greenhouse gas emissions from the production of the disposable materials; and

WHEREAS, using reusable dishware significantly reduces the generation of unnecessary waste, and in most applications saves money, reduces disposal costs, and improves customer experience; and

WHEREAS, reducing the generation of non-reusable foodware including plastic utensils, plastic cups, plastic clamshells, and plastic straws maximizes the operating life of landfills, reduces litter, and helps to lessen the economic and environmental costs of managing waste. This will also help protect the Town's environment from contamination and degradation making it a cleaner, healthier region to all citizens and visitors; and

WHEREAS, non-reusable foodware threatens public health because many types contain fluorinated chemical additives are known or suspected carcinogens or endocrine disruptors; These additives are known to leach from foodware into food and beverage containers and into compost, soil, and water; and

WHEREAS, on November 28, 2018, the Town Council adopted the Town's first single-use foodware ordinance (Ordinance No. 1129) and on June 25, 2019, the Town Council adopted Ordinance No. 1136 to clarify the ordinance's terms and add additional provisions to the single-use foodware regulations; and

WHEREAS, numerous jurisdictions in the San Francisco Bay Area and the State of California have adopted legislation reducing the use of non-reusable food packaging with local and national businesses successfully replacing single-use food packaging with affordable durable and reusable foodware or, when needed, compliant compostable fiber foodware products; and

WHEREAS, on May 10, 2022, the County of Marin adopted a local Reusable Foodware Ordinance which includes language offering enforcement services via the Environmental Health Services Food Program for cities and towns adopting the same ordinance for the food vendors in their jurisdictions; and

WHEREAS, the Town of San Anselmo wishes to utilize the enforcement services offered by the County of Marin through the County's Environmental Health Services Food Program.

NOW, THEREFORE, based on the foregoing, the Town Council of the Town of San Anselmo hereby ordains as follows:

SECTION I. Findings

The above recitals are true and correct and are incorporated as findings herein.

SECTION 2. **Amendment to San Anselmo Municipal Code Title 5 Chapter 10 (Single Use Food Service Ware)**

Title 5 (Sanitation and Health) is amended to repeal Chapter 10 (Single Use Food Service Ware) and replace it in its entirety with Chapter 10 (Reusable Foodware Regulations) to read as follows:

Title 5, Chapter 10 – Reusable Foodware Regulations

5-10.010 - Definitions.

(a) *"BPI Certified"* means those Compostable fiber Foodware products that have been certified by the Biodegradable Products Institute (BPI) to safely and readily biodegrade in an industrial composting facility in the typical processing time. As of January 1, 2020, BPI ensures all certified products are Fluorinated Chemical free.

(b) *"Compliant Non-Reusable Foodware"* means that an item or product intended for disposal after one use and is: (1) accepted by the County through its composting collection program as Compostable as identified by the Deputy Director of Environmental Health Services or their designee; (2) is certified by either BPI Certified or other third party product certification recognized by the County through its Deputy Director of Environmental Health Services or their designee to ensure the item is free of harmful chemicals including but not limited to Fluorinated Chemicals, that may have been used in foodware manufacture, and is (3) made entirely of Natural Fiber, as defined that term is below, and including but not limited to paper, wood, or sugarcane fibers.

(c) *"Compliant Foodware Accessory"* means that an item or material is (1) accepted in Marin County composting collection program as Compostable; and is (2) made entirely of Natural Fiber.

(d) *"Compost Facility"* means compost facilities used by the Town's current waste haulers for composting organic material.

(e) *"Compostable"* means an item or material (1) will break down, or otherwise become part of usable compost in a safe and timely manner and (2) is Natural Fiber-based or made from other materials approved by the Deputy Director of Environmental Health Services or designee.

(f) *"Compostable Plastics or Biodegradable Plastics"* means the disposable products developed from polylactic acid (PLA), which require a specific set of conditions to compost and/or biodegrade that do not exist in the County or the region. These products are considered non-compliant.

(g) "Town" means the Town of San Anselmo.

(h) *"Town Facility"* means any building or structure owned, leased, or operated by the Town of San Anselmo.

(i) *"Customer"* means any person obtaining Prepared Food from a Food Vendor.

(j) *"Director*" means the Deputy Director of Environmental Health Services or their designee.

(k) *"Disposable (or Non-Reusable) Cup"* means a beverage cup designed for single-use to serve beverages such as water, hot and cold drinks, and alcoholic beverages.

(l) *"Effective Date"* means thirty days following passage of the Ordinance.

(m) *"EPS"* means expanded polystyrene, also known as Polystyrene Foam.

(n) *"Fluorinated Chemical"* means a class of fluorinated organic compounds containing at least one (1) fully fluorinated carbon atom, also known as perfluoroalkyl (PFOA) and polyfluoroalkyl (PFOS) substances, or PFAS chemicals. California Prop 65 lists PFOA and PFOS as reproductive toxicants.

(o) *"Foodware"* means all containers, bowls, plates, food trays, cups, lids, boxes, and other like items that are used for Prepared Foods, including without limitation, Foodware for takeout foods and/or leftovers from partially consumed meals prepared by Food Vendors.

(p) *"Foodware Accessories"* means types of items usually provided alongside Prepared Food including but not limited to forks, spoons, knives, chopsticks, napkins, cup sleeves, food wrappers, beverage trays, condiment containers, straws, stirrers, splash sticks, cocktail sticks, toothpicks, tray-liners, and plate-liners.

(q) *"Food Vendor"* means a food facility as that term is defined in Health & Safety Code section 113789, or its successor, including but not limited to a restaurant, bar, grocery store, delicatessen, bakery, food service establishment (carry out, quick service, full-service), food truck, itinerant restaurant, pushcart, farmers market, caterer, microenterprise home kitchen operation, or cottage food operation, that sells Prepared Food to be consumed on and/or off the premises located or operating within the Town except that for purposes of this ordinance the term "food vendor" shall not include a public school cafeteria.

(r) *"Natural Fiber"* means a plant-based, non-synthetic fiber, including but not limited to paper, wood, bamboo, palm leaf, wheat straw, or sugarcane. Natural Fiber does not include plastic of any kind.

(s) *"On Request"* means that only at the request of a customer shall the compliant product be provided.

(t) *"Polystyrene Foam"* means and includes blown polystyrene and expanded and extruded foams (sometimes incorrectly called Styrofoam, a Dow Chemical Co. trademarked form of polystyrene foam insulation) which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene). Polystyrene Foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays, coolers, packing peanuts, and egg cartons.

(u) *"Prepared Food"* means food or beverages, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared on the premises of the Food Vendor and includes Takeout Food. For the purposes of this chapter, Prepared Food does not include raw, butchered meats, fish and/or poultry, which are sold from a butcher case or similar appliance.

(v) *"Reusable or Durable"* Foodware and Foodware Accessories, including plates, bowls, cups, jars, trays, glasses, straws, stirrers, condiment cups, utensils, etc. that are manufactured of durable materials and specifically designed and manufactured to be washed and sanitized and to be used repeatedly over an extended period of time, and are safe for washing and sanitizing according to applicable regulations.

(w) *"Takeout Food"* means food or beverages requiring no further preparation to be consumed and which generally are purchased to be consumed off the premises of the Food Vendor.

5-10.020 - Dine-in Foodware regulations.

Food Vendors within the incorporated areas of Town:

(a) Shall sell or provide food and beverages for consumption on the premises using Reusable Foodware and utensils (forks, spoons, knives, chopsticks) except as otherwise provided in section 5-10.030 (b);

(b) May provide all other Compliant Foodware Accessories, which are made of Natural Fibers, including napkins, food wrappers, straws, stirrers, cocktail sticks, toothpicks, tray-liners, and plate-liners.

(c) Shall offer condiments in reusable containers or dispensers rather than pre-packaged single-use condiment packets; and

5-10.030 - Takeout Foodware regulations.

Food Vendors within the incorporated areas selling Takeout Food for consumption off premises:

(a) Shall provide takeout food in Reusable Foodware, or compostable Natural Fiber Compliant Foodware, or items composed entirely of glass or aluminum;

(b) Shall provide all other Compliant Foodware Accessories, which are made from Natural Fibers, including napkins, cup sleeves, beverage trays, condiment containers, straws, stirrers, splash sticks, cocktail sticks, and toothpicks only Upon Request or at self-serve stations; and

(c) Takeout food bags shall be Reusable, paper, or comply with Chapter 9 (regulations for single use carryout bags).

(d) Takeout Food delivery services shall provide the option for Compliant Foodware Accessories (forks, spoons, knives, chopsticks) and single-use condiments only On Request. A Food Vendor or a Takeout Food delivery service may include lids, spill plugs, and sleeves without request for Non-Reusable Cups for delivery.

(e) Food Vendors shall provide plastic straws only On Request, to accommodate any person's access needs.

5-10.040 - Town purchasing, facilities, and Town sponsored events.

The following regulations apply to Town purchases, facilities, and Town-sponsored events:

(a) All Town facilities that involve food service shall use Reusable Foodware and Compliant Foodware Accessories.

(b) Town-managed concessions, Town-sponsored events, and Town-permitted events shall use Reusable Foodware or Compliant Foodware and Compliant Foodware Accessories.

(c) These entities are prohibited from using Non-Reusable plastic foodware, including EPS/Polystyrene Foam, and Compostable or Biodegradable Plastics. No Town department shall purchase or acquire Non-Reusable plastic foodware for use at any Town facility. Organizations or individuals using Town facilities shall use Reusable or Compliant Foodware and Compliant Foodware Accessories.

(d) The Town shall prohibit the use of EPS/Polystyrene Foam and Non-Reusable plastic foodware by vendors, franchisees, lessees, contractors, or other commercial food and beverage purveyors at all Town government center facilities, and Town parks. Prohibited products include, but are not limited to, EPS/Polystyrene Foam and Non-Reusable plastic food containers, straws, bowls, plates, trays, utensils, clamshells, and cups which are not intended for reuse, on or in which any foods or beverages are placed or packaged.

(e) As of the Effective Date, all Town departments that hold contracts, lease agreements, permits or other agreements that involve food service shall incorporate this prohibition into all new and renewed contracts, leases, permits, agreements, etc.

(f) The use or distribution of EPS/Polystyrene Foam, and Non-Reusable plastic foodware at special events at Town facilities that are sponsored or co-sponsored by the Town shall be prohibited. This prohibition shall apply to the event organizers, agents of the event organizers, event vendors, and any other party (including non-profit organizations) who have an agreement with one or more of the co-sponsors of the event to sell goods or beverages at the event or otherwise provide an event-related service.

(g) Written agreements with any vendor, including non-profit organizations, to sell food or beverages at an event that is sponsored or co-sponsored by the Town, shall specifically prohibit the usage and distribution of EPS/Polystyrene Foam and Non-Reusable plastic foodware.

5-10.050 - Non-Reusable cup charge.

(a) All Food Vendors shall charge customers twenty-five cents ($0.25) at the point of sale for every Non-Reusable cup provided unless they are exempt under this chapter.

(b) Income from the Non-Reusable cup charge shall be retained by the Food Vendor.

(c) Charges for Non-Reusable cups shall be identified separately on any post-sale receipt provided and, pre-sale, shall be clearly identified for the customer on media such as menus, ordering platforms, and/or menu boards. Customers placing orders by telephone shall be informed verbally of Non-Reusable cup charges.

(d) All customers demonstrating, at the point of sale, a payment card or voucher issued by the California Special Supplemental Food Program for Women, Infants, and Children (WIC) pursuant to Article 2 (commencing with section 123275) of Chapter 1 of Part 2 of Division 106 of the California Health and Safety Code and as amended, or an electronic benefit transfer card (EBT) issued pursuant to section 10072 of the California Welfare and Institutions Code, and individuals with disabilities shall be exempt from the Non-Reusable cup charge.

5-10.060 - Separate waste receptacles required.

(a) All Food Vendors who provide solid waste containers for customer use, must provide separate receptacles for solid waste, recyclables, and organics. Receptacles shall be colored black or grey for garbage, blue for recycling, and green for compost/organics.

(b) To the extent possible given space constraints, all receptacles for solid waste, recyclables, and organics should be placed adjacent to one another.

(c) Graphic-rich signage must be posted on or above each receptacle following the waste hauler's guidelines.

5-10.070 – Town-Enforced Provisions.

(a) Polystyrene (EPS) Coolers and Ice Chests. The sale of Polystyrene foam coolers and ice chests is prohibited within the Town of San Anselmo. Coolers and ice chests that do not have exposed Polystyrene foam and that are designed for reuse are exempt from the provisions of this Chapter.

(b) Private School Cafeterias. With the exception of the non-reusable cup charge under section 5-10.050, private schools shall comply with the regulations applicable to Food Vendors in this Chapter.

(c) Notwithstanding the provisions of 5-10.090, and/or any designation by the Town of San Anselmo that the Marin County Environmental Health Services Division be designated as the enforcement agency of and within the Town of San Anselmo regarding the terms of this Chapter, the Town of San Anselmo has sole responsibility for enforcement of this section 5-10.070 and may utilize any available enforcement mechanism, including but not limited to San Anselmo Municipal Code Title 1, Chapter 6 (Administrative Citations) and Title 1, Chapter 2 (Penalty Provisions and Abatement of Public Nuisances).

5-10.080 - Exemptions.

(a) Entities packaging Prepared Foods outside Marin County are exempt from the provisions of this chapter; provided, however, such entities are urged to follow the provisions of this chapter.

(b) Non-Reusable Foodware and Foodware Accessories composed entirely of aluminum is exempt from the provisions of this chapter.

(c) Should Foodware or Foodware Accessories made of Compliant compostable Natural Fiber not be commercially available, as determined by Director or their designee, the County may approve temporary exemption of specific nonreusable Foodware or Foodware Accessories items until they are made commercially available. The County shall maintain

a list, updated annually, with Foodware or Foodware Accessories deemed not available commercially.

(d) For the immediate preservation of the public peace, health, or safety due to an emergency or natural disaster, the Town Council, or designee, may exempt Food Vendors, persons operating Town facilities and agents, contractors, and vendors doing business with the Town, from the provisions of this Chapter.

5-10.090 - Enforcement.

(a) Compliance with this ordinance is required as of the Effective Date.

(b) Enforcement of this chapter shall be pursuant to this section, San Anselmo Municipal Code Title 1, Chapter 6 (Administrative Citations) and Title 1, Chapter 2 (Penalty Provisions and Abatement of Public Nuisances) inclusive.

(c) Enforcement shall include written notice of non-compliance and a reasonable opportunity to correct, prior to issuance of any penalty.

(d) It is found and determined to by the Town Council that the public interest, health, safety, and welfare of the residents of the Town require that the Marin County Environmental Health Services Division be designated as the enforcement agency of and within the Town and as such enforcement agency it is authorized with the enforcement of the provisions of this chapter and the Marin County Environmental Health Services division is vested, for the purposes of enforcing this chapter within Town, with all of the jurisdiction and powers vested in or available to said division by this Chapter and said health and safety code.

(e) Beginning on November 10, 2023, the Town Council hereby delegates enforcement powers to the County's Environmental Health Services. Enforcement will progress on the regular inspection schedule of all covered Food Vendors in the County as described in this chapter.

5-10.100 - Violations

On behalf of the Town, beginning on November 10, 2023, the County may choose to undertake the following legal actions to correct and/or abate nuisances and violations of this ordinance. The Director of Environmental Health Services or their designee is authorized to promulgate regulations and take any and all other actions reasonable and necessary to enforce the provisions of this Article, including but not limited to, entering the premises of any food provider during regular business hours to verify compliance, and by the issuance of Administrative Citations. The remedies and penalties provided by this Article are cumulative and in addition to any other remedies available at law or in equity.

(a) Administrative Citations.

Administrative citations may be issued for violations of this Chapter at the discretion of the Director. The issuance of an administrative citation under this chapter shall not supersede or limit the remedies provided elsewhere in this Code or California law, including other administrative citation remedies. Issuance of an administrative citation may be exercised in place of, but shall not be considered a waiver of, the use of any other available enforcement remedy.

(b) Process and Service of Citation.

1. Prior to issuance of citation penalty, the County shall issue a violation warning letter to the facility operator and provide the facility operator thirty (30) days to correct the violation(s).
2. The violation warning letter and/or citation shall be mailed to the food facility operator named in the facility's permit.
3. The failure of any interested person to receive the violation warning letter and/or citation shall not affect the validity of the proceedings.

(c) Administrative Citation Penalty Schedule.

Following the violation warning letter described in Section 7.25.090(b)(1) above and thirty (30) day cure period, if the violations remains, the County may issue the following administrative penalties:

1. A fine not exceeding $100.00 for the first violation;
2. A fine not exceeding $200.00 for a second violation of the same Code provision within one year; and
3. A fine not exceeding $500.00 for each additional violation in excess of two, of the same Code provision within one year.

(d) Response to Citation Penalty

Following receipt of citation penalty, food facility operator shall have thirty (30) days to pay the fine as indicated on the citation, or to request a waiver of payment of the penalty due to unique undue hardship. This waiver may be granted by the Director upon demonstration by a food facility operator to the satisfaction of the Director that strict application of the requirements would cause undue hardship. An "undue hardship" includes, but is not limited to the following: 1. A situation unique to the food facility where a suitable alternative that conforms with the requirements of this chapter does not exist for a specific application. 2. Imposing the provisions of this Chapter would cause significant economic hardship. "Significant economic hardship" may be based on, but not limited to, demonstrating that suitable Foodware or Foodware Accessories made of Compliant compostable Natural Fiber is not available at a commercially reasonable price and the additional cost associated with providing the Compliant Foodware or Foodware is particularly burdensome to the food facility based on the type of operation(s) affected, the overall size of the business/operation, the number, type and location of its facilities, the impact on the overall financial resources of the food facility, and other factors. Reasonable added cost for a suitable item as compared to a similar item that the food

facility can no longer use shall not by itself constitute adequate grounds to support an exemption for such item. In determining whether a significant economic hardship has been established, the Director or designee shall consider the following information: ability of the food facility to recover the additional expense by increasing its prices; the availability of tax credits and deductions; outside funding; and other options.

(e) Nonpayment of Citation for More than One Year Deemed Nuisance.
Nonpayment of any assessed violation for longer than one year shall constitute a nuisance and be subject to the nuisance abatement procedures in Marin County Code Chapter 1.05, including payment of civil penalties of up to $2,500 per violation per day and enforcement and other abatement costs incurred by the County.

SECTION III. California Environmental Quality Act

This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the Town. The Town Council hereby finds that under section 15061(b)(3) of the State CEQA Guidelines, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment. It also finds the Ordinance is exempt from the requirements of CEQA pursuant to CEQA Guidelines sections 15307 and 15308 as an action by a regulatory agency taken to protect the environment and natural resources.

SECTION IV: SEVERABILITY
Every section, paragraph, clause, and phrase of this Ordinance is hereby declared to be severable. If for any reason, any section, paragraph, clause, or phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, clauses or phrases, and the remaining portions or this ordinance shall continue in full force and effect unless amended or modified by the Town.

SECTION V: EFFECTIVE DATE AND PUBLICATION
This Ordinance shall take effect thirty days following its adoption and a summary of the ordinance shall be published at least once in a newspaper of general circulation, printed and published in the County of Marin.

SECTION V: VOTE

The foregoing ordinance was introduced by the Town Council of the Town of San Anselmo on March 28, 2023, and passed and adopted at a regular meeting of the Town Council held on this ____ day of April, 2023, by the following vote:

AYES:

NOES:

ABSENT:

Steve Burdo, Mayor

ATTEST:

Serge Avila, Clerk

AGREEMENT BETWEEN
COUNTY OF MARIN AND TOWN OF SAN ANSELMO
REGARDING ENFORCEMENT OF THE FOODWARE ORDINANCE

This AGREEMENT (AGREEMENT), made and entered into this _____ day of _____, 2023, by and between the COUNTY OF MARIN, hereinafter referred to as "COUNTY", and TOWN OF SAN ANSELMO, hereinafter referred to as "TOWN", both in the State of California, collectively the "PARTIES", for participation in the County Environmental Health Services (EHS) Reusable Foodware Ordinance Implementation and Enforcement Program (the "PROGRAM").

SECTION 1: RECITALS

1.1 Parties have the mutual desire and responsibility to protect the health, welfare, and safety of its citizens and economy. The proliferation of non-reusable (or disposable) foodware, packaging, and plastics has contributed to street litter, ocean pollution, marine, and other wildlife harm along with the greenhouse gas emissions from the production of the disposable materials.

1.2 Using reusable dishware significantly reduces the generation of unnecessary waste, and in most applications saves money, reduces disposal costs, and improves customer experience.

1.3 Non-reusable foodware threatens public health because many types contain fluorinated chemical additives are known or suspected carcinogens or endocrine disruptors. These additives are known to leach from foodware into food and beverage containers and into compost, soil, and water.

1.4 On May 10, 2022, COUNTY adopted a local Reusable Foodware Ordinance, and which includes language offering enforcement services via COUNTY'S Environmental Health Services for cities and towns in the County of Marin adopting the same ordinance for the food vendors in their jurisdictions.

1.5 TOWN is adopting a local Reusable Foodware Ordinance and wishes to utilize the enforcement services offered by COUNTY through COUNTY'S Environmental Health Services.

1.6 TOWN and COUNTY have determined that the public interest would be best served by the performance of these functions as provided in the Reusable Foodware Ordinance and as provided in this AGREEMENT.

SECTION 2: PURPOSE OF THE AGREEMENT

This AGREEMENT is entered into by and between the PARTIES to define the responsibilities of the PARTIES for the implementation enforcement of Reusable Foodware Regulations within Town as defined in Town Code Title 5, Chapter 10.

SECTION 3: PROGRAM DEFINITION AND SCOPE

COUNTY shall act as the enforcement agency for the Reusable Foodware Ordinance, as detailed in Town Code section 5-10.090. Enforcement as detailed in Town Code section 5-10.090, will begin on November 10, 2023.

TOWN participation in the Program is encouraged but completely voluntary. However, development and implementation of such a program requires staff time and resources which would be exacerbated if jurisdictions joined the Program piecemeal over the course of several years. To address these potential cost impacts, there will be a one-time fee to join the Program. However, to encourage and incentivize jurisdictions to join during the initial development phase, COUNTY will waive the on-boarding fee for any jurisdiction that opts into the program within twelve (12) months of the COUNTY'S adoption of the ordinance.

The one-time on-boarding fee was calculated based on the time and resources needed to revise COUNTY'S EHS Division systems to include additional businesses after the initial development period (estimated as 0.5 hours per food facility). The fee is scaled based on the number of food facility operators within the jurisdiction (see Table 1).

Table 1: Environmental Health Division One-Time Enforcement Program Fee for Reusable Foodware Ordinance

Jurisdiction	Number of Food Facilities	One-Time On-Boarding Fee
Belvedere	3	$311
Corte Madera	58	$6,003
Fairfax	45	$4,658
Larkspur	49	$5,072
Mill Valley	70	$7,245
Novato	198	$20,493
Ross	6	$621
San Anselmo	56	$5,796
San Rafael	322	$33,327
Sausalito	70	$7,245
Tiburon	31	$3,209

If jurisdictions adopt the ordinance after the twelve (12) month period following COUNTY adoption, the EHS Division can still provide enforcement, but the fee would no longer be waived for those jurisdictions.

SECTION 4: RESPONSIBILITIES

4.1 TOWN SHALL:

a. TOWN has or shall adopt a Reusable Foodware Ordinance in compliance with and mirroring the Reusable Foodware Ordinance adopted by the COUNTY on May 10, 2022.
b. Pay the onboarding fee as detailed in Section 4 above within 30 (thirty) days of written request for payment by COUNTY, unless otherwise waived.

4.2 COUNTY SHALL:

a. Act is enforcement agency for the Reusable Foodware Ordinance for the TOWN as detailed in its Reusable Foodware Ordinance and in this AGREEMENT.

b. Provide updates to TOWN of any modifications to its Ordinance or modifications to the enforcement Program.

SECTION 5: TERM OF AGREEMENT AND TERMINATION.

5.1 This AGREEMENT shall remain in force unless terminated by either PARTY. Either PARTY may terminate this AGREEMENT by giving three (3) months written notice to the other PARTY.

5.2 In the event of termination of this AGREEMENT, any supplementary agreements may also be terminated in accordance with the termination provisions contained in such agreements.

5.3 If TOWN amends its Reusable Foodware Ordinance which, in the COUNTY'S sole determination and discretion, does not comport with the COUNTY's Reusable Foodware Ordinance and Program, COUNTY may terminate this AGREEMENT at any time.

SECTION 6: COMPLIANCE WITH LAW.

In the performance of its obligations pursuant to this AGREEMENT, PARTIES shall comply with all applicable federal, state and local laws, ordinances and regulations in any manner affecting the performance of this AGREEMENT, and must at all times comply with such laws, ordinances, and regulations as they may be amended from time to time.

SECTION 7. INDEMNIFICATION AND GENERAL LIABILITY

TOWN shall indemnify, hold harmless, release and defend COUNTY, its officers, agents and employees from any and all liability, actions, claims, damages, costs or expenses, including attorneys' fees and the costs and expenses of suit which may be asserted by any complainant, arising in any respect, out of TOWN's negligent or intentional acts or omissions arising under or related to this AGREEMENT.

COUNTY shall indemnify, hold harmless, release and defend TOWN, its officers, agents and employees from any and all liability, actions, claims, damages, costs or expenses, including attorneys' fees and the costs and expenses of suit which may be asserted by any complainant, arising in any respect, out of COUNTY's negligent or intentional acts or omissions arising under or related to this AGREEMENT.

SECTION 8. OBLIGATIONS.

Termination of this AGREEMENT will not invalidate the indemnification obligations of TOWN to COUNTY and/or obligations properly incurred by TOWN before the termination date to the extent those obligations cannot be canceled.

SECTION 9. INTEGRATION.

This AGREEMENT represents the entire AGREEMENT of the PARTIES with respect to the subject matter thereof. No representations, warranties, inducements or oral agreements have been made by any of the parties except as expressly set forth herein, or in other contemporaneous written agreements.

SECTION 10. AMENDMENT.

Except as otherwise provided herein, this AGREEMENT may not be changed, modified or rescinded except in writing and approved by all parties hereto.

SECTION 11. INDEPENDENT AGENCY.

Each party performs the terms and conditions of this AGREEMENT as an entity independent of the other party. Each party's agents or employees shall not be agents or employees of the other party to this AGREEMENT.

SECTION 12. ASSIGNMENT.

This AGREEMENT may not be assigned, transferred, hypothecated, or pledged by any party without the express written consent of the other party.

SECTION 13. BINDING ON SUCCESSORS, ASSIGNEES OR TRANSFEREES.

This AGREEMENT shall be binding upon the successor(s), assignee(s) or transferee(s) of TOWN. This provision shall not be construed as an authorization to assign, transfer, hypothecate or pledge this AGREEMENT other than as provided above.

SECTION 14. SEVERABILITY.

Should any part of this AGREEMENT be declared unconstitutional, invalid, or beyond the authority of either party to enter into or carry out, such decisions shall not affect the validity of the remainder of this AGREEMENT, which shall continue in full force and effect provided that the remainder of this AGREEMENT can, absent the excised portion, be reasonably interpreted to give effect to the intentions of the parties.

SECTION 15. SUCCESSORS; NO THIRD-PARTY BENEFICIARIES.

Nothing in this AGREEMENT, whether express or implied, shall be construed to give any person or entity (other than the PARTIES hereto and their respective successors and assigns) any legal or equitable right, remedy or claim under or in respect of this AGREEMENT or any covenants, conditions or provisions contained herein.

SECTION 16. CONTACTS AND NOTICES.

All notices under this AGREEMENT shall be in writing (unless otherwise specified) delivered to the parties by hand, by commercial courier service, or by United States mail, postage prepaid, addressed to the parties at the addresses set forth below or such other addresses as the parties may designate by notice.

For COUNTY:
Greg Pirie, Deputy Director, Environmental Health Services
County of Marin – Community Development Agency
3501 Civic Center Drive, Room 236
San Rafael, CA 94903

For TOWN:
David Donery, Town Manager
525 San Anselmo Ave.

San Anselmo, CA 94960

COUNTY:

By: _____

_____
Print Name

_____
Print Title

APPROVED AS TO FORM:

By:

_____
COUNTY Counsel

TOWN:

By: _____

_____
Print Name

_____
Print Title

APPROVED AS TO FORM:

By:

_____
TOWN Attorney

Reusable Foodware Ordinance Public Outreach Summary

As part of the County's outreach efforts, virtual workshops for residents and businesses were hosted on July 14 and September 15, 2021, and a public comment period was held to solicit feedback. City staff supported local outreach via social media and targeted emailing. Outreach was provided in both Spanish and English and business types included restaurants, bars, and convenience markets. A summary of countywide outreach is outlined below.

Food Vendor Grant Program and Technical Assistance	75 businesses called and 62 site visits completed across all jurisdictions. During site visits, businesses were informed of the ordinance features, provided outreach materials, and offered the opportunity to apply for the grant program and receive free technical assistance. 6 out of the 40 businesses visited were provided in-language Spanish assistance.
	11 businesses have been approved and are currently in the grant program. 3 out of the 6 Spanish speaking businesses are interested and have applied for the grant.
City of San Rafael Business Outreach	Two City interns surveyed business in San Rafael locations including Downtown San Rafael, Montecito Shopping Center, Northgate 1, Canal. Interviews were also conducted with large grocery stores like Whole Foods and Andy's Market.
	Over 50 business owners or administrators reached via outreach effort.
	Interns had one-on-one conversations with business owners of the potential impacts of the RFO on their business, encouraged the completion of the County business survey, and collected comments not listed on survey.
Food Vendor Survey Results *(provided in English + Spanish)*	97 responses
	Vendors are mostly concerned with cost, supply, and customer behavior change
	Vendors see the biggest benefits of this ordinance as less landfilled waste, reduced waste overall, and having more sustainable options for customers
	Over 50% of businesses support a $0.25 charge
	68% do not think it would be difficult to switch to all reusables for dine in (of which 18% would want help from the County or cities)
Resident Survey Results *(provided in English + Spanish)*	338 responses
	95% are in favor of reducing plastic materials from going to landfill
	91% support Marin County requiring all food vendors use foodware that is either reusable or compostable
	79% support a County-wide cup charge
Business Workshop Meeting	Held on 9/15/2021 with over 45 attendees. Spanish translation services were offered at the meeting. The meeting was recorded and is publicly available on the County's website.
Resident Community Meeting	Held on 7/14/2021 with over 28 attendees. The meeting was recorded and is publicly available on the County's website.
20+ Meetings with Stakeholders	Stakeholders from across the County, including restaurant owners, various chamber of commerce groups (including the Council of Chambers), Latinx business leaders, disability advocates, haulers and processors, food inspectors, advocacy groups, etc.
1 Letter	Sent to all food vendors with information about the proposed ordinance, survey link, outreach flyer, and invitation to attend the business workshop meeting.
33 Public Comments	County received 33 public comments on the publicly available draft ordinance. Public comments on the ordinance have been accepted since February 2020.

Comparison Table – County Foodware Ordinance vs. San Anselmo Foodware Ordinance

County Ordinance	San Anselmo Ordinance
Definition: BPI Certified	No definition for BPI Certified
Definition: Compliant Non-Reusable Foodware	No definition for Compliant Non-Reusable Foodware
Definition: Compliant Foodware Accessory	No definition for Compliant Foodware Accessory
Definition: Compost Facility	Referred to as “Municipal Compost Facility”
Definition: Compostable Plastics or Biodegradable Plastics	No definition for Compostable Plastics or Biodegradable Plastics
Definition: County	No definition for County
Definition: County Facility	No definition for County Facility
Definition: Customer	No definition for Customer
Definition: Director	No definition for Director
Definition: Effective Date	No definition for Effective Date
Definition: EPS	Referred to as “Polystyrene & Polystyrene Foam”
Definition: Foodware	Referred to as “Disposable Foodware”
Definition: Foodware Accessories	Referred to as “Disposable Foodware Accessories”
Definition: Natural Fiber	No definition for Natural Fiber
Definition: On Request	No definition for On Request
No definition for Full-Service Restaurant	Definition: Full-Service Restaurant
No definition for Private Schools	Definition: Private Schools
No definition for Takeout Food Delivery Service	Definition: Takeout Food Delivery Service
Compostable defined as “an item or material (1) will break down, or otherwise become part of usable compost in a safe and timely manner and (2) is Natural Fiber-based or made from other materials approved by the Deputy Director of Environmental Health Services or designee.”	Compostable defined as “all disposable products certified by BPI (Biodegradable Products Institute - A third party organization that reviews and certifies compostable products that meet ASTM D6400 and ASTM 6868 conditions for compostability) or Fluorinated Free and are accepted by the Town’s Municipal Compost Facility.”
Food Vendor defined as “a food facility as that term is defined in Health & Safety Code section 113789, or its successor, including but not limited to a restaurant, bar, grocery store, delicatessen, bakery, food service establishment (carry out, quick service, full-service), food truck, itinerant restaurant, pushcart, farmers market, caterer, microenterprise home kitchen operation, or cottage food operation, that sells Prepared Food to be consumed on and/or off the premises located or operating within the Town, except that for purposes of this ordinance the term ‘food vendor’ shall not include a public or private school cafeteria.”	Food Vendor defined as “any restaurant, private school, bar, grocery store, delicatessen, bakery, food service establishment (carry out, quick service, full-service), food truck, itinerant restaurants, pushcart, farmers market or other similar establishments, selling prepared food to be consumed on and off the premises located or operating within the Town of San Anselmo”

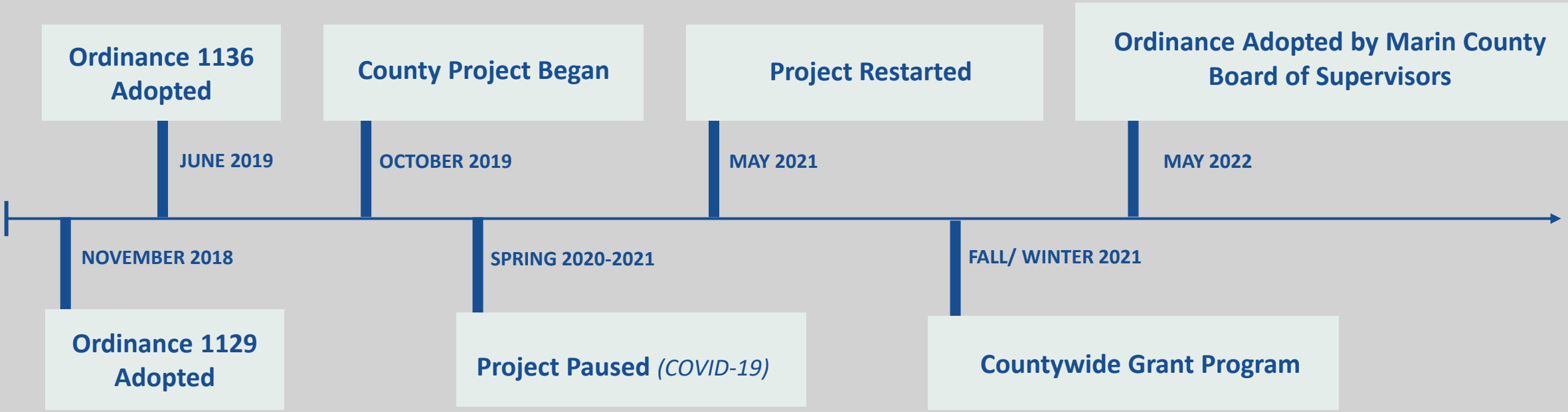
Dine-in foodware regulations require offering condiments in reusable containers or dispensers rather than pre-packaged single-use condiment packets.	No requirement for offering condiments in reusable containers or dispensers.
Takeout foodware regulations allow takeout food to be provided using glass materials as well as aluminum.	Takeout foodware regulations do not specifically call out glass materials as an option for takeout food, but would be covered by reusable foodware which is an option as well.
Takeout foodware regulations do not include an allowance for alternative foodware items if a compostable foodware item is not available, but the ordinance does allow for exemptions for foodware and foodware accessories if commercially available compostable options do not exist.	Takeout foodware regulations allow an alternative foodware item made of other materials, except polystyrene foam and polystyrene foodware, to be substituted if a compostable foodware item is not available.
Town purchases and town-sponsored event regulations require organizations or individuals using Town facilities to use reusable or compostable foodware and foodware accessories.	No requirement for organizations or individuals using Town facilities to use reusable or compostable foodware and foodware accessories.
Town purchases and town-sponsored event regulations require that all Town departments that hold contracts, lease agreements, permits, or other agreements that involve food service to incorporate prohibitions on non-reusable plastic foodware and polystyrene foam into all new and renewed contracts, leases, permits, agreements, etc.	No requirement to incorporate prohibitions on non-reusable plastic foodware and polystyrene foam into Town contracts, lease agreements, permits, or other agreements. However, the ordinance already prohibits the Town from purchasing foodware and foodware accessories that are not compostable.
Disposable cup charge regulations apply to all food vendors.	Disposable cup charge regulations apply to all food vendors except for full-service restaurants.
Waste receptacle regulations apply to all food vendors that provide solid waste containers for customer use.	Waste receptacle regulations apply to all food vendors except full-service restaurants.
Temporary exemptions allowed if specific compliant foodware or foodware accessories are not commercially available if approved by the County Deputy Director of Environmental Health Services or their designee. Although exemptions aren't allowed due to undue hardship, the County Deputy Director of Environmental Health Services may grant a waiver for undue hardship to a food vendor that receives a citation penalty for noncompliance.	Temporary exemptions allowed for "significant difficulty" and "significant expense" for up to two years if approved by the Town Manager or their designee.
Private school cafeterias are exempt from the regulations in the ordinance.	Private schools are only exempt from the disposable cup charge regulation.



Town of San Anselmo
Council Meeting
March 28, 2023

REUSABLE FOODWARE ORDINANCE

BACKGROUND


Ordinance 1136 Adopted
JUNE 2019
County Project Began
OCTOBER 2019
Project Restarted
MAY 2021
Ordinance Adopted by Marin County Board of Supervisors
MAY 2022
NOVEMBER 2018
Ordinance 1129 Adopted
SPRING 2020-2021
Project Paused (COVID-19)
FALL/ WINTER 2021
Countywide Grant Program

WHY A FOODWARE ORDINANCE?

- Plastic waste and litter left on streets and sidewalks collects in gutters, storm drains, and creeks and, ultimately, **gets discharged into San Francisco Bay and Pacific Ocean**.
- Reduction of plastics at the source by encouraging reuse and recyclable or compostable materials would **reduce litter and debris** from going into the landfills.
- Adoption of a clear consistent foodware ordinance would **provide guidance and clarity** to businesses and the community who want to do the right thing but are unclear on what that is.
- Adoption of the ordinance would also assist the Town and local businesses in **complying with recently adopted state legislation** focused on waste reduction.

Item X Attachment 5

WHY A FOODWARE ORDINANCE?
REPLACING DISPOSABLES

- Improves environment:
  - **Reduces litter, chemicals in foodware, and amount of waste being sent to landfill**
- Less GHGs and use of resources to produce, transport, and dispose
- Switching to reusables saves money!



WHY A FOODWARE ORDINANCE?
DISPOSABLE FOODWARE EXAMPLES

- Bowls, Plates, Clamshells, and Other To-Go containers
- Cups
- Straws
- Utensils
- To-Go Accessories
  - Napkins, cup sleeves, lids, condiment packets, cup spill plugs, stirrers, tooth/cocktail picks, etc.

KEY ORDINANCE FEATURES

- **Applies to All Food Vendors**
  - Except public or private school cafeterias
- **Ordinance Enforcement:**
  - Not until November 10, 2023 (18 months after initial County of Marin adoption)
- **To-Go Foodware Must Be:**
  - Fiber-based, BPI-certified compostable (no bio-plastic)
  - Aluminum allowed
- **Dine-In Foodware Must Be:**
  - Reusable
  - Exceptions allowed for specified items, such as paper napkins, paper straws, and foil wrappers
  - Plastic stirrers, cocktail sticks, plugs and toothpicks banned

KEY ORDINANCE FEATURES CONTINUED

- **To-Go Accessories:**
  - Only upon request or at take-out station
  - Must be fiber-based compostable, when available
- **Disposable Cup Itemized Charge**
  - 25 cents (with exceptions), retained by food vendor
- **Front and Back of House 3-Stream Collection Containers**

STAKEHOLDER ENGAGEMENT

- **County Public Engagement ran from 10/2019-1/2022**
- **Stakeholder Meetings**
  - Formal Resident and Business Workshop Meetings
  - Spanish translation services offered & recorded
  - 20+ meetings, including restaurant owners, various chamber of commerce groups (including the Council of Chambers), Latinx business leaders, disability advocates, haulers and processors, food inspectors, advocacy groups, etc.
- **Resident Survey (provided in both English and Spanish)**
  - 338 responses
- **Food Vendor Survey (provided in both English and Spanish)**
  - 97 responses
- **County accepted public comments on draft ordinance from 2/2020-11/2021**
- **Letter to all food vendors countywide**
- **FAQ and matrix of compliant alternatives**
- **Variety of publications, including flyers and press releases**

STAKEHOLDER ENGAGEMENT COUNTYWIDE GRANT PROGRAM

- **Ran from 07/2021-11/2021**
  - Open to all food vendors in Marin County
  - Businesses could receive $100-$500 to voluntarily adopt requirements and receive technical assistance
- **Program Highlights**
  - 25% of businesses are using grant funds to purchase reusable foodware products
  - 19% of the businesses called and visited were provided Spanish in-language assistance
  - Several businesses showed appreciation for the education and compliance guidance around the new ordinance



STAKEHOLDER ENGAGEMENT OUTREACH AND MESSAGING









COUNTYWIDE APPROACH & ENFORCEMENT

- County enforcement begins on November 10, 2023 (18 months after County's initial adoption)
- County Environmental Health Services (EHS) will take proactive approach in education and enforcement
  - Cost would be passed through to businesses via Food Inspection Fees
  - EHS may grant a citation waiver for undue hardship circumstances
- County will maintain a temporary exempt product list on its website
- The one-time enforcement fee for the Town would be waived if the ordinance is adopted by May 10, 2023

STAFF RECOMMENDATIONS

- Introduce Reusable Foodware Ordinance to replace the existing Town Code Title 5, Chapter 10 Single Use Food Service Ware in its entirety
- Authorize the Town Manager to execute the agreement between the County and Town regarding enforcement of the foodware ordinance



THANK YOU

QUESTIONS?



APPENDIX SLIDES

PURCHASING GUIDE

REUSABLE FOODWARE FOR DINE-IN

These are not complete lists nor does the County endorse or recommend specific manufacturers or distributors but provides these resources for informational purposes. This list will be periodically updated. If you are a manufacturer or distributor and would like your product to be considered for inclusion on this list, please email

Webstaurant Store - webstaurantstor
International Tableware -
Katom Restaurant Supply, Inc -

Updated 1-23-23

Vendor	Product	Size	Material	Image	Colors	Estimated Price	Comments
Baskets							
Artisan Collection™ 9" Oval Basket	Oval Metal Basket	9" Oval	Powder Coated over Steel		Black	$10.68 ea	
9" x 7 1/4" x 2 3/4" Oval Natural-Colored Rattan Basket	Rattan Oval	11" x 1 1/2" round	Rattan		Natural	$2.99 ea	
Acopa 9" x 6" Oval Chrome Wire Basket	Oval Chrome Wire	Acopa 9" x 6"	Chrome		Silver	$3.98ea	



Studies have shown that replacing disposable with earth-friendly and money-saving reusable foodware can dramatically reduce your opertional cost.

https://www.marincounty.org/depts/cd/divisions/environmental-health-services/reusable-foodware-ordinance

REUSABLE COST SAVINGS

CLEAN WATER ACTION FACT SHEET

Net Cost Impact* of switching from disposable to reusable food ware items for dine-in

Numbers are based on case studies of *ReThink Disposable* certified food businesses.

J&J Hawaiian invested $557 to replace:

- Disposable Paper Food Clamshells with Reusable Plates & Bowls
- Disposable Paper Food Trays with Reusable Baskets
- Disposable Plastic Utensils with Silverware
- Disposable Wooden Chopsticks with Reusable Plastic Chopsticks
- Disposable Plastic Water & Paper Soda Cups with Reusable Glasses
- Disposable Plastic Sauce Cups & Lids with Reusable Sauce Cups

ANNUAL NET COST SAVINGS: $20,517



Kirk's Steakburgers invested $220 to replace:

- Disposable Paper Trays with Reusable Baskets
- Disposable Paper Soda Cups with Reusable Cups
- Disposable Plastic Water Cups with Reusable Cups

ANNUAL NET COST SAVINGS: $3,981



New York Pizza invested $170 to replace:

- Disposable Paper Plates with Reusable Metal Pizza Trays
- Disposable Plastic Utensils with Reusable Silverware
- Disposable Plastic Water Cups with Reusable Glasses

ANNUAL NET COST SAVINGS: $3,043

**Net Cost Impact takes into account any upfront and ongoing costs associated with the purchase and care of reusable items and capital improvements needed to carry out ReThink Disposable's recommendations. Net cost savings are based on avoided disposable foodware purchases.*

NOTE: With the exception of Kirk's Steakburgers, the above restaurants had no mechanized dishwashing.

Rene Rose invested $636 to replace:

- Disposable Plastic Plates with Reusable Plates
- Disposable Plastic Bowls with Reusable Bowls
- Disposable Plastic Sauce Cups & Lids with Reusable Sauce Cups
- Disposable Plastic Water Cups with Reusable Glasses

ANNUAL NET COST SAVINGS: $22,122



Shish Grill invested $80 to replace:

- Disposable Foam Cups for soda and water with Reusable Glasses
- Disposable Plastic Sauce Cups with Reusable Sauce Cups

ANNUAL NET COST SAVINGS: $974

https://www.marincounty.org/depts/cd/divisions/environmental-health-services/reusable-foodware-ordinance

REUSABLE COST SAVINGS

Marin County Restaurants: Conversion to Dine-in Reusables Potential Cost & Waste Reduction

Restaurant Sector	# of Restaurants	Sector %	Restaurant Annual Cost Savings	Restaurant Sector Annual Cost Savings	Total Annual Waste Reduction (# of Foodware Items Eliminated)
Café/Bakery/Snack	247	23%	$4,319	$1,066,670	32,643,767
Fast Casual	197	18%	$4,687	$923,241	50,386,986
Fast Food	189	18%	$3,810	$716,236	24,972,965
Full Service	439	41%	n/a	n/a	n/a
All Restaurants	**1,072**	**100%**	**$4,282**	**$2,706,146**	**108,003,718**

Study based on model by Reusable San Mateo County of Marin County's 1,072 restaurants

https://www.marincounty.org/depts/cd/divisions/environmental-health-services/reusable-foodware-ordinance

PLASTIC VS. COMPOSTABLE COST COMPARISONS

Item	Plastic Per Unit Cost	Compostable Per Unit Cost
16 oz. Cold Cup	$0.06	$0.08
Clamshell To-Go Container	$0.19	$0.20
Plastic Utensils (fork, spoon, knife)	$0.03	$0.04
Take-Out Bag	$0.02	$0.05
Hot Cup Sleeve	$0.03	$0.03
Food Wrap	$0.01	$0.02
Straw	$0.01	$0.02
Plates	$0.10	$0.09
Bowl	$0.08	$0.07
Stirrer	<$0.01	<$0.01

Item X Attachment 5

https://www.marincounty.org/depts/cd/divisions/environmental-health-services/reusable-foodware-ordinance

TEMPORARY EXEMPT PRODUCTS

TEMPORARY EXEMPT PRODUCT

This list will be reviewed and updated annually by the County. When a compliant alternative to a product becomes available, the County will update this list and the product will be subject to enforcement within six (6) months of list posting. The County will inform food service facilities of updates to this list as a part of regular enforcement activities of the County's Reusable Foodware Ordinance.

- Hot Cup (i.e., beverage or soup)
- Hot / Cold Cup Lid
- Food Container Lid
- Rotisserie Dome Container
- Sandwich Wedge Container
- Sushi Tray
- Baked Goods Box
- Bottled Juice / Beverage Container (ONLY for beverages made on-site)

Last Updated: 2/22/22

Item X Attachment 5

https://www.marincounty.org/depts/cd/divisions/environmental-health-services/reusable-foodware-ordinance

From: mara cesaretti
To: Town Council
Subject: Re-usable foodware
Date: Tuesday, March 28, 2023 8:03:08 AM

CAUTION: External Sender

Dear Town Council,
We are 3 San Anselmo households in favor of re-usable food ware for San Anselmo.

Cesaretti Family