



525 San Anselmo Avenue
San Anselmo, CA 94960

Town Council

Agenda

Tuesday, September 27, 2022

7:00 PM

Meetings held virtually via Zoom until
further notice -

<https://us02web.zoom.us/j/8749030684>

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<https://us02web.zoom.us/j/8749030684>

Or Telephone: +1 669 900 6833 | Webinar ID: 874 9030 6845

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. 6:20 PM Interviews with Applicants to the Flood Committee, Open Space Committee, and Climate Action Commission

Attachments: [Staff Report](#)

[Attachment 1 - Erik Stromberg](#)

[Attachment 2 - Kathleen Elizabeth Sanders](#)

[Attachment 3 - Lilly McKenna](#)

[Attachment 4 - Caren Cascio](#)

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.

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.

- 2.1.** Approve the Minutes of Town Council Meeting - September 13, 2022

Attachments: [Attachment 1 - September 13, 2022 Minutes](#)

- 2.2.** Consider Adoption of Resolution to Allow for Virtual Town Council and Committee Meetings in Compliance with AB 361.

Attachments: [Staff Report](#)
[Attachment 1 - Resolution](#)

- 2.3.** Special Event Application - Goblins' SPOOKtacular 2022

Attachments: [Staff Report](#)
[Attachment 1 - Event App - Goblin's SPOOKtacular 2022](#)

- 2.4.** Accept the 2022 Slurry Seal project

Attachments: [Staff Report](#)
[Attachment 1 - Town street map- 2022 slurry - as built.pdf](#)

2.5. Resolution Establishing the 2022-2023 Appropriations Limit

Attachments: [Staff Report](#)
[Attachment 1 - Exhibit A](#)
[Attachment 2 - Exhibit B](#)
[Attachment 3 - GANN Limit Resolution](#)

2.6. Closure of portion of Jordan Avenue per the Vehicle Code to establish Hilldale Pocket Park, and authorization of \$30,000 from the General Fund to assist in the establishment and maintenance of the park.

Attachments: [Staff Report](#)
[Attachment 1 Council Reso Hilldale Pocket Park.pdf](#)

2.7. Adoption of an Ordinance Amending the San Anselmo Municipal Code adding Chapter 14 “Parklets” to Title 7 “Public Works”.

Attachments: [Staff Report](#)
[Attachment 1 Parklet Ordinance.pdf](#)
[Attachment 2 Parklet Guidelines.pdf](#)

2.8. Appoint applicants to the Flood Committee and Open Space Committee.

Attachments: [Staff Report](#)
[Attachment 1 - Board and Commission Status Report 09.21.2022](#)
[Attachment 2 - Erik Stromberg](#)
[Attachment 3 - Kathleen Elizabeth Sanders](#)

Council Items:

3. Annual Report by Climate Action Commission on Town’s GHG Emissions Reduction Progress and CAC 2022-23 Priorities

Attachments: [Staff Report](#)
[Attachment 1 - CAC Annual Report](#)
[Attachment 2 - 2020 GHG Inventory Report](#)

4. Consideration of a Potential Ban on Additional Gas-Powered Landscape Equipment

Attachments: [Staff Report](#)
[Attachment 1 - Fairfax Landscape Equipment Ordinance](#)

5. Introduction of Ordinance Imposing an Electric Vehicle Infrastructure Training Program (EVITP) Certification Requirement for Town-Funded Electric Vehicle Infrastructure Projects

Attachments: [Staff Report](#)
[Attachment 1 - EVITP ordinance for intro](#)

6. Discuss ongoing format for public meetings

Attachments: [Staff Report](#)

7. Town Council Committee Assignment Discussion

Attachments: [Staff Report](#)
[Attachment 1 - Committee Assignments - Councilmember Burke Submission](#)

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 townclerk@townofsananselmo.org. Notification at least 48 hours prior to the meeting will enable the Town to make reasonable accommodation to help insure accessibility to this meeting.

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

Notice is hereby given that Council may discuss and/or take action on any or all of the items listed on this agenda. If any of these matters above are challenged in court, you may be limited to raising only those issues you or someone else raised at any public hearing described on this agenda, or in written correspondence delivered at, or prior to, this Council meeting. Judicial review of an administrative decision of the Town Council must be filed with the Court not later than the 90th day following the date of the Council's decision (Code of Civil Procedure Section 1094.6) Any item not under discussion before 10:00 p.m. may be continued to the next regular meeting. Next regular meeting is Tuesday, October 11, 2022.

I certify that this agenda was posted on the Public Notice Bulletin Board on or before Friday, September 23, 2022

Robyn Clifford, Interim Town Clerk



Town of San Anselmo

525 San Anselmo Avenue
San Anselmo, CA 94960

Staff Report

TO: Town Council

9/27/2022

Item #: 1.

SUBJECT:

6:20 PM Interviews with Applicants to the Flood Committee, Open Space Committee, and Climate Action Commission

Flood Committee Interview:

Erik Stromberg

Open Space Committee Interview:

Kathleen Elizabeth Sanders

Climate Action Commission Interviews:

Lilly McKenna

Caren Cascio

Print**Boards & Committee Applications - Submission #1640****Date Submitted: 8/21/2022**

TOWN OF SAN ANSELMO

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

To: San Anselmo Town Council

Date*

8/21/22

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

Flood Committee

Name*

% Erik Stromberg

Home Address*

130 Mono Ave

Occupation*

Landscape Architect

Employer's Address

130 Mono Ave

Home Phone*

5103162093

Work Phone

Cell Phone**E-Mail*****Number of years as resident of San Anselmo*****Number of years as a resident in Marin*****Education Level Achieved*****Name and phone numbers of three San Anselmo residents who can be contacted for referral information about me:****1.) Name*****1.) Phone*****2.) Name*****2.) Phone*****3.) Name*****3.) Phone***

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've been on the flood committee for 10 years

Reasons for this appointment.*

To continue the oversight and guidance for the flood protection measures for the town

What are your qualifications for this appointment.*

Landscape Architect that focuses on creek restoration, flood conveyance, and linear parks and open space.

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

Getting flood conveyance projects in the ground that make a real difference.

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.

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 #1637****Date Submitted: 8/19/2022**

TOWN OF SAN ANSELMO

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

To: San Anselmo Town Council

Date*

8-19-22

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

Open Space Committee

Name*

Kathleen Elizabeth Sanders

Home Address*

310 Redwood Rd

Occupation*

Jewelry Designer

Employer's Address

310 Redwood Rd

Home Phone*

14152618679

Work Phone

415-342-8654

Cell Phone

415-342-8654

E-Mail*

katsanders03@yahoo.com

Number of years as resident of San Anselmo*

34

Number of years as a resident in Marin*

34

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***

Jon Braun

1.) Phone*

415-459-6973

2.) Name*

Peter Hoch

2.) Phone*

415-456-2904

3.) Name*

Peter Horn

3.) Phone*

415-250-8624

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 was appointed to this Committee in the early 1990s, not long after moving to San Anselmo, and have remained on this Committee ever since. I also served as a member of the Bald Hill Working Group in the 1990s which codified guidelines for development in response to the Oakland Hills Fire and the resulting loss of life and property.

Reasons for this appointment.*

After over 30 years of participation, I feel that the Committee is finally about to achieve some of its major goals in acquiring some important parcels of land, such as Upper Hawthorne Canyon. It is an exciting time to be part of this process, and I want to see our Committee fulfill its goals.

What are your qualifications for this appointment.*

During the acquisition of Lower Hawthorne Canyon in the mid 1990w, I served as Chairperson of this Committee for three years, and since then, I have been treasurer of the Open Space Committee. As an artist, I also designed invitations to many of our Annual Benefits, as well as organized our fundraising events.

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

Currently, our most important task this year is outreach to the general public and public officials in order to secure the funds needed to purchase the key Open Space parcels that are listed in the San Anselmo General Plan. Such opportunities to find willing sellers of these parcels are rare and can not be allowed to slip through our fingers.

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?*

Art Commission

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 #1634****Date Submitted: 8/18/2022**

TOWN OF SAN ANSELMO

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

To: San Anselmo Town Council

Date*

08/18/2022

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

Climate Action Commission

**Name***

Lilly McKenna

Home Address*

49 S Oak Avenue

Occupation*

Attorney

Employer's Address

One Montgomery Street

Home Phone*

4155006527

Work Phone

Cell Phone**E-Mail*****Number of years as resident of San Anselmo*****Number of years as a resident in Marin*****Education Level Achieved*****Name and phone numbers of three San Anselmo residents who can be contacted for referral information about me:****1.) Name*****1.) Phone*****2.) Name*****2.) Phone*****3.) Name*****3.) Phone***

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 served as a Mentor Chair on the Women's Law Association of USF Law and as a Co-Chair of the Manatt Women's Initiative to develop speaker programming and firm events to develop camaraderie and share career insights for women attorneys.

Reasons for this appointment.*

I'm excited to see there is an opening on the Climate Action Commission and am pleased to submit this application. I believe that, based on my significant experience in the legal energy industry, I am well-qualified for this position. I've lived in the Bay Area for over ten years but am looking forward to becoming more involved in the San Anselmo community now that I am a resident of Marin.

What are your qualifications for this appointment.*

As an energy attorney focused on helping clients understand, develop, and comply with California's climate goals and regulations, I am well-versed in both climate issues and tools to address climate change.

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

I am particularly interested in pursuing policies that will (1) improve climate change equity and (2) increase EV adoption through increased EV charging network access.

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.

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 #1635****Date Submitted: 8/19/2022**

TOWN OF SAN ANSELMO

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

To: San Anselmo Town Council

Date*

08/19/2022

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

Climate Action Commission

**Name***

Caren Cascio

Home Address*

53 Grove Lane

Occupation*

Retired Nurse Practitioner

Employer's Address**Home Phone***

4152461785

Work Phone

Cell Phone

4152461785

E-Mail*

carencascio@gmail.com

Number of years as resident of San Anselmo*

38

Number of years as a resident in Marin*

38

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***

Susana McKeough

1.) Phone*

415-233-1441

2.) Name*

Angela Dean

2.) Phone*

415-990-5049

3.) Name*

Jane Schwartz

3.) Phone*

415-342-3286

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.*

Marin Medical Reserve Corps - COVID response/vaccine administration/outreach

Reasons for this appointment.*

Strong interest in and concern for our environment. Desire to serve the community that I love.

What are your qualifications for this appointment.*

BS - biology, MS - pharmacology, MS - Nursing
Experience in grant writing.
Experience working for the EPA , analyzing scientific data and information.

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

Adopting and supporting policies that address, prepare for and mitigate the effects of climate Change.
Educating the citizens of San Anselmo about things they can do to adapt to and mitigate the effects of climate change.

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.

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.

San Anselmo Council Minutes
Regular Meeting
Town Council Chambers and Via teleconference
Tuesday, September 13, 2022

Vice Mayor Burdo called the Special meeting to order at 6:20 p.m.

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT: Steve Burdo, Vice-Mayor
Eileen Burke
Brian Colbert
Ford Greene

COUNCILMEMBERS ABSENT: Mayor Fineman

STAFF MEMBERS PRESENT: Dave Donery, Town Manager
Emily Longfellow, Town Attorney

1. Interviews with Applicants to the Art Commission, Tax Equity Board, and Board of Review

The Council interviewed Jane Cunningham, Edie Heller, Warren Dodge, and Carla Overberger.

Mayor Fineman called the Regular meeting to order at 7:01 p.m.

Call to Order: Optional Pledge of Allegiance

COUNCILMEMBERS PRESENT: Alexis Fineman, Mayor
Steve Burdo, Vice-Mayor
Eileen Burke
Brian Colbert
Ford Greene

STAFF MEMBERS PRESENT: Dave Donery, Town Manager
Emily Longfellow, Town Attorney
Sean Condry, Public Works
Mattie O'Grady, Recreation Supervisor

Open Time for Public Expression

Gigi P. stated the Department of Water Resources has set a December deadline for a report with a timeline on the San Anselmo Flood Project. There is no report on FEMA's "no rise" decision. She was concerned about alarmist tactics use to justify installation of an experimental baffle.

Council requests for future agenda items

Vice Mayor Burdo reported the Ross Valley Fire Department Board meets tomorrow; the Marin Wildfire Prevention Authority Board meets on Thursday; work started last week at Memorial Park; he wished his Mother and partner a Happy Birthday!

Councilmember Greene reported the upcoming challenge for the Ross Valley Fire Department

is to figure out the kind of organization they want to have moving forward; he asked if the Certificate of Occupancy has been issued for the Lincoln Park Apartments; the lane coming into Sleepy Hollow (Butterfield Road) is a mess due to the recent spillage of asphalt and he asked about the status of the clean-up; he asked, once again, for an agenda meeting regarding flood remediation in the Ross Valley; he asked about the options available to the Town with respect to the County's plan for the demolition of any of the bridges.

Councilmember Burke reported she is was very exciting to see the work being done at Memorial Park; she attended a gathering to thank several outgoing Councilmembers for their service and it reminded her of how important it is to meet in person.

Councilmember Colbert reported he attended the Ross Valley Safe Routes to Schools Task Force meeting; "Walk and Roll Wednesdays" are making a comeback!; there will be a free EV and e-bike show at the Bon Air Shopping Center on Saturday the 24th; he attended a Marin Transit Authority (MTA) meeting; he is the new President of the Marin County Council of Mayors and Councilmembers (MCCMC).

Mayor Fineman reported the Housing Element Advisory Committee met last week; she has been contacted about the Town's increased reliance on wells and the Town's watering needs; she might have to leave the meeting early.

Town Manager Donery stated San Anselmo is hosting the September 28th MCCMC meeting- in person with music!

2. Consent Agenda

2.1 Approve the Minutes of Special Town Council Meeting- August 18, 2022

2.2 Approve the Minutes of Town Council Meeting- August 23, 2022

2.3 Report of Warrants Issued, August 2022

2.4 Consider Adoption of Resolution to Allow for Virtual Town Council Meetings in Compliance with AB 361

2.5 Response to 2022 Grand Jury Report entitled Affordable Housing: Time of Collaboration in Marin

2.6 Conflict of Interest Code Biennial Update

2.7 Special Event Application: Friends of Robson Fall Harvest Event Fundraiser

2.8 Appoint applicants to the Racial Equity Committee, Historical Commission, Art Commission and Tax Equity Board

Mayor Fineman opened the meeting to public comments.

There were no comments.

Mayor Fineman closed the meeting to public comments.

Councilmember Burke stated she would like to pull item #2.2 for discussion.

Councilmember Greene stated he would like to pull item #2.5 for discussion.

Mayor Fineman stated she would like to pull item #2.8 for discussion.

M/s, Burdo/Greene, Motion to approve Consent Agenda items #2.1, #2.3, #2.4, #2.6, and #2.7.
AYES: Burdo, Burke, Colbert, Greene, Mayor Fineman

2.2 Approve the Minutes of Town Council Meeting- August 23, 2022

Councilmember Burke made a correction to the minutes: the Parks and Recreation Department Intern is Ella *Acker*.

M/s, Greene/Burdo, Motion to approve Consent Agenda items #2.2 with the correction.
AYES: Burdo, Burke, Colbert, Greene, Mayor Fineman

2.5 Response to 2022 Grand Jury Report entitled Affordable Housing: Time of Collaboration in Marin

Councilmember Greene stated the proposed responses do not call out the coercive nature of the legal edicts that are coming down from the State. He cited several of the Findings that he objected to and discussed ongoing litigation and the unrealistic Regional Housing Needs Allocation (RHNA) numbers. He would like the opportunity to modify some of the responses.

Councilmember Burke suggested the response indicate “partial agreement” by the Council.

Vice Mayor Burdo stated this approach could result in the Grand Jury coming back with additional questions. He did not want to complicate the process. Councilmember Colbert agreed.

Mayor Fineman was not sure this was the right venue for Councilmember Greene’s suggestion. She would be in favor of adopting the response as is.

M/s, Colbert/Burdo, Motion to approve Consent Agenda items #2.5 and adopt the response as is.

AYES: Burdo, Colbert, Mayor Fineman
NOES: Burke, Greene

2.8 Appoint applicants to the Racial Equity Committee, Historical Commission, Art Commission and Tax Equity Board

Mayor Fineman noted she was not able to attend the interviews and would need to abstain from voting.

M/s, Greene/Burke, Motion to approve Consent Agenda items #2.8.
AYES: Burdo, Burke, Colbert, Greene
ABSTAIN: Mayor Fineman

Council Items

3. Introduction and First Reading of an Ordinance amendment to the Town of San Anselmo Municipal Code, Title 7 “Public Works” adding Chapter 14 “Parklets”; and adoption of a Resolution approving “Parklet Guidelines”

Public Works Director Condry gave a staff report and a short PowerPoint presentation. He answered questions from the Council regarding the proposed 5% cap with respect to the scope

of available parking spaces; the reference to “no limit” to the number of parklets in the staff report; if staff is recommending a “free ride” for another year; the concept of a “gift of public resources/funds” vs “in furtherance of the public good”; compensation for the non-restaurant retail merchants along San Anselmo Avenue due to the loss of parking; the comparison of an SUV and a parklet; does the 538 identified spaces in the downtown include the downtown parking lots; how the 5% cap will be applied; the line of demarcation for the north and south sections; where the MH Bread and Butter and Bread parklet falls within the three designated areas; are commercial frontages that are outside of the delineated areas eligible; which business would take precedent if there were two businesses along one frontage (one upstairs and one downstairs); roof coverings and railing enclosures and the amount of air that would travel in the parklet; if there is a technical requirement that a parklet remain 50% open; if the tables and chairs on the bridges are considered parklets; will parklets in the street be allowed along Sir Francis Drake Boulevard; would the fee for parklets be subject to Proposition 218 or Proposition 26.

Mayor Fineman opened the meeting to public comments.

There were no comments.

Mayor Fineman closed the meeting to public comments.

Councilmember Burke would like to be more realistic in terms of where a parklet might be located and not include all downtown parking. They should be limited to San Anselmo Avenue. She is concerned about clustering and how it could impact the retail businesses. A business should not be allowed sidewalk use and a parklet. She is not in favor of parklets along Sir Francis Drake Boulevard- chairs and tables should be allowed. Fees should not be waived. Parklets should be treated as commercial spaces with a charge of more than half of the cost of commercial space. She is not a fan of permanent roofs.

Councilmember Colbert stated parklets are a part of improving the overall business climate. It is not a restaurant vs. retail thing. He is not concerned about clustering. He is willing to let this play out. He is puzzled about the idea of a fee. The cap will be a good problem to have and will have to be solved as a community.

Vice Mayor Burdo stated people’s attitudes about indoor dining has changed. People understand the importance of parklets. He is willing to take a “wait and see” approach to the fees and go with what is recommended. He would like to move forward tonight with the draft resolution and guidelines.

Councilmember Greene stated there is no plan for providing and maintaining any “breathing room” for retail businesses in the event of clustering. He was concerned about the potential for squeezing out parking in the northern section of San Anselmo Avenue. He is concerned about the lack of air circulation in the structures, the fees, and the clustering. He does not like a piece-meal approach for local rules- the proposed fee structure should have been presented to the Council tonight.

Mayor Fineman referred to the Guidelines, page 6, under “Furnishings and Features”, and stated it should read: “Pesticides are prohibited in parklets”. She noted dining establishments with on premise dining are required to default to reusables- the Operational Standards contained in the Guidelines should reflect this since parklets are considered on premise dining. The Guidelines, and not the ordinance, will be the practical public facing document.

Mayor Fineman asked for comments regarding roofs and fees.

Councilmembers Burke and Colbert were in favor of umbrellas and shade sails but not permanent roofs.

Councilmember Greene could support roofs as long as 50% of the structure was open. Town Attorney Longfellow suggested the following language: "There must be 50% open space between the railing and the roof structure".

Mayor Fineman was not in favor of roofs.

Councilmember Green was in favor of moving forward tonight provided that the fee structure comes to the Council before the end of the year.

Mayor Fineman asked if the Council felt comfortable with the methodology and the rates outlined in the staff report.

Councilmember Burke supported a fee of 75% of the commercial space.

Vice Mayor Burdo and Councilmember Colbert agreed with the number cited in the staff report to be effective a year from adoption of the fee.

Councilmember Burke did not support waiting for a year to levy the fees. Businesses should start paying for the parklets space now.

Councilmember Colbert suggested a compromise- fees would begin July 1st, 2023.

The Council agreed with this compromise.

M/s, Greene/Burdo, Motion to adopt the Resolution approving the Parklet Guidelines with two amendments: 1) On page 6, pesticides shall be prohibited; 2) On page 7, include a new bullet point with the same language contained in Subsection E, page 4 of the Single Use Food Service Ware Ordinance regarding compliance with single use food service ware.

AYES: Burdo, Burke, Colbert, Greene, Mayor Fineman

M/s, Greene/Burdo, Motion to adopt an Ordinance of the Town Council of the Town of San Anselmo amending Title 7, "Public Works", of the San Anselmo Municipal Code adding Chapter 14.

AYES: Burdo, Burke, Colbert, Greene, Mayor Fineman

M/s, Greene/Burke, Motion to approve the first reading of the ordinance and amendments and waive future readings of the ordinance in its entirety.

AYES: Burdo, Burke, Colbert, Greene, Mayor Fineman

4. Consider Adoption of Resolution Defining the Framework for the San Anselmo Arts Commission

Recreation Supervisor O'Grady presented a staff report. She answered questions from the Council regarding the appeal fee; the alternate appeal provision; Parks and Recreation Commission's involvement with projects on private property; what is meant by the term "objective guidelines"; applicability of Item B; pre-approval of project type and location and review of use of public property; paragraph 7 process and items #6 and #7; if any of these provisions are prohibitive in bringing art to the Town or the work of the Arts Commission; how one project with multiple installations would be handled; steps that are outlined; what is public art vs. art on private property; the process for a project on a private building being paid for by

building owner; the Sign Ordinance; how are murals handled; how “sponsorship” works; the use of Arts Commission funds vs. Town funds.

Ms. Cathy Edwards, Chair of Arts Commission, was in favor of the resolution and stated it would be very helpful in the future

Mayor Fineman opened the meeting to public comments.

Ms. Barbara Shands, member of the Arts Commission, explained the definition of art relative to public and private locations. Art in public places is “art displayed on a long-term basis in a commercial or business area or any Town property that is visually accessible to the public”.

Mayor Fineman closed the meeting to public comments.

Councilmember Greene referred to “objective guidelines” and stated he would like to change the word “objective” to “designated” He suggested moving items #6 and #7 to the top of the list. He supported an appeal process for anyone and felt a \$500 fee would be fair.

Councilmember Burke supported Councilmember Greene’s suggestion of moving #7 up in the process, perhaps to #1 or #2. The appeal should be “any interested party” and she suggested a fee amount of \$500.

Vice Mayor Burdo is not convinced of the need for an appeal process. He supported the hybrid approach suggested by the Commission- the applicant or anyone within 300 feet of the project can appeal. He did not want anybody to be able to appeal for any reason. He supported moving forward.

Councilmember Colbert is puzzled by the need for Commission participation with respect to private property. They are creating a process for something that might not exist. There are other ways to work this out.

Mayor Fineman did not want to hold this process up. She would draw a line between something that is on private property and is privately funded and something on public property. She was in favor of removing the appeal process since the Council was already involved in the decision-making process.

Councilmember Burke stated a person should have recourse and the “buck” always stops with the elected officials. The initial review by the Council pertains to the location.

Mayor Fineman proposed limiting appeals to artists who have had his or her agreement terminated.

Councilmember Greene made a motion that was seconded by Councilmember Burke: Motion to Adopt a Resolution Defining the Framework for the San Anselmo Arts Commission subject to the following conditions: 1) “Objective guidelines” is replaced with “designated guidelines”; 2) Process items #6 and #7 shall become #2 and #3; 3) The staff recommended appeal process is adopted and the amount shall be \$500.

Mayor Fineman noted Rosenbergs Rules allows for two motions to be on the floor simultaneously. Roll call will be taken on the second motion prior to the first.

Vice Mayor Burdo made a counter motion which was voted on before the first motion.

M/s, Burdo/Colbert, Motion to Adopt a Resolution Defining the Framework for the San Anselmo Arts Commission subject to the following conditions: 1) "Objective guidelines" is replaced with "designated guidelines"; 2) Process items #6 and #7 shall become #2 and #3; 3) There shall be no appeal.

AYES: Burdo, Colbert, Mayor Fineman

NOES: Greene, Burke

A roll call vote was taken on the first motion.

M/s, Greene/Burke, Motion to Adopt a Resolution Defining the Framework for the San Anselmo Arts Commission subject to the following conditions: 1) "Objective guidelines" is replaced with "designated guidelines"; 2) Process items #6 and #7 shall become #2 and #3; 3) The staff recommended appeal process is adopted and the amount shall be \$500.

AYES: Burke, Greene

NOES: Burdo, Colbert, Mayor Fineman

M/s, Greene/Burke, Motion to continue items #6 and #7 to a date uncertain.

AYES: Burdo, Burke, Colbert, Greene, Mayor Fineman

5. Town Council Committee Assignment Discussion

Mayor Fineman stated this item has been continued to a date uncertain.

6. Discuss ongoing format of public meetings

Mayor Fineman stated this item has been continued to a date uncertain.

M/s, Greene/Colbert, Motion to adjourn the meeting at 10:05 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary



Town of San Anselmo

525 San Anselmo Avenue
San Anselmo, CA 94960

Staff Report

TO: Town Council

9/27/2022

Item #: 2.2.

FROM:

Megan H. Acevedo, Town Attorney

SUBJECT:

Consider Adoption of Resolution to Allow for Virtual Town Council and Committee Meetings in Compliance with AB 361.

RECOMMENDATION

That the Town Council adopt the attached resolution making findings pursuant to AB 361 to support continued use of teleconferencing/videoconferencing to hold public meetings of the Town Council and Town legislative bodies during the continuing state of emergency proclaimed by Governor Newsom on March 4, 2020. (Attachment 1).

BACKGROUND

On March 4, 2020, Governor Newsom declared a state of emergency pursuant to Government Code section 8625 due to COVID-19. Recognizing the need to promote social distancing while allowing local legislative bodies to continue operating during the emergency, Governor Newsom signed Executive Orders N-25-20, N-29-20, and N-08-21, which suspended provisions of the Brown Act. Those Orders permitted legislative bodies to hold virtual meetings; however, the relevant provisions expired on September 30, 2021.

On September 16, 2021, Governor Newsom signed AB 361, which extends the authority of public agencies to conduct meetings by teleconference, including video conference, during State-declared emergencies. Specifically, the bill provides that a legislative body may hold virtual meetings where there is a proclaimed state of emergency and state or local officials have imposed or recommended measures to promote social distancing. (Cal. Gov. Code § 54953(e)(1)(A)).

On September 22, 2021, the Marin County Director of Health & Human Services, Benita McLarin, sent a letter to the Marin County Board of Supervisors recommending continued social distancing for local government meetings.

Local government meetings are indoor meetings that are sometimes crowded, involve many different and unfamiliar households, and can last many hours. Given those circumstances, I recommend a continued emphasis on social distancing measures as much as possible to make public meetings as safe as possible. These measures can include using video/teleconferencing when it meets community needs and spacing at in-person meetings so that individuals from different households are not sitting next to each other.

Ms. McLarin has confirmed that these recommendations remain in place, including in her letter to the Board

on September 13, 2022.

On November 26, 2021, the World Health Organization (WHO) classified a new variant, B.1.1.529, as a Variant of Concern and named it Omicron and on November 30, 2021, the United States also classified it as a Variant of Concern. On December 1, 2021, the California and San Francisco Departments of Public Health confirmed that a recent case of COVID-19 in California was caused by the Omicron variant. Omicron is more contagious than previous variants and spread rapidly. On January 10, 2022, the U.S. reported 1,400,000 positive COVID cases in a single day. On February 22, 2022, the World Health Organization identified a second Omicron variant as a variant of concern and case rates have risen as a result of its spread.

On October 12, 2021, November 9, 2021, December 14, 2021, January 11, 2022, February 8, 2022, March 8, 2022, and April 12, 2022, May 10, 2022, June 14, 2022, July 26, 2022, August 23, 2022 and September 13, 2022 the Town Council adopted resolutions with the requisite findings that the state of emergency is in effect, that measures to promote social distancing are still being recommended by local officials, and that the state of emergency directly impacts the ability of the public and the members of the Town Council to meet safely indoors in person.

On March 22, 2022, the Council voted for the month of April to have the option for Council to either meet in the Council Chambers or virtually and for the public to only meet virtually. Given the unpredictable spread of new COVID-19 variants and the nature of public meetings to bring different households into an enclosed room for extended periods of time, the Town Council indicated that remote meetings could be necessary beyond April and the Council has not requested that the issue return for their consideration. The Town Council also directed that, going forward, Town legislative bodies may make an independent determination about their use of the virtual meeting format. However, the Council limited the Committee and Commissions' options to only those that allow for virtual public participation.

Council requested that staff be asked how they feel about attending in person meetings and staff indicated that they would prefer to be allowed to choose to be in person or virtual, just like the Council.

Finally, the Council asked staff to verify that Council members and Committee and Commission members who plan to participate in person at public meetings be vaccinated. Given the proof-of-vaccination requirement imposed by the Council, allowing virtual participation by Council and Committee members will ensure that all members can take part in the meetings, regardless of vaccination status.

The following San Anselmo committees meet monthly and have made the determination that they would like to continue meetings in the following format:

Arts Commission, Economic Development Committee and Planning Commission have decided to stay virtual for now.

Historical Commission, Open Space Committee and Parks and Recreation Commission have decided to hold hybrid meetings.

Climate Action Commission, Library Advisory Board, Racial Equity Ad Hoc Committee have not made a formal decision as of this report.

FISCAL IMPACT

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

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

Adopting a resolution to establish the format for public meetings during a state of emergency 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 respectfully requests that the Council adopt the attached resolution to allow for continued use of video/teleconferencing for public meetings.

RESOLUTION NO.

**RESOLUTION REGARDING TELECONFERENCE AND
VIDEOCONFERENCE MEETINGS DURING THE COVID-19 STATE OF
EMERGENCY**

WHEREAS, on March 4, 2020, Governor Newsom proclaimed pursuant to his authority under the California Emergency Services Act, California Government Code Section 8625, that a state of emergency exists due to a novel coronavirus (COVID- 19); and

WHEREAS, on June 4, 2021, in lifting many restrictions that the State previously imposed due to COVID-19, the Governor indicated that those changes did not end the ongoing, proclaimed state of emergency; and

WHEREAS, as of the date of this Resolution, neither the Governor nor the Legislature have exercised their respective powers pursuant to California Government Code section 8629 to lift the state of emergency either by proclamation or by concurrent resolution in the state Legislature; and

WHEREAS, the continued local rates of transmission of the virus and variants causing COVID-19 are such that on September 22, 2021, the Marin County Director of Health & Human Services recommended that local government entities continue to emphasize social distancing in order to minimize the potential spread of COVID-19 during indoor, public meetings; and

WHEREAS, the County Director of Health & Human Services' has confirmed her recommendation related to public meetings, including in a letter to the Board of Directors on June 21, 2022; and

WHEREAS, on November 26, 2021, the World Health Organization (WHO) classified a new variant, B.1.1.529, as a Variant of Concern and named it Omicron and on December 1, 2021, the California and San Francisco Departments of Public Health confirmed that the first case of COVID-19 in California caused by the Omicron variant; and

WHEREAS, Omicron is a more contagious variant and by January 10, 2022, the U.S. reported 1,400,000 positive COVID-19 cases on a single day; and

WHEREAS, on February 22, 2022, the WHO labeled a second version of Omicron to be a new variant of concern; and

WHEREAS, in light of the County's recommendation and the current COVID-19 variant of concern, the Town Council desires to continue to have the flexibility, for itself and for all other Town legislative bodies, to meet by teleconference and/or videoconference; and

WHEREAS, adopting a resolution to establish the format for public meetings during a state of emergency 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).

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The above recitals are hereby incorporated as if fully set forth herein.
2. There is an ongoing proclaimed state of emergency relating to the novel coronavirus causing the disease known as COVID-19.
3. The state of emergency continues to directly impact the ability of Town Council and standing committees and commissions to meet safely in person.
4. Local health officials, including the County Director of Health & Human Services continue to recommend social distancing during public meetings, including the use of tele/video conferencing.
5. Holding meetings with all attendees participating in person would present imminent risks to the health or safety of attendees, such that the conditions continue to exist pursuant to Government Code Section 54953(e)(3) to allow the Town of San Anselmo Town Council and Town legislative bodies to use teleconferencing to hold public meetings in accordance with Government Code section 54953(e)(2) to ensure members of the public have continued access to safely observe and participate in local government meetings.

PASSED AND ADOPTED at the regular meeting of the Town Council of the Town of San Anselmo held on the 13th day of September, 2022, by the following vote:

AYES:

NOES:

ABSENT:

Alexis Fineman, Mayor

Attest:

Carla Kacmar, Town Clerk



Town of San Anselmo

525 San Anselmo Avenue
San Anselmo, CA 94960

Staff Report

TO: Town Council

9/27/2022

Item #: 2.3.

FROM:

Kevin MacLeod, Recreation Coordinator

SUBJECT:

Special Event Application - Goblins' SPOOKtacular 2022

RECOMMENDATION

That Council approve the San Anselmo Recreation Department's application for the Goblin's SPOOKtacular event scheduled for Friday, October 28th, 2022 from 5:00 - 7:00 pm.

That Council approve closing San Anselmo Avenue between Tunstead Avenue and Tamalpais Avenue on Friday, October 28th, 2022, beginning with closing the street to incoming traffic at 4:30pm and closing San Anselmo to all vehicles from 5:00-7:00pmpm.

BACKGROUND

For the past many years, the annual Goblin's Spooktacular event has attracted hundreds of families to downtown San Anselmo. Along with Town staff, the event has involved many volunteers who help with participant safety and assistance in handing out treats at "stations" along the Avenue. These stations supplement what is provided by participating merchants and the Fire Department.

The Goblin's Spooktacular event this year is scheduled for Friday, October 28th starting at 5:00pm and ending no later than 7:00pm or when all the candy and other treats have been passed out.

DISCUSSION

The SPOOKtacular will continue this year as a "trick or treat" style event. Staff is asking that San Anselmo Avenue between Tunstead Avenue and Tamalpais Avenue close to cars at 5:00pm on October 28th, to allow sufficient room for the large number of families and trick-or-treaters. The absence of cars will also allow for participants to safely walk and trick-or-treat without the worry of vehicles driving downtown.

The goal of this event is to bring the community together for a fun and safe Halloween event that brings awareness and customers to the different businesses downtown.

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 San Anselmo Recreation Department's application for the Goblin's SPOOKtacular event scheduled for Friday, October 28th, 2022 from 5:00 - 7:00 pm.

The attached application provides details of the event with comments and conditions from Town staff.



TOWN OF SAN ANSELMO

1000 Sir Francis Drake Blvd.
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: 2022 Goblin's SPOOKtacular

Organization(s) presenting the event: Town of San Anselmo – Recreation Department

Other event sponsor(s), if any: TBD

Contact Person: Kevin MacLeod **Phone Number:** 415-258-4669

Address: 1000 Sir Francis Drake Blvd #14, San Anselmo **email:** kmacleod@townofsananselmo.org

Event Date(s): Friday, October 28, 2022

Start and end times: 5:00pm to 7:00pm **Number of attendees (estimate):** 600+/-

Location: Street closure on San Anselmo Avenue between Tamalpais Avenue and Tunstead Avenue, sidewalks will be accessible to the Fire Station

Will alcohol be served or sold? Yes ☐ No ☒

Brief Description of Event:

The Goblin's Spooktacular is an annual town-wide Trick or Treat event for children ages 11 and under. Participants will 'trick or treat' along the downtown corridor on San Anselmo Avenue. Staff is asking for Public Works staff to barricade off San Anselmo Avenue to incoming vehicle traffic starting at 4:30pm, and fully barricade off San Anselmo Avenue to vehicles starting at 5:00pm. A-frame signs at the intersections of Cedar Street and, Pine and Tunstead will alert drivers that SA Ave is closed ahead. Kientz Lane and Library Place will be opened for two-way traffic during the event.

Public space requested:

☐ Creek Park

☐ Creek Park Parking Lot

☐ Pine Street Parking Lot

☐ Magnolia Parking Lot

☒ Town Hall Lawn

☒ Council Chambers

☐ Other

☒ Imagination Park

X San Anselmo Avenue: from (cross streets) San Anselmo Avenue will be closed to through traffic and barricaded off from Tunstead Avenue to Tamalpais Avenue

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

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. **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.
- F. **Traffic control:** A traffic and parking control plan, including enforcement measures, must be approved by the Police Chief.
- G. **Noticing:** Events that include closure of the street will require a minimum of five days advance written notice to businesses and residents directly adjacent to the business or residential property.
- H. **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.
- I. **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.
- J. **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.
- K. **Creek Park:** No more than three booths are allowed inside the turf areas of the park.
- L. **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.
- M. **Parking:** Temporary accessible parking must be provided if a street closure or other event condition renders permanent accessible parking unusable.
- N. **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: Kevin MacLeod

Date: August 25, 2022

NAME OF EVENT: Goblin's SPOOKtacular**DATE OF EVENT:** Friday, October 28, 2022

DEPARTMENT	COMMENTS/CONDITIONS	APPROVED BY
POLICE	No additional conditions	M. Norton
FIRE	No additional conditions	J. Weber
RECREATION	No additional conditions	D. Mauk
PUBLIC WORKS	DPW to provide event barricades and a-frame signs and block off San Anselmo Avenue to through traffic from Tunstead to Tamalpais Avenue	S. Condry
ADMINISTRATION	No additional conditions.	D. Donery
TOWN COUNCIL		



Town of San Anselmo

525 San Anselmo Avenue
San Anselmo, CA 94960

Staff Report

TO: Town Council

9/27/2022

Item #: 2.4.

FROM:

Scott Schneider, Assistant Public Works Director

SUBJECT:

Accept the 2022 Slurry Seal project

RECOMMENDATION

That the Town Council accept the 2022 Slurry Seal project and authorize staff to file a Notice of Completion.

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 2022 Slurry Seal project (see Map, Attachment 1), included several residential streets, along with Sir Francis Drake Boulevard from San Anselmo Avenue to San Francisco Boulevard, and the entire length of Red Hill Avenue and Butterfield Road.

Bids were opened on March 17, and construction started in July. Final striping was completed August 22.

Several change orders were executed to extend project limits on Hawthorne Avenue, Suffield Avenue, SFD and Butterfield. Also, we included an increase the amount of green bike lane striping on Butterfield Road at bid unit costs.

FISCAL IMPACT

The Engineer's Estimate for the slurry seal project was \$450,000, with the total project budgeted at \$510,000.

The project was awarded to Sierra Nevada Construction, Inc. from Sparks, Nevada in the amount of \$402,007. The work was completed substantially in accordance with the project plans and specifications, and fully available for use on

August 22, 2022.

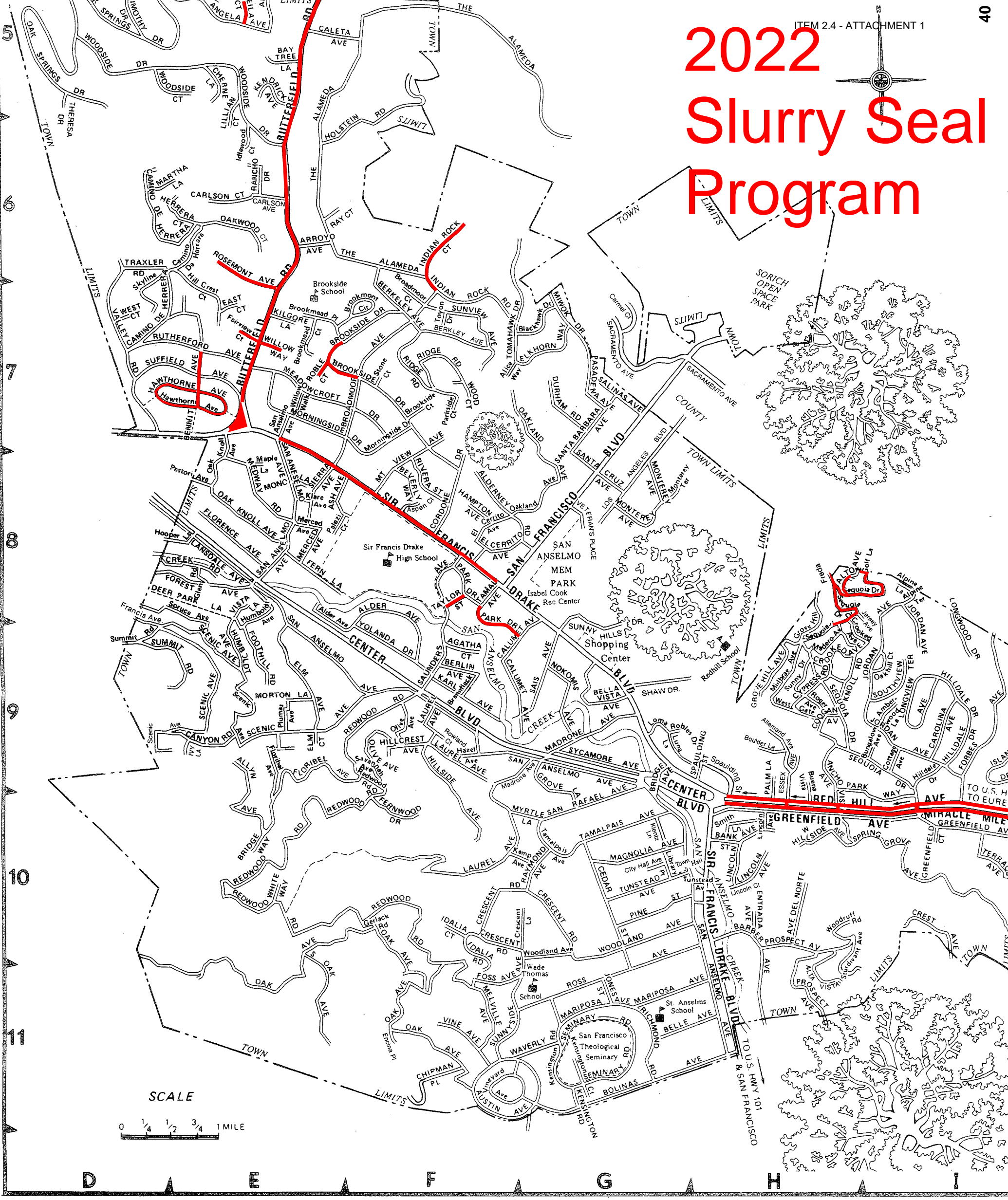
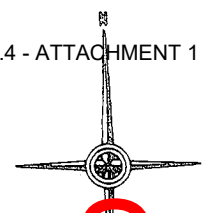
The final construction cost was \$502,398.70.

CEQA, CLIMATE ACTION PLAN AND BICYCLE AND PEDESTRIAN PLAN CONSISTENCY

The Town finds this project to be categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 Class 1, because it involves maintenance 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.

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).

2022 Slurry Seal Program



The Town of San Anselmo

STREET GUIDE

Agatha Ct	F-9	Bridge Ave	G-9	Deer Park La	D-8	Hampton Ave	F-8	Lansdale Ave	E-8
Alder Ave	F-8	Bridge Way	E-10	Durham Rd	G-7	Hawthorne Ave	D-7	Laurel Ave	F-9
Alderney Rd	F-8	Broadmoor Ave	F-7			Hazel Ave	F-9	Library Pl	G-10
Alice Way	F-7	Broadmoor Ct	F-7			Herrera Ct	D-6	Lillian Ct	E-6
Allemand Ave	H-9	Brookmead Ct	E-7	East Ct	E-7	Hillcrest Ave	F-9	Lincoln Ave	H-10
Allyn Ave	E-9	Brookmead Pl	E-7	East La	H-8	Hillcrest Ct	E-6	Lincoln Ct	H-10
Alpine La	I-8	Brookmont Cir	F-7	El Cerrito Ave	F-8	Hilldale Dr	I-9	Loma Robles Dr	G-9
Alpine Ter	I-8	Brookside Ct	F-7	Elkhorn Way	G-7	Hillside Ave	F-9	Longview Ave	I-9
Alta Vista	H-11	Brookside Dr	E-7	Elm Ave	E-9	Hoag Ave	E-9	Longwood Dr	I-8
Alto Ave	H-8	Buena Vista	H-9	Elm Ct	E-9	Holstein Rd	E-6	Los Angeles Blvd	G-8
Amberwood La	I-9	Bungalow Ave	I-9	Encina Pl	F-11	Hooper La	D-8	Luna La	G-9
Ancho Vista Ave	H-9	Butterfield Rd	E-6	Entrada Ave	H-10	Humboldt Ave	E-9		
Angela Ave	E-5			Essex Ave	H-9				
Arroyo Ave	E-6	Caleta Ave	E-5					Madero Ave	H-9
Ash Ave	E-8	Calumet Ave	F-9	Fairview Ct	E-7	Idalia Ct	F-10	Madrone Ave	F-9
Aspen Ct	F-8	Camino De Herrera	D-6	Fern La	E-8	Idalia Rd	F-10	Magnolia Ave	G-10
Austin Ave	F-11	Canyon Rd	E-9	Fernwood Dr	F-10	Idlewood Ct	E-6	Maple La	E-8
Avenue Del Norte	H-10	Carmel Ct	G-7	Florence Ave	E-8	Indian Rock Ct	F-6	Mariposa Ave	G-11
		Carlson Ave	E-9	Floribel Ave	E-9	Indian Rock Rd	F-7	Martha La	D-6
		Carlson Ct	E-6	Floribel Ave	E-9	Island Dr	I-9	Meadowcroft Dr	E-7
		Carolina Ave	I-9	Foothill Rd	E-9	Ivy La	E-9	Medway Rd	E-8
		Cedar St	G-10	Forbes Ave	I-9			Melville Ave	F-11
		Center Blvd	F-9	Forest Ave	E-8			Merced Ave	E-8
		Cherne La	F-9	Foss Ave	F-11	Jersey Ave	I-8	Milbrae Ave	H-9
		Chipman Pl	F-11	Francis Ave	D-8	Jones St	G-11	Miracle Mile	I-10
		City Hall Ave	G-10	Freda	H-8	Jordan Ave	I-8	Miwok Dr	G-7
		Coolan Ave	H-9					Mono La	E-8
		Cordone Dr	F-8	Garlack Rd	F-10	Karl Ave	F-9	Monterey Ave	G-8
		Cottage Ave	I-9	Glen Rd	E-8	Kemp Ave	F-10	Monterey Ter	G-8
		Creek Rd	E-8	Golf La	I-8	Kendrick Ave	E-5	Morningside Dr	E-7
		Crescent La	F-10	Greenfield Ave	H-10	Kensington Ct	G-11	Morton La	E-9
		Crescent Rd	G-11	Grove La	G-9	Kensington Rd	G-11	Mountain View Ave	F-8
		Crest Ave	H-9	Grove Hill Ave	H-9	Kientz La	G-10	Myrtle La	F-10
		Crooked Ave				Kilgore La	E-7		
						Klare Ave	E-8		



Town of San Anselmo

525 San Anselmo Avenue
San Anselmo, CA 94960

Staff Report

TO: Town Council

9/27/2022

Item #: 2.5.

FROM:

Jeff Zuba, Finance & Administrative Services Director

SUBJECT:

Resolution Establishing the 2022-2023 Appropriations Limit

RECOMMENDATION

That the Town Council approve the attached resolution establishing the appropriations limit for the Fiscal Year 2022-2023.

BACKGROUND

The State of California's voters approved of ballot Proposition 4 in 1979 thereby adding Article XIII B to the California State Constitution of which stipulates spending authority limits on municipalities. These limits are specific to entities that fund its operations using proceeds of taxes, such as sales taxes, property transfer taxes, and property taxes. This is in an effort for municipalities to not to continue appropriating funds for program purposes of which it does not have the adequate level of taxation to cover.

ANALYSIS

As directed per the State of California's Article XIII B Appropriations Limit, municipalities are to assess its adopted budget appropriations against a calculated spending limit. The budgeted appropriations balance within scope of the Article are any funds used from proceeds of taxes. Proceeds of taxes can include any property taxes, sales taxes, property transfer taxes, etc. The spending limit is a rolling balance starting from 1979 that fluctuates year-over-year based on growth factors from both the local population and cost of living.

Regarding the proceeds of taxes within scope for the Town, the Town does receive a significant amount of funds from taxation. The Town receives property taxes, sales taxes, property transfer taxes, business license taxes, Measure C Wildfire taxes, and proportions of interest income from its deposit at the California State Local Agency Investment Fund (LAIF). In total, the Town's budgeted proceeds of taxes for the Fiscal Year 2022-2023 is \$19.6M.

The Article however does allow for certain exclusions of its proceeds of taxes that would not be subject to its calculated spending limit. Such exclusions available to the Town are qualifying mandated spending for court orders, federal legislation, capital outlays and debt service. The Town does comply with various federal statutes, proceed with capital projects for betterment of its infrastructure, and continue to support its financing for its Pension Obligation Bonds-all of which are allowed exclusions from the spending limit. In total,

the Town's allowable exclusions that are not subject to the Appropriations Limit is \$5.5M-making the total proceeds of taxes subject to the Limit being \$14.1M.

Regarding the spending limit applicable to the Town, the Town's limit is calculated using a rolling balance adjusted for growth factors from changes in population and cost of living. For the Town's specific analysis however, its starting year is Fiscal Year 1986-1987 due to significant adjustments that were needed for the calculation as previously discussed and approved in prior Town Council meetings. For the current Fiscal Year moreover, we have obtained the allowed compounded growth factors applicable to the Town noting a total growth of 7.55% from prior fiscal year's Appropriations Limit-of which amounts to a current Fiscal Year Appropriations Limit of \$16.2M.

Similar to the proceeds of taxes exclusions, the Article also allows for adjustments to the Appropriations Limit. Such adjustments available to the Town are for transfer of financial responsibility, a declared emergency, and voter override taxes that allow for temporary increase in the Appropriations Limit. For the current fiscal year, the residents of the Town have approved of both Measures D and E for temporary overrides of respective sales and parcel tax levies. Both measures constitute \$1.5M in additional proceeds allowed by the Town's residents-of which increases the Appropriations Limit to \$17.7M.

Using all of the factors applicable to the Town, the Town calculated both its proceeds of taxes subject to the Appropriations Limit as well as the Appropriations Limit itself as directed by the State of California. The threshold of which leaves the Town's Adopted Budget appropriations from proceeds of taxes based on this analysis amounts to \$3.6M or 20% below the Appropriations Limit.

Attached as part of the analysis, we have provided to the Council two exhibits (A & B) that summarize the analysis performed for inclusion of the proposed Resolution:

- Exhibit A provides the detail and changes in each subsequent fiscal year starting in Fiscal Year 1986-1987 the Town's calculated Appropriations Limit.
- Exhibit B provides the current fiscal year's calculation based off of the proceeds of taxes from the Adopted Budget relative the calculated Appropriations Limit.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

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

CONCLUSION

Based on the analysis performed by the Town, its Adopted Budget appropriations subject to the Appropriations Limit is determined to be comfortably within its required threshold. Lastly, there are no anticipated factors that would cause the Town to not be in compliance with the Article in the upcoming fiscal year.

Attachment 1 - Exhibit A Appropriation Growth Factors - Population & Cost of Living Adjustments

Attachment 2 - Exhibit B - Appropriations Limit Calculation Summary

Attachment 3 - FY22-23 Appropriations Limit Resolution

Town of San Anselmo

APPROPRIATIONS LIMIT CALCULATION

Fiscal Year 2022-23 Adopted Budget

Appropriation Growth Factors - Population & Cost of Living Adjustments

EXHIBIT A

Fiscal Year	Change Cost of Living Indices [1]		Change in Population [4]		Growth Factor		
Appropriation Limit Fiscal Year	Per Capita Personal Income [2]	Annual Non-Residential Assessed Valuation Growth to Total Growth [From #6.1][3]	San Anselmo	Marin County	Allowed Annual Percent Growth in Appropriations Limit	Prior Year Limit	Current Year Appropriations Limit [5]
	Apply Highest Factor		Apply Highest Factor		[Highest Cost of Living times Population]	Growth Factor times Prior Year Limit	
86/87							\$ 3,159,327
87/88	3.470	n/a	-0.290	0.700	1.041940	\$ 3,159,327	\$ 3,291,829
88/89	4.660	n/a	0.110	0.920	1.056230	\$ 3,291,829	\$ 3,476,929
89/90	5.190	n/a	0.520	1.240	1.064940	\$ 3,476,929	\$ 3,702,720
90/91	4.210	0.103	1.140	1.480	1.057520	\$ 3,702,720	\$ 3,915,701
91/92	4.140	n/a	0.280	1.550	1.057540	\$ 3,915,701	\$ 4,141,010
92/93	-0.640	n/a	1.220	1.790	1.011390	\$ 4,141,010	\$ 4,188,177
93/94	2.720	n/a	1.310	1.750	1.045180	\$ 4,188,177	\$ 4,377,398
94/95	0.710	0.479	0.380	1.200	1.019190	\$ 4,377,398	\$ 4,461,401
95/96	4.720	1.171	2.390	1.220	1.072230	\$ 4,461,401	\$ 4,783,648
96/97	4.670	1.559	1.160	1.430	1.061670	\$ 4,783,648	\$ 5,078,655
97/98	4.670	-0.325	1.250	1.640	1.063870	\$ 5,078,655	\$ 5,403,029
98/99	4.150	0.360	1.110	1.560	1.057750	\$ 5,403,029	\$ 5,715,054
99/00	4.530	0.224	1.190	1.620	1.062230	\$ 5,715,054	\$ 6,070,702
00/01	4.910	0.341	1.050	1.820	1.068190	\$ 6,070,702	\$ 6,484,663
01/02	7.820	2.071	0.070	0.720	1.085960	\$ 6,484,663	\$ 7,042,084
02/03	-1.270	0.866	0.410	0.810	1.016830	\$ 7,042,084	\$ 7,160,603
03/04	2.310	0.185	0.350	0.770	1.030980	\$ 7,160,603	\$ 7,382,438
04/05	3.280	1.977	-0.060	2.530	1.058930	\$ 7,382,438	\$ 7,817,485
05/06	5.260	0.999	-0.100	0.330	1.056070	\$ 7,817,485	\$ 8,255,811
06/07	3.960	0.216	0.530	0.740	1.047290	\$ 8,255,811	\$ 8,646,229
07/08	4.420	0.055	0.550	0.970	1.054330	\$ 8,646,229	\$ 9,115,978
08/09	4.290	0.587	1.030	0.930	1.053640	\$ 9,115,978	\$ 9,604,959
09/10	0.620	0.288	0.690	0.810	1.014350	\$ 9,604,959	\$ 9,742,791
10/11	-2.540	0.002	0.790	0.930	1.009320	\$ 9,742,791	\$ 9,833,593
11/12	2.510	0.209	0.810	0.900	1.034330	\$ 9,833,593	\$ 10,171,181
12/13	3.770	0.645	1.020	1.050	1.048600	\$ 10,171,181	\$ 10,665,500
13/14	5.120	1.314	0.280	0.420	1.055620	\$ 10,665,500	\$ 11,258,715
14/15	-0.230	0.185	0.390	0.420	1.006060	\$ 11,258,715	\$ 11,326,943
15/16	3.820	0.047	0.690	0.730	1.045780	\$ 11,326,943	\$ 11,845,490
16/17	5.370	0.033	0.170	0.330	1.057180	\$ 11,845,490	\$ 12,522,816
17/18	3.690	0.075	0.060	0.180	1.038770	\$ 12,522,816	\$ 13,008,325
18/19	3.670	0.340	0.140	0.170	1.038460	\$ 13,008,325	\$ 13,508,625
19/20	3.850	0.384	-0.050	-0.010	1.038400	\$ 13,508,625	\$ 14,027,357
20/21	3.730	0.168	-0.690	-0.600	1.031080	\$ 14,027,357	\$ 14,463,327
21/22	5.730	0.005	-0.410	-0.430	1.052970	\$ 14,463,327	\$ 15,229,449
22/23	7.550	0.005	-0.990	-1.110	1.064850	\$ 15,229,449	\$ 16,217,079

[1] From State Department of Finance per Article XIII B of the California Constitution every May 1st for following Fiscal Year Appropriations Calculation. A 1991 amendment to Article XIII-B dropped use of the CPI and allowed for revising limit with PCI or Growth in non-residential assessed valuation and City or County population growth factors back to FY 87-88. The City may selection by resolution the growth factors to be used to calculate the annual Appropriations Limit. The shaded area indicate the highest factor used in calculation for the individual Fiscal Year.

[2] Per Capita Personal Income - California 4th Quarter - Calculated by State Department of Finance

[3] Determination of the annual growth in non-residential assessed valuation is from the Marin County Auditor-Controller's Office. Data for FY 87/88 to 89/90 and 91/92 to 93/94 is unavailable.

[4] Population changes are from the State Department of Finance Demographic unit and updated as of January of each year.

[5] Appropriations Limit calculation has been revised to correct factors and mathematical calculations from FY 87/88 to 16/17. The compounding factors and change in the limits have significantly increased the Appropriations limit by \$2,591,068 from FY 87/88 to 16/17.

Town of San Anselmo

Appropriations Limit Calculation Summary

Fiscal Year 2022-23 Adopted Budget

Prior Year Appropriation Limit	\$ 15,229,449
Allowed Compounded Percentage Increase from Prior Year ^[1]	
Statewide Per Capita Personnal Income	7.550%
County Population Growth From State Dept of Finance	-1.110%
Compounded Percentage as an Adjustment Factor	6.485%
Growth Factor Adjustment Amount to Appropriation Limit	987,630
Current Year Appropriation Limit From Growth Factors	16,217,079
Annual Other Adjustments to Limit ^[1]	1,507,222
Current Year Appropriations Limit	17,724,301
Current Year Adopted Budget Appropriations From Proceeds of Taxes ^[2]	
Proceeds of Taxes From Adopted Budget ^[3]	19,593,876
Less Allowable Exclusion of Certain Appropriations ^[3]	(5,492,312)
Current Year Appropriations Subject to Appropriation Limit	14,101,564
Current Year Appropriations Under the Appropriation Limit	\$ (3,622,736)
Percentage Under the Limit	-20%

(1) Article XIIIb allowed annual adjustments to the Appropriations Limit after calculaiton of annual growth factors

Other Adjustments to Limit	
Measure D - 2013 Sales Tax Override	1,210,000
Measure E - 2014 Library Override	297,222
Total Additional Adjustments to Limit	1,507,222

(2) Proceeds of Taxes are certain revenues as defined by State Law and League of California Cities Article XIII B Appropriations Limit Uniform Guidelines. See Worksheets for details.

(3) Summary of worksheets for above calculations of Appropriations Limit and Apropriations Subject to Limit.

Summary of Appropriations From	Proceeds of Taxes	From Non Proceeds of Taxes	From Proceeds of Taxes	Total Appropriations
General Fund		6,590,772	18,363,212	24,953,984
Special Revenue Funds		2,359,663	664,568	3,024,231
Capital Project Funds		-	-	-
Debt Service Funds		159,579	566,096	725,675
Internal Service Funds		1,326,484	-	1,326,484
Total Proceeds and Non Proceeds of Taxes		10,436,498	19,593,876	30,030,374
Summary of Exclusions				
Court Order Costs		-		
Federal Mandates		413,637		
Qualified Capital Outlay Over \$100,000 and 10+ year life		2,486,029		
Qualified Debt Service		2,592,646		
Total Exclusions to Appropriations Subject to Limit		5,492,312		

TOWN OF SAN ANSELMO

RESOLUTION NO. _____

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO
ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2022-2023**

PURSUANT TO Government code Section 7910, and based on documentation submitted by the Town Manager, and acknowledging that the documentation has been available to the public for the required period of time;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Town Council of the Town of San Anselmo establishes the appropriations limit for the Town of San Anselmo for fiscal year 2022-2023 under Article XIII-B of the State constitution, as shown on Exhibit “A”, in the amount of \$16,217,079 and

I hereby certify that the foregoing resolution was duly passed and adopted at a regular meeting of the San Anselmo Town council held on the 27th day of September 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Alexis Fineman, Mayor

Attest:

Carla Kacmar, Town Clerk

Attachment: **Exhibit A** – Annual Appropriations Limit Calculation
 Exhibit B – Appropriations Limit Calculation Summary for FY2022-23



Town of San Anselmo

525 San Anselmo Avenue
San Anselmo, CA 94960

Staff Report

TO: Town Council

9/27/2022

Item #: 2.6.

FROM:

Sean Condry, Director of Public Work

Emily Longfellow, Assistant Town Attorney

SUBJECT:

Closure of portion of Jordan Avenue per the Vehicle Code to establish Hilldale Pocket Park, and authorization of \$30,000 from the General Fund to assist in the establishment and maintenance of the park.

RECOMMENDATION

Staff recommends adoption of the proposed Resolution that closes a portion of Jordan Avenue in compliance with the California Vehicle Code for use as the Hilldale Pocket Park, and authorizes the amount of \$30,000 from the General Fund which monies shall go towards the establishment of the Hilldale Pocket Park and its maintenance.

BACKGROUND

At the August 23, 2022 Town Council meeting, the Council heard an update and discussed a proposed pocket park on Jordan Avenue located between Hilldale Drive and Forbes Avenue.¹ At the meeting, a presentation was given detailing the initial phase of the proposed park, and the results of a community survey. Outreach to neighbors and the survey showed a high degree of support for the park, including strong support from the immediate neighbors.

The Town Council directed staff to return with action items to formally close the street to vehicular traffic, establish a pocket park, and approve initial funding. Pursuant to this Council direction, staff now returns with a Resolution pursuant to the Vehicle Code closing the subject section of Jordan Avenue and approving certain Town funding.

DISCUSSION

- A. History. As set forth in the August 23, 2022 Staff Report, the Town Council closed Jordan Avenue at the corner of Hilldale Drive in 1977 due to traffic and speeding concerns. This closing left an unused portion of Jordan Avenue open to the West of the United Market loading area. Since that time, neighbors have used the area for parking, but the space has largely been underutilized. Over the past 5 years, the citizen group "Friends of Jordan Avenue" has requested the Town establish a pocket park in order to beautify and utilize this section of Jordan Avenue, called the "Hilldale Pocket Park".

¹Documents from August 23, 2022 Council meeting including Staff Report, Hilldale Park Survey Results, and Proposed Pocket Park

Plan may be found through the links found [here <https://docs.google.com/gview?url=http%3A%2F%2Fsananselmo-ca.legistar1.com%2Fsananselmo-ca%2Fmeetings%2F2022%2F8%2F999+A+Town+Council+22-08-23+Agenda.pdf&embedded=true>](https://docs.google.com/gview?url=http%3A%2F%2Fsananselmo-ca.legistar1.com%2Fsananselmo-ca%2Fmeetings%2F2022%2F8%2F999+A+Town+Council+22-08-23+Agenda.pdf&embedded=true).

Town Summer Intern, Ella Acker, supervised by the Town Recreation Department, conducted a neighbor survey that indicated support of creating the Hilldale Pocket Park. The survey showed that 125 of the 162 respondents answered that they would like the pocket park; 53 respondents indicated they would be willing to contribute time/money to the project; and 76 of the respondents indicated they lived within ½ mile of the proposed pocket park.

Town staff also conducted a series of public meetings regarding the proposed pocket park, where staff answered questions and addressed community concerns. Additionally, staff met with the owner of United Market, since the proposed park location abuts their loading area. United Market is in favor of the project.

B. Plans, Design, and Funding. As proposed and designed, the cost to establish and maintain the pocket park would be distributed among the Town, donations from contractors, and work from volunteers.

Friends of Jordan Avenue has proposed an initial “Phase 1” park design of approximately 2000 square feet with a woodchip surface, similar to the Creek Park picnic area. Two picnic tables and an ADU Compliant picnic table are proposed. Waste/recycling bins would be installed and collected by Marin Sanitary. Friends of Jordan Park has agreed to construct a proposed perimeter fence with materials that would be supplied by the Town. The Town would construct new ADA ramps to access the park. Landscaping would need to be drought tolerant and approved by MMWD. Because there is currently no water at the site, staff does not anticipate significant landscaping improvements at this time. Maggiora and Ghilotti and Van Middle Concrete have offered to complete items at cost, including the removal of the existing asphalt and the installation of concrete pads.

Given the generous volunteer efforts of Friends of Jordan Avenue and contractor donations, the estimated Town cost to build the park is approximately \$30,000. Weekly maintenance would be shared between volunteers and the Town, and the cost to the Town is estimated to be minimal.

C. Resolution. California Vehicle Code, section 21101 provides that a municipality may adopt a resolution to close a street, or portion thereof, if it determines that the street is no longer needed for vehicular traffic. Here, staff suggests that this finding can be made.

As noted above, the proposed site has been effectively closed to vehicle traffic since 1977. Since this time, the area has been used by neighbors to park cars, but has not been utilized for vehicle travel. Because the area has not been used for vehicle traffic for over 40 years, the finding can be made that it is not necessary for vehicle traffic.

The proposed Resolution contains the required finding under the Vehicle Code for the Council’s consideration. Additionally, the Resolution authorizes the sum of \$30,000 from the General Fund to be spent in the establishment and maintenance of the Hilldale Pocket Park.

FISCAL IMPACT

The Town contribution for the construction of the Hilldale Pocket Park is estimated at \$30,000 from the Town's General Fund. Annual maintenance costs would be minimal.

GENERAL PLAN CONSISTENCY

Closure of the site to create the Hilldale Pocket Park is consistent with the Town's General Plan. In the Town Parks, Recreation, and Public Facilities General Plan Element, it is recommended that "neighborhood mini-parks and playgrounds" should be created in certain locations including the Hilldale area. (General Plan, p. 53.) The proposed pocket park also furthers the Town's goals to provide outdoor recreational opportunity for the community.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

The proposed project is categorically exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines section 15301(c) "Existing Facilities".

The proposed action is also consistent with the Town's Climate Action Plan, section S-1 Urban Forests and Ecosystems, and S-2 Habitat Restoration and Soil Regeneration. Additionally, the pocket park will reduce polluting emissions and encourage pedestrian/bicycle since local residents would not be required to drive to a park location. (See Climate Action Plan pgs. 18-19.)

CONCLUSION

Staff recommends adoption of the proposed Resolution that closes a portion of Jordan Avenue in compliance with the California Vehicle Code for use as the Hilldale Pocket Park, and authorizes the amount of \$30,000 from the General Fund which amount shall go towards the establishment of the Hilldale Pocket Park and its maintenance.

Attachments: Resolution

TOWN OF SAN ANSELMO

RESOLUTION NO. _____

A Resolution of the Town Council of the Town of San Anselmo Closing Portion of Jordan Avenue to Establish the Hilldale Pocket Park and Authorizing Payment from General Fund

WHEREAS, in 1977 the Town Council adopted Resolution No. 1710 that closed a portion of the public right-of-way, Jordan Avenue, to vehicle traffic at the corner of Hilldale Drive due to speeding and traffic concerns, which left open a portion of Jordan Avenue on the border of the United Market loading area and created an unused portion of Jordan Avenue to the west of the United Market loading area, more particularly described in attached Exhibit "A" (the "Site"); and

WHEREAS, since its closure in 1977, the Site has not been used for vehicle traffic; it is used primarily by immediate neighbors for parking; and

WHEREAS, in recent years, there has been increasing community support for the establishment of a pocket park at the Site (the "Hilldale Pocket Park" or "Park") in order to beautify and utilize this underused land for the benefit of the community; and

WHEREAS, in the past approximately 5 years the neighborhood group "Friends of Jordan Avenue" has promoted the establishment of the Hilldale Pocket Park, including raising community awareness, planning the initial phase of park design, and committing volunteer time to establish and maintain the area; and

WHEREAS, on August 23, 2022 at a duly noticed and regularly scheduled public meeting, the Town Council heard and considered the proposed Hilldale Pocket Park including public comment, a design proposal, results of a community survey indicating neighbor support, and the Town commitment to pay \$30,000 from the General Fund to establish the Park; and

WHEREAS, California Vehicle Code section 21101(a) allows the Town to close streets to vehicular traffic if the Town Council determines that it is no longer needed for vehicular traffic; and

WHEREAS, the Town Council held a duly noticed public hearing on September 13, 2022 regarding the Hilldale Pocket Park, associated street closure pursuant to the Vehicle Code, and authorization of a payment of \$30,000 from the General Fund for said project; and

WHEREAS, the Town Council determines that the Site is no longer needed for vehicular traffic because it has not been so used for over 40 years, and closing the road and establishing the Hilldale Pocket Park would not involve a change in vehicular traffic from what currently exists; and

WHEREAS, closing the Site to vehicle traffic is consistent with the Town's General Plan, "Town Parks, Recreation, and Public Facilities" Element, wherein it is recommended that "neighborhood mini-parks and playgrounds" should be created in certain locations including the Hilldale area (General Plan, p. 53); the proposed pocket park also furthers the Town's goals to provide outdoor recreational opportunities for the community; and

WHEREAS, closing the Site to vehicle traffic and establishing the Hilldale Pocket Park is categorically exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines section 15301(c) "Existing Facilities"; and

WHEREAS, closing the Site to vehicle traffic and establishing the Hilldale Pocket Park is consistent with the Town's Climate Action Plan, section S-1 Urban Forests and Ecosystems, and S-2 Habitat Restoration and Soil Regeneration; additionally, the pocket park will decrease polluting emissions and encourage pedestrian/bicycle since local residents would not be required to drive to a park location (See Climate Action Plan pgs. 18-19); and

WHEREAS, the Town Council further determines and directs the payment of \$30,000 from the Town's General Fund, which amount shall go towards the establishment of the Hilldale Pocket Park and its maintenance.

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

Section 1. The above recitals are true and correct and incorporated herein by reference, and establish the basis of the Town Council's adoption of this Resolution.

Section 2. Pursuant to California Vehicle Code section 21101(a), that certain portion of Jordan Avenue located in San Anselmo, California, more particularly described in the attached Exhibit "A" (the "Site") is no longer needed for vehicular traffic because it has not been used for vehicular traffic since its effective closure by Council direction in 1977, and therefore the proposed closure and establishment of a pocket park does not represent any change in vehicular use.

Section 3. Pursuant to California Vehicle Code section 21101(a) and based on the above finding, the Site is hereby closed to vehicular traffic. Should the Town Council determine at a future date that the Site becomes necessary for vehicular traffic, it shall consider such issue at a public hearing and the Town shall bear responsibility for removing all improvements and restoring the area as a public right-of-way.

Section 4. An amount not to exceed \$30,000 is authorized from the Town's General Fund to go towards the establishment and maintenance of the Hilldale Pocket Park.

Adopted at a regular meeting of the Town Council of the Town of San Anselmo held on September 13, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Alexis Fineman, Mayor

ATTEST:

Carla Kacmar, Town Clerk

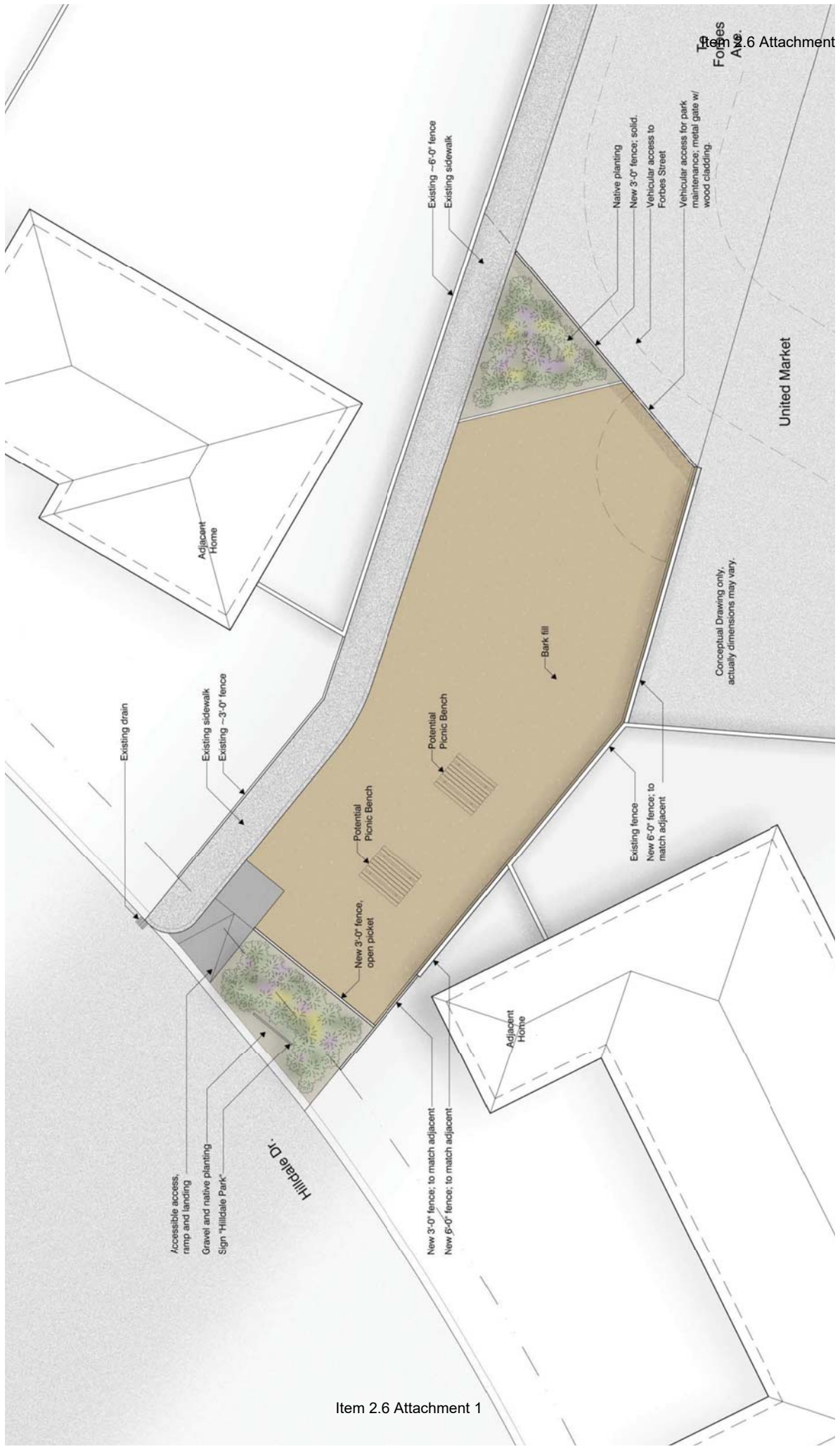
Exhibit A



Item 2.6 Attachment 1

Item 2.6 Attachment 1

Phase 1 - Concept Plan



Item 2.6 Attachment 1



Town of San Anselmo

525 San Anselmo Avenue
San Anselmo, CA 94960

Staff Report

TO: Town Council

9/27/2022

Item #: 2.7.

FROM:

Sean Condry, P.E. Public Works Director; Emily Longfellow, Assistant Town Attorney

SUBJECT:

Adoption of an Ordinance Amending the San Anselmo Municipal Code adding Chapter 14 "Parklets" to Title 7 "Public Works".

RECOMMENDATION

That the Town Council adopt the attached Ordinance amending the San Anselmo Municipal Code adding Chapter 14 "Parklets" to Title 7 "Public Works establishing a permanent Parklet Program, introduced at the September 13, 2022 regular Town Council meeting.

BACKGROUND AND DISCUSSION

On September 13, 2022 the Town Council held a duly noticed public hearing to consider an amendment to the San Anselmo Municipal Code adding Chapter 14 "Parklets" to Title 7 "Public Works" ("Ordinance Amendment"). At said meeting, the Town Council unanimously approved the first reading of the Ordinance and waived future readings in their entirety. As an associated item, the Town Council also approved a Resolution setting forth detailed Parklet Guidelines. A link to the video and materials from the public hearing are available [here <https://docs.google.com/gview?url=http%3A%2F%2Fsananselmo-ca.legistar1.com%2Fsananselmo-ca%2Fmeetings%2F2022%2F9%2F1000+A+Town+Council+22-09-13+Agenda.pdf&embedded=true>](https://docs.google.com/gview?url=http%3A%2F%2Fsananselmo-ca.legistar1.com%2Fsananselmo-ca%2Fmeetings%2F2022%2F9%2F1000+A+Town+Council+22-09-13+Agenda.pdf&embedded=true).

As set forth in the materials from the September 13, 2022 Town Council meeting, the Ordinance Amendment authorizes a permanent Parklet Program that allows private commercial and public parklets in public on-street parking spaces. The associated Parklet Guidelines include detailed safety and aesthetic requirements for the parklets. Additionally, Private Parklet permittees would be required to pay all applicable fees as established by Town Council resolution, which include an application fee and a Private Parklet Encroachment User fee.

FISCAL IMPACT

The Ordinance Amendment requires Private Parklet permittees to pay all fees established by Town Council Resolution, which would include an application fee to recover staff time in processing application materials and performing related inspections, and a user fee to compensate the Town for the private commercial use of public right-of-way space; therefore, staff estimates that the total cost of the Parklet Program would be minimal.

GENERAL PLAN AND CLIMATE ACTION PLAN CONSISTENCY

The proposed Parklet Ordinance is consistent with the goals and policies of the Town's General Plan to preserve, maintain, and enhance the character and quality of life in San Anselmo; and is consistent with the Town's Climate Action Plan since it will encourage pedestrian use of the downtown area and utilize outdoor spaces.

CEQA

The Ordinance Amendment is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15301(c), as a minor alteration to existing public or private facilities; and pursuant to the "common sense" exemption, CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment.

CONCLUSION

Staff recommends that the Town Council adopt the attached Ordinance amending the San Anselmo Municipal Code adding Chapter 14 "Parklets" to Title 7 "Public Works establishing a permanent Parklet Program, as introduced at the September 13, 2022 regular Town Council meeting.

ORDINANCE NO. _____**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO AMENDING TITLE 7 (PUBLIC WORKS) OF THE SAN ANSELMO MUNICIPAL CODE ADDING CHAPTER 14 “PARKLETS”**

WHEREAS, parklets repurpose public space, such as on-street parking, into areas that allow use by local restaurants and retail businesses, and also provide public community space; and

WHEREAS, in response to the Covid-19 pandemic, the Town implemented a temporary Outdoor Activities Program that authorized temporary outdoor dining and retail activities in public spaces, including approving the development of temporary parklets in on-street parking locations based on specified development and safety requirements; and

WHEREAS, parklets have allowed Town businesses to continue to operate in a safe manner during the Covid-19 pandemic by providing a space for outdoor dining and retail activity; and

WHEREAS, parklets have also increased pedestrian activity in the downtown, and have played an important role in activating and enlivening the downtown and other commercial areas; and

WHEREAS, based on the success of the Town’s temporary parklet program, the Town Council wishes to allow for permanent parklet installations pursuant to the ordinance amendment herein (the “Parklet Ordinance”) and consistent with Parklet Guidelines; and

WHEREAS, A copy of the public hearing notice for this item was published in the *Marin Independent Journal* newspaper; and

WHEREAS, the Town Council held a duly noticed public hearing on September 13, 2022 to consider the Parklet Ordinance; and

WHEREAS, the Town Council finds and determines that the Parklet Ordinance is in the public interest as it will encourage pedestrian activity in the downtown area, enliven and activate the downtown, and support local business and public activity; and

WHEREAS, the Town Council finds that the Parklet Ordinance is consistent with the goals and policies of the Town’s General Plan to preserve, maintain, and enhance the character and quality of life in San Anselmo; and is consistent with the Town’s Climate Action Plan since it will encourage pedestrian use of the downtown area and utilize outdoor spaces.

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

SECTION 1: Environmental Review. The Town Council finds and determines that adoption of the Parklet Ordinance is categorically exempt from the California Environmental Quality Act

("CEQA") pursuant to CEQA Guidelines section 15301(c), as a minor alteration to existing public or private facilities involving negligible or no expansion of existing use.

SECTION 2: The above recitals are true and correct and are incorporated as findings herein.

SECTION 3: A new Chapter 14 "Parklets" is hereby added to Town Municipal Code Title 7 "Public Works" as follows:

Chapter 7.14 – Parklets

7-14-01 – Purpose. The purpose of this chapter is to establish requirements for parklets within the public right-of-way, and to ensure for the public health, safety and welfare with respect to the use of such parklets.

7-14-02 – Definitions. As used in this chapter, the following definitions apply.

- (a) "Parklet" shall mean an area utilizing one or more on-street parking spaces and may include adjacent public walkways or other right-of-way areas, that combines elements such as seating, tables, landscaping, and lighting.
- (b) "Private parklet" shall mean a parklet designated for private commercial use such as dining or outdoor retail activity.
- (c) "Public parklet" shall mean a parklet designated for public use including community gathering and seating.

7-14-03 – Encroachment Permit Required. No person shall use or occupy the public walkway or other right-of-way for the establishment or use of a parklet without first obtaining an encroachment permit for parklet use as provided by this chapter and paying any required fees.

7-14-04 – Encroachment Permit Application. An application for an encroachment permit for a parklet use shall be submitted to the Department of Public Works on a form provided by the Public Works Director. Application submittal requirements are further detailed in the Parklet Guidelines and those reasonably required by the Public Works Director or his/her/their designee. Permits shall be subject to the review of the Public Works Director or his/her/their designee.

7-14-05 – Fees. A permittee for a private parklet shall pay all applicable fees as established by Town Council resolution including an application fee, an annual fee, and such other fees as may be established. There shall be no application fee or annual fee for a public parklet.

7-14-06 – Bond. Prior to the issuance of an encroachment permit for parklet use, the permittee shall post a bond with the Town to cover the cost of restoring the right-of-way or other public property to its original condition upon the removal of the parklet improvements. The bond amount shall be determined by the Town. On termination of the permit, the bond shall be

released upon restoration of the right-of-way or public property to the satisfaction of the Public Works Director.

7-14-07 – Location. Private parklets may be installed only in front of commercial businesses in zones designated commercial, along the curbside on public streets where on-street parking spaces exist. Public parklets may be installed in zones designated commercial, along the curbside on public streets where on-street parking spaces exist. Public parklets need not be located in front of commercial businesses, but must be located in commercial zones along the curbside on public streets where on-street parking is located. Parklets are limited to streets with a speed limit of 25 miles per hour or less, unless otherwise approved by the Public Works Director as safe on a case-specific basis.

17-14-08 – Encroachment Permit for Parklet Use Form and Term.

- (a) An encroachment permit for parklet use shall be in a form provided by the Public Works Director. Permits shall be issued for an initial period not to exceed two (2) years. Upon expiration, a new permit must be obtained on the basis of a new application or a renewal permit must be obtained. Notwithstanding anything in this section, an encroachment permit for parklet use may be terminated by the Town upon thirty days' notice of the Public Works Director per this chapter.
- (b) Each encroachment permit for parklet use shall be personal to the permittee, is not transferrable, delegable, or assignable. Any attempt to transfer, delegate, or assign such permit shall be void. In the event that the permittee is a business and there is a transfer of that business, the transferee shall obtain a new encroachment permit for parklet.

17-14-09 – Insurance and Indemnification.

- (a) The applicant shall, at its own cost and expense, procure and maintain in force policies of commercial general liability insurance with a combined single limit amount of at least one million dollars (\$1,000,000) per occurrence, or such other higher amount as determined by the Public Works Director, covering the applicant's operations in the parklet area as defined in the parklet area shown on the encroachment permit. Said insurance shall be procured from an insurer authorized to do business in California; shall be subject to the approval in writing from the Town; shall name the Town, its officers, officials, employees, and volunteers and the property owner as additional insureds; shall provide primary and non-contributory coverage to additional insureds; and shall contain a provision for thirty days' prior written notice of cancellation to the Town in accordance with policy terms and conditions. The applicant shall provide to the Town a current Certificate of Insurance along with the proper policy endorsements and/or policy language evincing the above-required insurance coverage and terms prior to development and operation of the parklet. Insurance required herein shall not be deemed to limit the permittee's liability.

- (b) An encroachment permit for parklet use under this chapter shall provide that the permittee shall defend, indemnify, and hold harmless the Town and its officers, agents, and employees free from any claims of injury, damage, loss or liability arising out of or in connection with the operation or condition of the parklet.

17-14-10 – Parklet Standards. In addition to complying with all requirements set forth in the Town’s Parklet Program Guidelines, all parklets shall comply with the following standards. The Public Works Director may require additional conditions for the location, design, and operation of the parklet in his/her/their discretion as consistent with chapter and the Parklet Guidelines.

- (a) The final approved parklet location shall be established by the Public Works Director based on the public safety issues of each specific location.
- (b) The minimum width of public walkway directly adjoining a parklet shall not be less than four feet (4’) and said parklet improvements must provide at least four feet (4’) of unobstructed area of public walkway.
- (c) Parklet improvements shall not be located in a manner or location that interferes with the flow of pedestrian, bicycle, or vehicle traffic; interferes with pedestrian, bicycle, or vehicle visibility, including interference with the visibility of a crosswalk, driveway, or other traffic control device or creates a potential threat to public safety as determined by the Public Works Director.
- (d) The parklet must comply all applicable American with Disabilities Act (“ADA”) requirements, and any similar local, state, or federal regulations, and must be accessible to persons with disabilities. Parklets shall not remove ADA accessible parking spaces unless the Public Works Director or his/her/their designee determines that comparable replacements can be installed, in which case permittee shall cover all costs associated with said replacement.
- (e) The parklet shall be operated in compliance with all applicable federal, state, and local laws. For purposes of compliance with Title 5 Chapter 10 of the San Anselmo Municipal Code “Single Use Food Service Ware”, Private Parklets shall be considered sites of on-premise consumption for the permittee.
- (f) All applicable Fire Department regulations, including but not limited to regulations regarding lighting, heating, and power, shall be met.
- (g) Parklet improvements shall be maintained in a good state of repair, and in a safe and sanitary condition.
- (h) Notwithstanding anything in this section, modifications to these standards may be approved by the Public Works Director or his/her/their designee if the modifications are consistent with the public health, safety, and welfare.
- (i) All applicable building permit requirements must be satisfied.
- (j) Parklet improvements shall not interfere with any public utilities including storm water drainage, fire hydrants, transit stops, utility-hole covers, or public utility valves/covers.
- (k) An encroachment permit for parklet use shall specify the area of allowed use on an exhibit approved by the Public Works Department attached to the permit.

17-14-11 – Public Parklet Requirements. A public parklet must be maintained open for public use and may contain improvements subject to approval pursuant to this chapter that include, but are not limited to, seating, tables, bicycle parking, and landscaping. A public parklet must contain Town-designated signage positioned at either end of the parklet indicating that the space is open for general public use. Private restaurant or retail business activity, including food and drink service, may not occur in a public parklet. Hours of use are subject to the approval of the Public Works Department or his/her/their designee.

17-14-12 – Enforcement and Emergency Action

- (a) The Public Works Director or his/her/their designee may deny a permit application, or revoke or suspend the permit in his/her/their discretion pursuant to this section if it is determined that the provisions of this chapter and/or the provisions of the Town's Parklet Program Guidelines are not satisfied; if the conditions in the associated encroachment permit or other agreement have been violated; or the operation or condition of the parklet constitutes a public nuisance pursuant to the San Anselmo Municipal Code or state law.
- (b) Notice of a violation shall be made in writing to the permittee by the Public Works Department. If the violation is not cured within ten (10) days after issuance, the Public Works Director or his/her/their designee may revoke or suspend the permit. The Public Works Director or his/her/their designee may immediately revoke the permit of any permittee who has committed three violations within a twelve (12) month period.
- (c) When the operation or condition of a parklet constitutes an immediate hazard or threat to the safety of persons or property, the Town reserves the right to immediately abate the hazard, which may include, but is not limited to, dismantling or removing parklet improvements in whatever manner the Town chooses to address the emergency and the Town assumes no responsibility for returning the parklet to its original condition. Prior to taking such action, the Town shall make a reasonable attempt under the circumstances to contact the permittee to address the emergency, if conditions allow.
- (d) A violation of this chapter and/or the provisions of the Town's Parklet Program Guidelines constitutes a public nuisance and may be enforced as such under San Anselmo Municipal Code Title 1, chapter 2, and any other applicable local or state law. A violation of this chapter and/or the provisions of the Town's Parklet Program Guidelines is subject to the administrative penalty provisions of San Anselmo Municipal Code Title 1, chapter 6. The Town's remedies are cumulative.

17-14-13 – Restoration and Removal of Parklet. Upon termination of an encroachment permit for parklet use, the permittee shall remove at its own expense, all improvements, personal property, furnishings, and equipment associated with the parklet within a reasonable time as established by the Town Public Works Director or his/her/their designee. All outdoor barriers shall be removed and the sidewalk and right-of-way returned to its original condition. Any personal property remaining in the parklet area shall be removed and disposed of by the Town

pursuant to the laws of the State of California. The permittee shall reimburse the Town for all expenses incurred in removing any remaining improvements or restoring the property, including reimbursement for costs and attorneys' fees as applicable.

17-14-14 – Temporary Continuation of Existing Parklet Use. Any permittee who has received a Temporary Outdoor Activities Permit pursuant to the Town's Outdoor Activities Program, developed in response to the Covid-19 pandemic, may continue to operate under the conditions of the temporary permit for an additional twelve (12) months from the effective date of this Ordinance, after which point, any party who wishes to continue with the parklet use may apply for an encroachment permit for parklet use pursuant to the San Anselmo Municipal Code and the requirements of this chapter.

17-14-15 – Interpretation. Where there are conflicting requirements between this chapter, the Parklet Guidelines, and/or other provisions within the Town Municipal Code, the provisions of the Parklet Ordinance and the Parklet Guidelines shall control, unless the conflict involves public health, sanitation, or safety issues in which case the Town Municipal Code will control.

SECTION 5: Severability. The Town Council hereby declares every section, paragraph, sentence, clause, and phrase is severable. If any section, paragraph, sentence, clause or phrase of these ordinance amendments are for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 6: Effective Date. This Ordinance Amendment shall go into effect thirty (30) days from its adoption and shall be posted or published as required by state law.

THE FOREGOIG ORDINANCE was introduced at a regular meeting of the San Anselmo Town Council on September 13, 2022, and was adopted at a regular meeting of the San Anselmo Town Council on September 27, 2022 by the following by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSED:

APPROVED: _____
Alexis Fineman, Mayor

ATTEST: _____
Town Clerk

Town of San Anselmo Parklet Guidelines



2022

Town of San Anselmo

Introduction

Parklets repurpose public space, such as on-street parking, into areas for public and commercial use. While some California jurisdictions have long-established parklet programs (San Francisco, for example), parklets dramatically increased throughout the state and the nation during the Covid-19 pandemic as a way to allow dining and retail business to occur outdoors safely. To support local businesses and the community, San Anselmo swiftly implemented a temporary Outdoor Activities Program in response to Covid-19 that authorized temporary outdoor dining and retail activities in public spaces, including temporary parklets located in on-street parking spaces. Parklets developed under the Town's temporary program have enlivened and activated the downtown area, creating a sense of community space and increasing pedestrian activity.

Given the positive feedback from the public and many members of the business community, the Town of San Anselmo has developed a program to allow permanent parklet installations after the expiration of the Town's Temporary Activities Program.

These Parklet Guidelines outline the requirements and standards for parklet installations to be used in conjunction with Parklet Ordinance in the Town's Municipal Code. Due to the unique circumstances of each proposed parklet location, not all standards will apply in every case. Similarly, there may be instances where Town staff will require additional elements not contained in these Guidelines to ensure that concerns such as safety and appropriate design are satisfied. The San Anselmo Public Works Department will review parklet applications and approve only those determined to satisfy the standards in these Guidelines, the Town's Municipal Code, and all applicable building, safety, traffic, ADA, and fire requirements.

All parklet installations, including those installed under the Town's Temporary Activities Program, will require an encroachment permit for parklet use in compliance with these Guidelines and the Parklet Ordinance within twelve (12) months of the adoption of the Town's Parklet Ordinance. Parklets may be either for private restaurant or retail use, or for general public use.

The Parklet Program goals include:

- Activating and enlivening the downtown area.
- Enriching the downtown streetscape and providing for increased public use.
- Encouraging pedestrian and community activity.
- Supporting local businesses.
- Encouraging non-motorized and multi-modal transportation.

Siting, Location, and Number of Parklets Cap

The siting and location of a parklet must take into consideration health and safety issues for the public, and satisfy all applicable safety standards.

A private parklet is a parklet designated for the patrons of a private business (such as outdoor dining or retail activity), whereas a public parklet is open to all public use and includes improvements for community gathering and seating. Private parklets must be located in front of commercial businesses in zones designated as commercial, along the curbside on public streets where on-street parking spaces

exist. Public parklets need not be located in front of commercial businesses, but must be located in commercial zones along the curbside on public streets where on-street parking is located. As explained below, parklets may be considered in areas where there are spaces for on-street parallel, angled, or perpendicular parking.

Parklet applications will be reviewed by the Public Works Director or his/her/their designee.

Location and Size Criteria

- General Requirements – The specific design and location of parklets will be considered on a case-by-case basis. Factors including line-of-sight, existing utilities, traffic speeds, etc., may result in additional design requirements by Town Staff to ensure safety and aesthetic compatibility with the surrounding area.
- Adjacency to Storefront – Private parklets for restaurant use will only be allowed along the frontage of the existing or proposed restaurant business that is applying for the parklet to provide outdoor dining for patrons. Private parklets for retail use will only be allowed along the frontage of the storefront that is applying for the parklet to provide appropriate outdoor retail space for customers. Parklets are not allowed to use the frontage of adjacent businesses to expand their territory; however, encroachments on the frontage of storefronts neighboring the applicant's storefront may be allowed depending on the dimensions and configurations of the parking stalls being used for the parklet installations upon Town approval and written permission from both the property owner and tenant. A parklet shared by two or more neighboring businesses will be considered on a case-by-case basis. The shared parklet area cannot exceed the frontage for the combined businesses. Public parklets are allowed consistent with these Guidelines with the application and sponsorship of the business owner of the adjacent business. Applications for public parklets located in front of non-commercial property will also be considered.
- Maximum Parking Stalls/Length – A maximum of two parallel parking spaces or four perpendicular or angled parking spaces may be used for each parklet. Proposals for additional parking stalls/length (more than 40 feet in length), including for parklets shared by multiple neighboring businesses, may be approved on a case-by-case basis.
- Parallel Parking Spaces – Parklets located in parallel parking spaces can be the length of one or two parallel parking spaces. An inner buffer may be required by the Public Works Department when adjacent to another parallel parking space to ensure safety and access. A minimum 2-foot buffer is required when adjacent to a driveway, motorcycle parking, or designated bicycle parking, unless otherwise approved by the Public Works Department. The maximum depth for parklets located in parallel parking spaces is 7 feet measured from the curb, or as determined by the Public Works Department.
- Perpendicular and Angled Parking Spaces – Parklets located in perpendicular or angled parking spaces can be the length of two to four parking spaces. The edge of the parklet must be set back from the adjacent parking space on either side sufficient for public safety as determined by the Public Works Department.
- Corner Locations/Crosswalks/Driveways – Parklets located adjacent to intersections, crosswalks, and driveways must provide sufficient lines of sight to ensure safety as determined by the Public Works Department. Determinations will necessarily be site-specific and factors include, but are not limited to, the maintenance of vehicle and pedestrian visibility at the intersections of streets, sidewalks, and driveways considering the terrain, topography, and the volume of vehicle and pedestrian traffic.

- Fronting Driveways – Parklets may be installed in front of a driveway only if the applicant owns the property served by the driveway, or obtains written permission from the property owner and so long as the project does not eliminate any parking required under Title 10, Zoning, of the Municipal Code.. If the driveway is no longer in use, the driveway may be levelled and used as conditioned for the parklet project. Parklets may not obstruct any driveway or entrance to public parking facilities.
- Restricted Parking – Parklets are not allowed in ADA/Handicap parking spaces or red curb zones. Parklets proposed in loading zones may be considered on a case-by-case basis.

Setback Requirements

- Setback from Lane of Travel – Parklets shall have a minimum 1-foot setback from the edge of the adjacent the lane of travel, as measured from the parking striping adjacent to the lane of travel for vehicle use, or if no parking striping is present, pursuant to the Public Works Director or his/her/their designee sufficient for safety.
- Side Setback – Parklets shall have a setback from the nearest parking space as necessary for safety purposes as determined by the Public Works Department.

Fire Safety and Access

- Bike Lanes – Parklets shall not obstruct a designated bike lane or path.
- Fire Hydrants and Fire Connections – Parklets shall not block or obstruct a fire hydrant. Fire hydrants are required to maintain a total clearance of 15 feet, with 7.5 feet on either side. Parklets shall not interfere with fire connections or any other equipment or improvements associated with fire protection. A distance of 3 feet is required from all fire protection equipment improvements. Parklets may not be located where the minimum turning radius sufficient for fire equipment access will be adversely impacted.
- Fire Department and Emergency Access – Fire and emergency access is required as determined by the Public Works Department and may include a 5-foot wide opening from the street maintained every 2 adjacent parklets and no more than 75 feet apart, or an access door in the middle of an individual parklet of approximately 4 feet in width.
- Utilities – A parklet cannot obstruct public utility and service connections.
- Fire Safety – Parklets must satisfy all applicable provisions of the California Fire Code and all similar fire safety requirements in local, state, and federal law. Parklets may be subject to inspection by the Ross Valley Fire Department. All material used in parklet construction must satisfy applicable local, state, and federal standards for fire-safe materials.

Cap

The total number of private parklets shall not exceed 5% of available on-street public parking spaces in the commercial areas of the Town. The Public Works Director shall designate and define areas of the Town for purposes of calculating parklet caps including: 1) the downtown San Anselmo Avenue Area; 2) Sir Francis Drake; and 3) the Greenfield area. In the event private parklet applications exceed availability, compliant permit applications shall be issued on a lottery basis. There is no cap for public parklets.

Design

Like the siting and location of a parklet, the design of the parklet must satisfy all health and safety requirements, as well as be aesthetically appropriate for the neighborhood and suitable for its intended purpose. Parklets generally include the following key elements:

- a) **A Platform** that allows the parklet to serve as an extension of the adjacent sidewalk.
- b) **Railings and enclosure improvements** that visually and physically define the exterior of the parklet from the street and surrounding parking spaces.
- c) **Traffic safety protections** for safety.
- d) **Furnishings and fixtures** to serve the customers or members of the public.

Platform Design Criteria

- Materials – Platforms must be constructed of durable materials to withstand wear, tear, and weather. Surface materials must be textured or treated with a non-skid coating to ensure a safe walking surface. Outdoor carpeting or artificial lawn is prohibited. Poured concrete platforms are prohibited.
- Platform Threshold – The platform threshold must be flush with the sidewalk or ramped, as appropriate. The platform may not leave a gap greater than ½ inch, nor a vertical separation of greater than ¼ inch from the adjacent sidewalk.
- Maintenance Access – Parklets must be designed to provide adequate access under the platform to allow for maintenance including repairs, and debris, and gutter clearing. Access may be provided through removable access panels or similar means.
- Drainage – Platforms must allow for curbside drainage flow and shall not block street drainage, or block gutters. The platform clearance must equal the curb height and the gutter pan width. Parklet platforms must provide access through the platform or threshold to the gutter adjacent to the curb.
- Flood Safety – Platforms must be designed and anchored to prevent flotation, collapse, or lateral movement due to water action, including hydrodynamic and hydrostatic loads, and buoyancy. If located in a flood zone, platforms must be designed to allow water to flow through the area utilizing materials such as hog wire or other materials that may be removed during high flood risk rain events. The platform and associated improvements must comply with FEMA flood regulations and allow for the free flow of water in the roadway.
- Bolting Required – Platforms must be bolted or otherwise permanently affixed to the roadway for safety purposes, unless otherwise approved by the Public Works Department. Platforms may not be affixed to any structure (including, but not limited to, buildings, fire hydrants, street trees, streetlights, parking meters, or traffic poles).
- Substructure – Platform substructure designs may vary and depend on the slope of the street and design for the parklet structure. The substructure must accommodate the crown of the road and provide a level surface for the parklet.
- ADA Accessibility – All accessibility elements of the proposed platform shall conform to the applicable provisions of the American with Disabilities Act (ADA) and related California Building Code guidelines.
 - Wheelchair Turning Space – shall be 60 inches in diameter and located within the platform. A 12-inch maximum overlap on the curb and sidewalk is acceptable.

- Wheelchair Landing – a 30 x 48-inch clear floor area must be provided for a wheelchair landing area. It may overlap with the Wheelchair Turning Space by a maximum of 24 inches in any orientation.
- Accessible Entry – must be 48 inches in width.
- Accessible Platform Surface – the portion of the platform connected by the accessible path of travel to the wheelchair turning space and wheelchair resting space must be level. The accessible platform surface maximum cross slope (perpendicular to the sidewalk or curb) and running slope (parallel to the curb) must not exceed 2%.
- Accessible Path of Travel – must connect the sidewalk to the accessible entry, platform surface, wheelchair turning space, and wheelchair resting space.

Railing and Enclosure Improvements

The parklet railing or enclosure marks the boundary between the parklet and the street and sidewalk. It serves the safety purpose of providing a safety barrier, and also an aesthetic purpose by being visually appealing, permeable, and inviting. The following standards apply to railing and enclosure designs.

- Edge Buffers – The parklet should have a notable, defined edge along the side of the parklet facing the street and adjacent parking stalls. This can take the form of planters, railings, cabling, or other similar appropriate enclosure.
- Stability – Railings and enclosures must be sufficiently stable not to fall or be pushed over (e.g., capable of withstanding 200-lbs. of force).
- Height – The height of the railing/enclosure is dependent on context, and should be at least 36 inches in height from the platform floor to the top of the railing/enclosure, unless approved by the Public Works Department.
- Visibility – A railing/enclosure may not block the view of conflicting movements of traffic, including pedestrian traffic, nor block the view of traffic control devices such as traffic signs, traffic signals, and other traffic warning devices. All railings/enclosures must have reflective or reflective tape located on the corners of the parklet facing the lane of travel such that they are visible by vehicle traffic at night.
- Materials – Railing/enclosure materials may not consist of lattice (wood or plastic); plastic or vinyl fences or trellises, or consist of metal pet enclosure material. The enclosure may not be a pop-up tent.
- Overhead Covering – Overhead coverings such as sun shades or sails, and temporary roofing for weather protection are allowed to make the parklet comfortable for year-round use. Umbrellas are allowed and must be secured to a concrete or similarly stable base.
 - Materials – Overhead weather protection can be provided through a variety of fixed and retractable mechanisms such as canopies, awnings, or umbrellas, as approved by the Public Works Department, so long as they are sufficiently temporary and can be installed and uninstalled with relative ease.
 - Clearance – a minimum overhead clearance of 8 feet is required as measured from the parklet platform.
 - Overhead Coverings – Coverings over the sidewalk are prohibited.
 - May Not Extend over Street Edge – An overhead covering may not extend beyond the street edge of the parklet.
 - Visibility – Overhead coverings must not significantly impede visibility, including visibility to and from the street and adjacent businesses, pedestrians, bicyclists, and vehicles.

Traffic Protections

- Lane of Travel Clearance – Parklets shall provide a minimum 1-foot clearance from the edge of the lane of travel, as measured from the parking striping adjacent to the lane of travel, to ensure safe separation from traffic.
- Posts or Bollards – Parklets shall have vertical elements that make them visible to traffic such as flexible posts or bollards, both which must contain reflective tape. A suggested element is a safe hit post (shown below). Vertical elements required under this section shall be placed 1 foot from the edge of the parklet on both sides of the parklet adjacent to the lane of travel. Structural bollards may be required if deemed necessary by the Public Works Director or his/her designee for safety reasons.
- Wheel stops – Wheel stops in parklets located in parallel parking spaces may be required if appropriate and necessary for the safety of the site. Parklets located in angled or perpendicular parking spaces will not require wheel stops unless otherwise specified by the Town during the application review process. Permittees must repair any damage to the roadway caused by the installation of wheel stops when removed.

Furnishings and Fixtures

- Heating Elements – Outdoor space heaters are permitted if they are approved for outdoor use, located in accordance with the manufacturer's safety recommendations, located away from the edge of any overhead covering (including foliage, canopies, umbrellas, or any other object), and in compliance with any applicable provision of the Building and/or Fire Code. Heaters are not allowed directly under umbrellas or other coverings. All heaters must comply with applicable requirements and safety codes set forth in local, state, and federal law. Outdoor heating elements may be subject to the approval of the Ross Valley Fire Department.
- Electrical Connections – All wiring and electrical cords must be exterior rated, GFCI protected, and UL listed. Cords shall not create a tripping hazard on a sidewalk or platform. If the cord crosses above the sidewalk, there must be a minimum 10 feet clearance above the sidewalk and platform of the parklet. The use of adapters is prohibited. Permittees are not allowed to tap into existing Town electrical connections such as twinkle light outlets or streetlight poles. Generators are not allowed in association with the ongoing operation of parklets; however, generators may be used on an emergency basis in connection with a power outage.
- Lighting – Lighting is encouraged and may be provided through electrical connections to the permittee's building. Lighting must be LED, and solar powered lighting is strongly encouraged. Lighting shall not be directed towards the roadway. String lights must be hung to allow for sufficient clearance for safety purposes above the sidewalk and platform of the parklet. Lighting color is limited to white and flashing lights are prohibited. Lighting must be turned off after business hours.
- Landscaping – Parklets are required to include landscaping aspects such as container plantings that can serve as a buffer along the street-facing edge of the parklet. Landscaping elements may be incorporated as planter boxes, hanging planters, green walls, or similar features. Drought-tolerant and native plants are encouraged, and pesticide use prohibited. Landscaping must be well maintained and may not impair lines of sight.
- Signage – Notwithstanding anything to the contrary in the Town's Municipal Code, including Title 10, Chapter 10 "Signs on Town Property", parklet signage is allowed provided the total area does not exceed 6 square feet (24 x 36 inches). Illuminated signs are prohibited. Private parklets must

include hours of service, and sign copy is otherwise limited to business identification unless otherwise approved by the Public Works Department. Signage design and aesthetics should correlate in design with the signage on the primary building. Public parklets must have two Town-designated signs indicating that the space is open for general public use, one to be located on each end of the parklet.

- Outdoor Furniture

- Design and Materials – Plastic or vinyl furniture is prohibited. Outdoor furniture such as tables, chairs, and benches, should be designed to withstand weather exposure.
- Built-In Seating – Parklets should incorporate built-in seating, which can be integrated in a variety of ways. For example, seating may be part of the structure, planters, or combined with creative features within the parklet.
- Storage – Movable furniture should be removed and stored after business hours, or locked with cables to the parklet structure. All outdoor heaters must be stored inside when there is a reasonable chance of a heavy rain event, including flooding.

Other Design Criteria

- Materials – The parklet should be constructed of durable, aesthetically appropriate material in keeping with the site and surrounding structures, and may include materials such as steel, finished wood, and salvaged building materials. Pressure treated wood or plywood is not allowed if visible, but is permitted as a component of non-visible elements including the platform.
- Sustainability – Permittees are encouraged to utilize sustainable materials including locally-sourced and low-emission materials including paints, stains, and blues that have zero or low levels of volatile organic compounds (VOCs). Plastic materials are strongly discouraged.

Operational Standards

- Private Control – Parklets, both private and public, will be considered under the control of the permittee. The permittee is responsible for securing the parklet, and any fixtures and furnishings contained within in during the hours when not in operation.
- No Outdoor Food Preparation – Outdoor food preparation is prohibited including, but not limited to, heating, use of open flames, barbecues, or other methods of cooking or preparing food.
- No Open Flames – Open flames including candles, oil lamps, or similar devices, are prohibited.
- Alcohol Service – Restaurants and food establishments licensed by the California Department of Alcohol and Beverage Control (ABC), and holding a current conditional use permit for alcohol service from the Town, will be allowed to sell and allow on-premise consumption of alcoholic beverages consistent with applicable state law. Alcoholic beverage service is only allowed under full restaurant service conditions (not bars) and alcoholic beverages consumed in parklets are not allowed in to-go containers. Establishments serving alcoholic beverages shall meet all requirements from ABC, and all other applicable local, state, or federal laws and regulations.
- Site Maintenance – The permittee must maintain the parklet in good condition and repair. The parklet must free of litter, debris, graffiti, and any other refuse or damage. Any damage or disrepair to any element of the parklet, including the platform, railing, seating and table elements,

planters, landscaping, and any improvements, must be made in a timely manner. Parklets that include outdoor dining must be cleaned daily to remove any food or drink. The use of water for cleaning must comply with all applicable water use regulations.

- Hours of Operation – The parklet must adhere to the same approved hours of operation as the associated business.
- Inspections – The Town and/or the Ross Valley Fire Department may make periodic inspections of parklets for compliance with these Guidelines, the Parklet Ordinance, and the permittee's encroachment permit, and reserves the right to require adjustments or removal of any elements if deemed unsafe or inconsistent with said regulations and permits.
- Compliance with Laws – The parklet shall be operated in compliance with all applicable federal, state, and local laws. For purposes of compliance with Title 5 Chapter 10 of the San Anselmo Municipal Code "Single Use Food Service Ware", Private Parklets shall be considered sites of on-premise consumption for the permittee.

Permit Requirements

Permit Submittal Requirements

An encroachment permit for parklet purposes is required for all parklet installations, including parklets that were installed pursuant to a Temporary Outdoor Activities Permit. Any permittee who has received a Temporary Outdoor Activities Permit pursuant to the Town's Outdoor Activities Program developed in response to the Covid-19 pandemic, may continue to operate for an additional twelve (12) months from the effective date of the Town's Parklet Ordinance. Permit applications must be submitted prior to the construction or any new parklet or the modification of any existing parklet.

The following submittals are required:

- Plan Sets – It is recommended that plan sets are prepared by a design professional such as an architect or engineer. The plans must show the proposed layout of the parklet including:
 - Location, including site address, parking location, etc.
 - Dimensions of structure, including platform, railings, stormwater and drainage access, etc.
 - Traffic protection measures and setbacks from adjacent parking spaces.
 - Location of any adjacent utilities, including curb drainage, manhole covers, water shut-off valves, sidewalk utility boxes, streetlight poles, parking meters, etc.
 - Plans must demonstrate ADA accessibility compliance and compliance with all similar local, state, and federal accessibility regulations, and show dimensions of required clearances.
- Materials – Plans must include a materials palette including:
 - Materials and landscaping/planters.
 - Railing materials.
 - Platform materials.
- Business License – The application must include evidence of a current San Anselmo business license.
- Insurance – The application must include evidence of current insurance coverage, including all insurance certificates and endorsements required in the Parklet Ordinance and as required by Town Staff.

Enforcement, Emergencies, and Removal

- **Enforcement** – A parklet permittee who fails to maintain the parklet pursuant to these Guidelines, the Parklet Ordinance, and the associated encroachment permit conditions, may be subject to violation and fines as further described in the Parklet Ordinance and as provided in the Town Municipal Code. The Town may also revoke the parklet use permit if the parklet permittee fails to correct all violations, and the permittee will be required to remove all parklet improvements at their own expense.
- **Public Safety Emergencies** – When the operation or condition of a parklet presents an immediate safety hazard, the Town reserves the right to immediately abate the hazard, which may include, removing or dismantling parklet improvements. The Town will use reasonable efforts to contact the permittee prior to taking any such actions, if conditions allow. The permittee is responsible for the cost of re-installing and restoring any damage to the parklet.
- **Removal** – The Town reserves the right to require the temporary removal of parklet improvements at the permittee's expense for events including, but not limited to: utility work, street paving/slurry seal projects, storms, floods, and other weather-related events, to secure, alter, or relocate items contained within for safety purposes; or as determined by the Public Works Director. The Town will use reasonable efforts to contact the permittee prior to taking any such actions. Additionally, the permittee is required to remove all improvements and furnishings associated with the parklet upon termination of the encroachment permit at permittee's expense. The permittee must restore and clean the area to its previous condition. If the parklet permittee decides to terminate the parklet, he/she/they must notify the Town and is responsible for the removal of all improvements within a reasonable time.

More Information?

For questions or additional information regarding parklets please contact:

Sean Condry, Public Works Director

scondry@townofsananselmo.org

(415) 258-4600



Town of San Anselmo

525 San Anselmo Avenue
San Anselmo, CA 94960

Staff Report

TO: Town Council

9/27/2022

Item #: 2.8.

FROM:

Robyn Clifford, Payroll & Benefits Technician

SUBJECT:

Appoint applicants to the Flood Committee and Open Space Committee.

RECOMMENDATION

Appoint applicants to the Flood Committee and Open Space Committee.

BACKGROUND

The Flood Committee has a membership of seven seats - there are three seats available. Erik Stromberg has applied.

The Open Space Committee has a membership of eleven seats - there are three seats available. Kathleen Elizabeth Sanders has applied.

All applicants have been interviewed and their applications are attached to this report.

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).

Attachment 1 - Board and Commission Status Report 09.21.2022

Attachment 2 - Erik Stromberg

Attachment 3 - Kathleen Elizabeth Sanders

TOWN OF SAN ANSELMO
BOARDS/COMMITTEES/COMMISSIONS
STATUS REPORT
As of 09/21/22

Board, Committee, Commission <i>(total seats)</i>	Seats Expiring/ Vacant	Applicants	Term (Yrs)¹	Date of Interview
Arts Commission 9 seats + youth <i>Dannielle Mauk</i>			3	
Bicycle and Pedestrian Committee 7 seats <i>Sean Condry</i>			4	
Board of Review 5 seats <i>Jeff Zuba</i>	3		6	
Capital Programs Monitoring Committee 7 seats <i>Sean Condry</i>	2		4	
Economic Development Committee 7 seats <i>Heidi Scoble</i>	1		3	
Financial Advisory Committee 5 seats <i>Jeff Zuba</i> (Temporary Expansion to 6 seats)	1		3	
Flood Committee 7 seats <i>Sean Condry</i>	3		4	
Historical Commission 11 seats+ youth <i>Linda Kenton</i>			4	
Library Advisory Board 7 seats+ youth <i>Linda Kenton</i>			4	
Library Tax Oversight Committee 5 seats <i>Linda Kenton</i>			3	
Marin Commission On Aging 1 seat			3	
Mosquito Abatement District 1 seat			2-4	
Open Space Committee 11 seats + youth <i>Heidi Scoble</i>	3		4	
Parks & Recreation Commission 7 seats + youth <i>Dannielle Mauk</i>			4	
Planning Commission 7 seats <i>Heidi Scoble</i>			4	
Racial Equity Committee	2		1	
Climate Action Commission 7 seats+ youth <i>Heidi Scoble</i>	1		3	
Ross Valley Paramedic Authority 1 seat			4	
Tax Equity Board 3 seats <i>Jeff Zuba</i>			3	

* Incumbent

¹ Per Commission Guidelines, differing term lengths may be allowed to accomplish a staggering of the appointment schedule.

Print**Boards & Committee Applications - Submission #1640****Date Submitted: 8/21/2022**

TOWN OF SAN ANSELMO

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

To: San Anselmo Town Council

Date*

8/21/22

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

Flood Committee

**Name***

% Erik Stromberg

Home Address*

130 Mono Ave

Occupation*

Landscape Architect

Employer's Address

130 Mono Ave

Home Phone*

5103162093

Work Phone

Cell Phone**E-Mail*****Number of years as resident of San Anselmo*****Number of years as a resident in Marin*****Education Level Achieved*****Name and phone numbers of three San Anselmo residents who can be contacted for referral information about me:****1.) Name*****1.) Phone*****2.) Name*****2.) Phone*****3.) Name*****3.) Phone*****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've been on the flood committee for 10 years

Reasons for this appointment.*

To continue the oversight and guidance for the flood protection measures for the town

What are your qualifications for this appointment.*

Landscape Architect that focuses on creek restoration, flood conveyance, and linear parks and open space.

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

Getting flood conveyance projects in the ground that make a real difference.

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 #1637****Date Submitted: 8/19/2022**

TOWN OF SAN ANSELMO

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

To: San Anselmo Town Council

Date*

8-19-22

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

Open Space Committee

**Name***

Kathleen Elizabeth Sanders

Home Address*

310 Redwood Rd

Occupation*

Jewelry Designer

Employer's Address

310 Redwood Rd

Home Phone*

14152618679

Work Phone

415-342-8654

Cell Phone

415-342-8654

E-Mail*

katsanders03@yahoo.com

Number of years as resident of San Anselmo*

34

Number of years as a resident in Marin*

34

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***

Jon Braun

1.) Phone*

415-459-6973

2.) Name*

Peter Hoch

2.) Phone*

415-456-2904

3.) Name*

Peter Horn

3.) Phone*

415-250-8624

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 was appointed to this Committee in the early 1990s, not long after moving to San Anselmo, and have remained on this Committee ever since. I also served as a member of the Bald Hill Working Group in the 1990s which codified guidelines for development in response to the Oakland Hills Fire and the resulting loss of life and property.

Reasons for this appointment.*

After over 30 years of participation, I feel that the Committee is finally about to achieve some of its major goals in acquiring some important parcels of land, such as Upper Hawthorne Canyon. It is an exciting time to be part of this process, and I want to see our Committee fulfill its goals.

What are your qualifications for this appointment.*

During the acquisition of Lower Hawthorne Canyon in the mid 1990w, I served as Chairperson of this Committee for three years, and since then, I have been treasurer of the Open Space Committee. As an artist, I also designed invitations to many of our Annual Benefits, as well as organized our fundraising events.

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

Currently, our most important task this year is outreach to the general public and public officials in order to secure the funds needed to purchase the key Open Space parcels that are listed in the San Anselmo General Plan. Such opportunities to find willing sellers of these parcels are rare and can not be allowed to slip through our fingers.

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?*

Art Commission

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.



Town of San Anselmo

525 San Anselmo Avenue
San Anselmo, CA 94960

Staff Report

TO: Town Council

9/27/2022

Item #: 3.

FROM:

Sean Youra, Climate Action Coordinator

SUBJECT:

Annual Report by Climate Action Commission on Town's GHG Emissions Reduction Progress and CAC 2022-23 Priorities

RECOMMENDATION

Receive and accept the report from the Climate Action Commission (CAC).

BACKGROUND

At its June 11, 2019 meeting, Town Council adopted Resolution 4286 to adopt the San Anselmo Climate Action Plan 2030. The Climate Action Plan (CAP) identifies how the Town will achieve its community-wide emissions reduction targets aimed at reducing greenhouse gas (GHG) emissions 54% below 2005 levels by the year 2030 (45% below 1990 levels) and a goal of carbon neutrality by 2045.

DISCUSSION

The CAC will present their annual report during the Council meeting (Attachment 1).

Attachment 2 is the 2020 GHG Inventory prepared by Christine O'Rourke, Sustainability Coordinator for the Marin Climate & Energy Partnership (MCEP). The Inventory gives a snapshot of community-wide GHG emissions. The Inventory data is from 2020, which is the most current year for which emissions data is available. The Inventory shows that the Town's GHG emissions declined by 33% between 2005 and 2020.

FISCAL IMPACT

There is no fiscal impact associated with receiving and accepting the CAC's annual report.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

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

This report is consistent with the following measures of the adopted CAP:

- **I-1: Annual Monitoring:** Monitor and report on the Town's progress annually. Create an annual

priorities list for implementation.

- **I-2: Update GHG Emissions Inventories:** Update the greenhouse gas emissions inventory for community emissions annually and every five years for government operations.

CONCLUSION

Staff respectfully requests that the Council receive and accept the report from the CAC.

Attachments:

1. CAC Annual Report
2. 2020 GHG Inventory Report

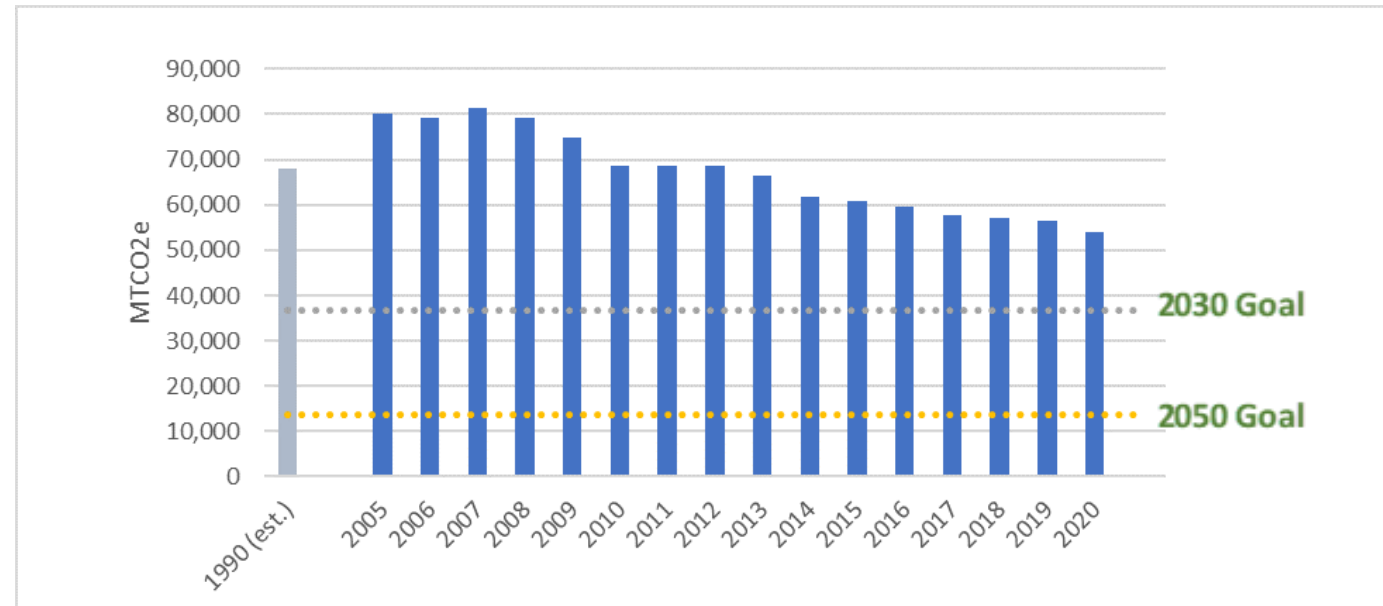


San Anselmo Climate Action Annual Report

SEPTEMBER, 2022

Where we stand now

2020 Greenhouse Gas Emissions Report shows that community emissions are down 33% from 2005, but the community still needs to reduce emissions another 21% from those levels by 2030

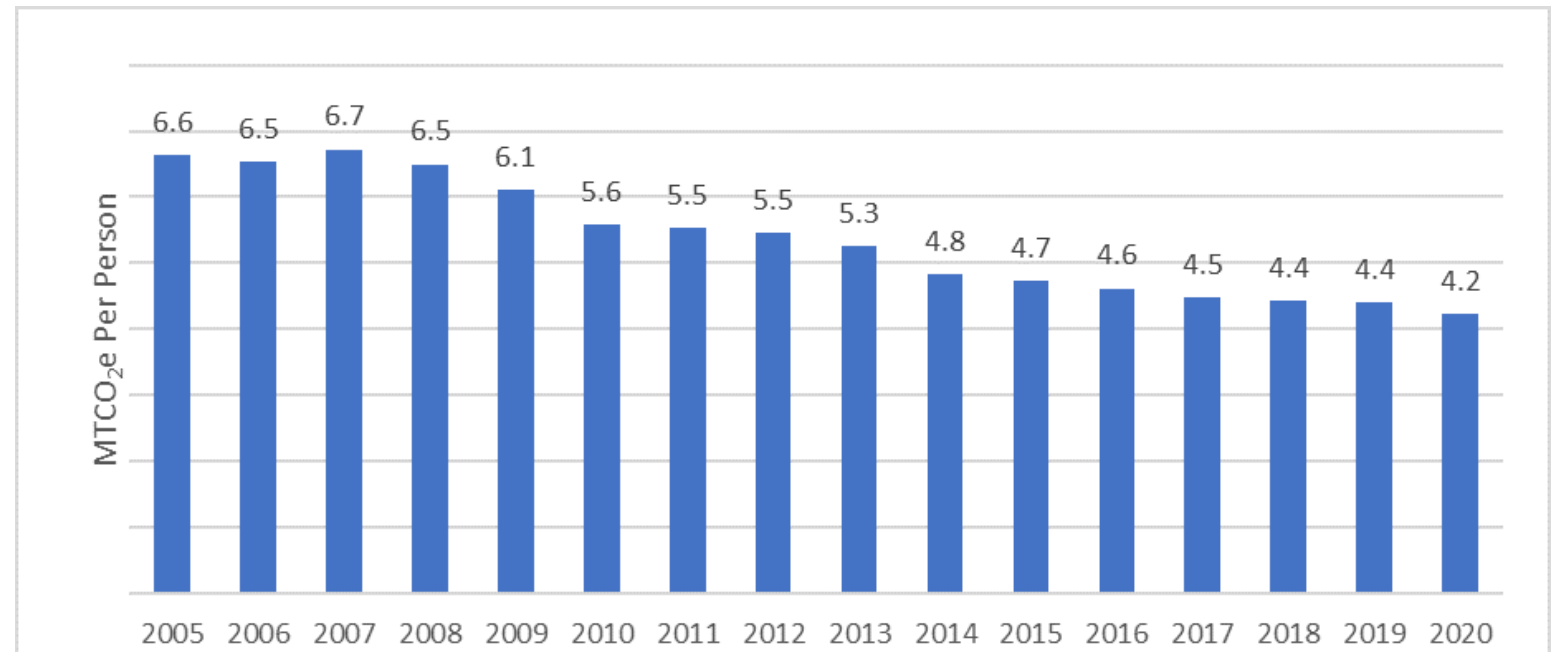


2020 saw a bigger annual decline in emissions (more than 4%), compared with the prior 3 years, which is good news. It is unclear how much the pandemic influenced this drop.

The Bottom Line: Thanks to the decisions by the San Anselmo Town Council and the individual actions taken by its residents, some progress has been made. But, a look at the current 2030 and 2045 goals shows that we need to continue to speed emissions reduction.

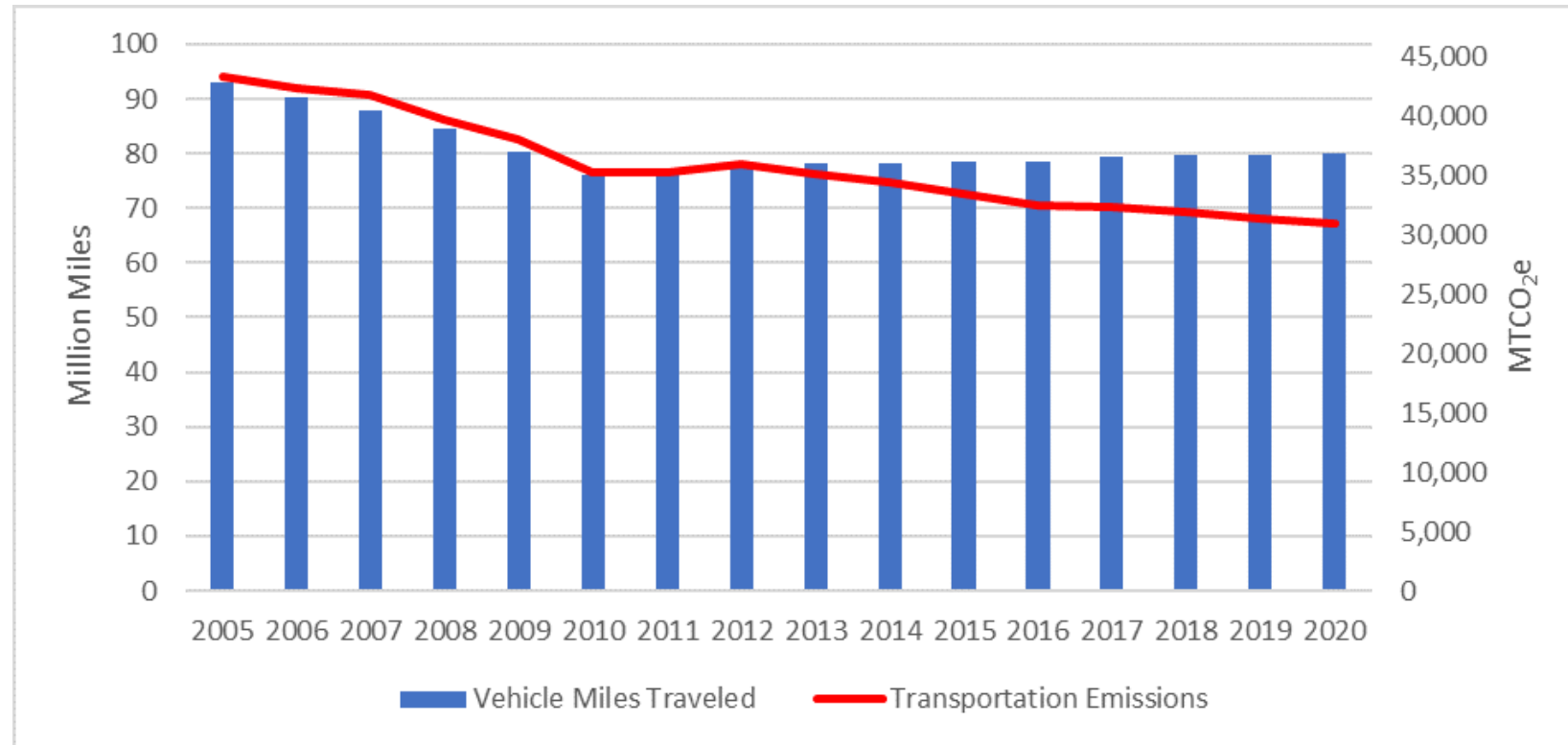
Emissions dropped
to 4.2 metric tons
per person.

Note that this does not
include emissions that occur
outside the community, such
as air travel.



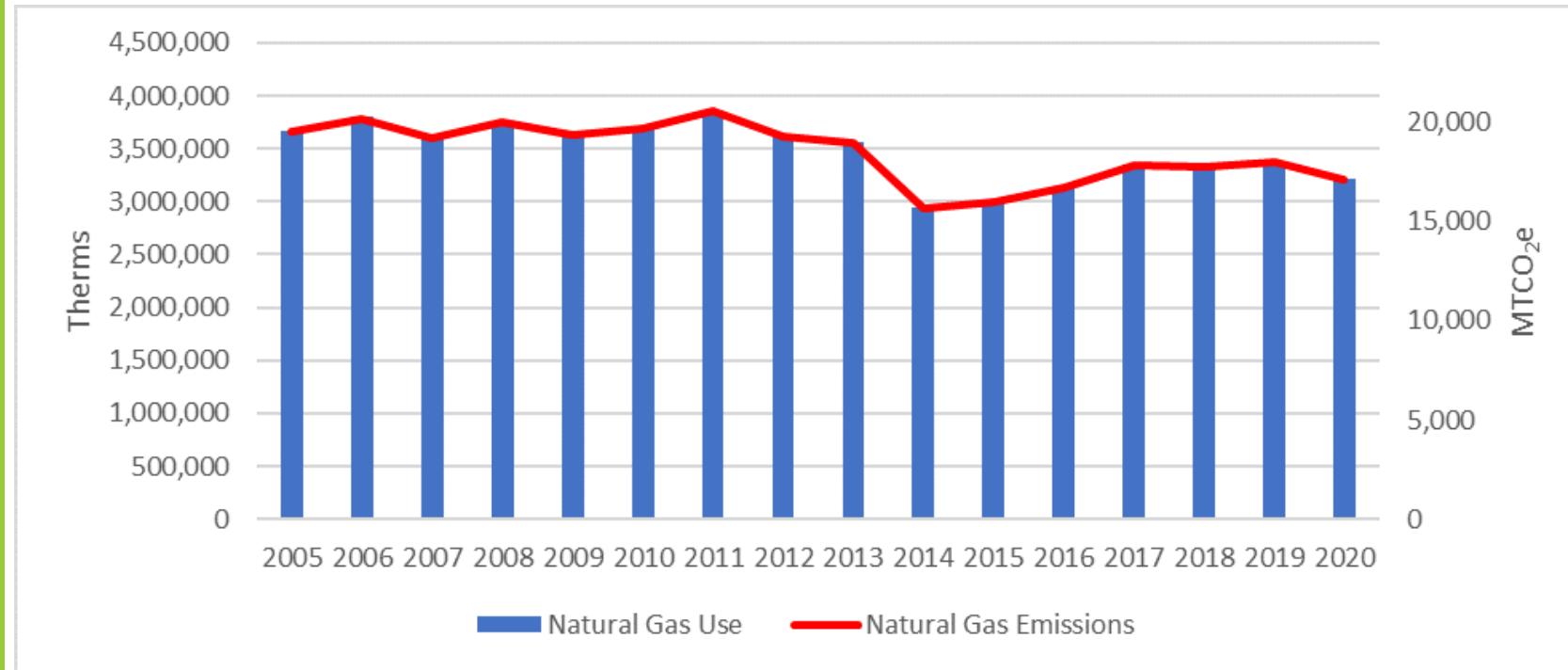
The report showed no decline in vehicle miles traveled during the pandemic.

Our consultant says that this is based on an old model, so we are not inclined to trust these numbers, and are hoping to see the data updated soon.



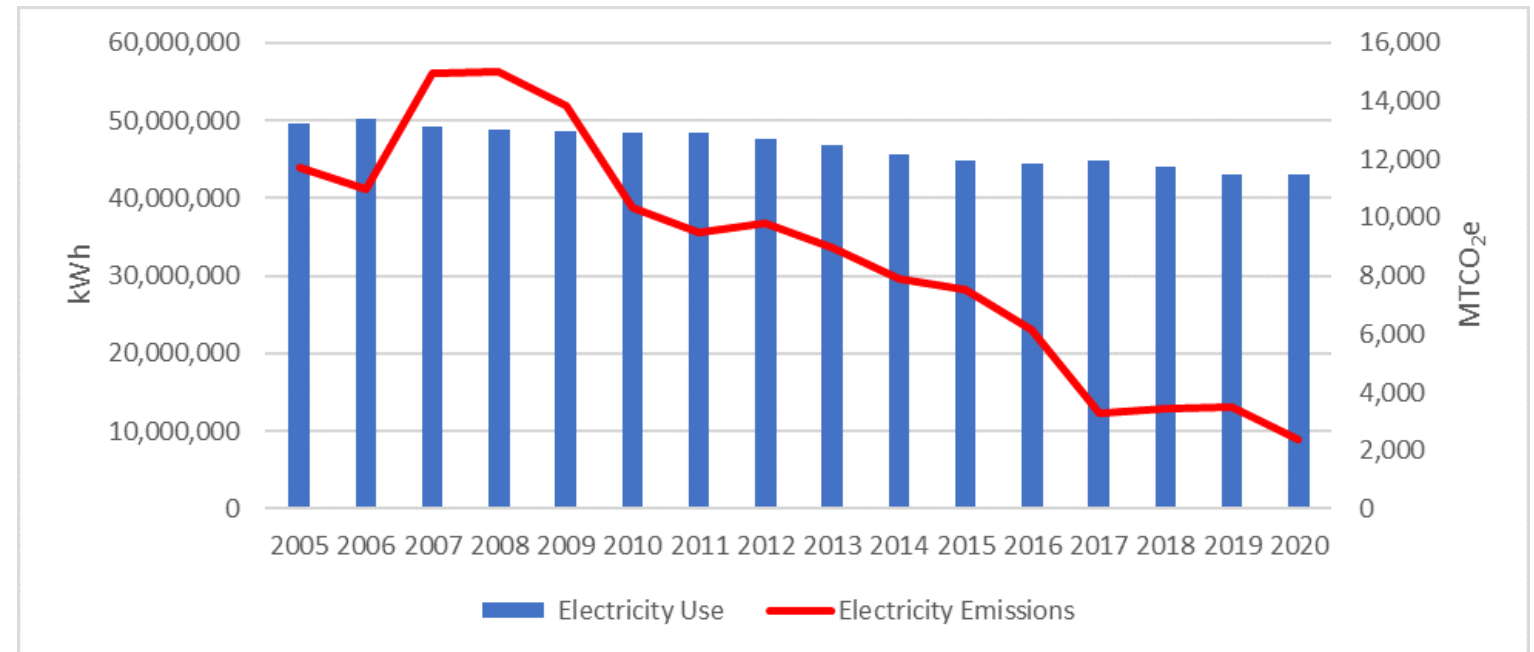
Gas use in buildings dropped after several years of higher usage.

The reduction does not appear to be correlated with temperature. It may be a result of increased rooftop solar installations and the Town's adoption of the County's 2019 Green Building Reach Code.



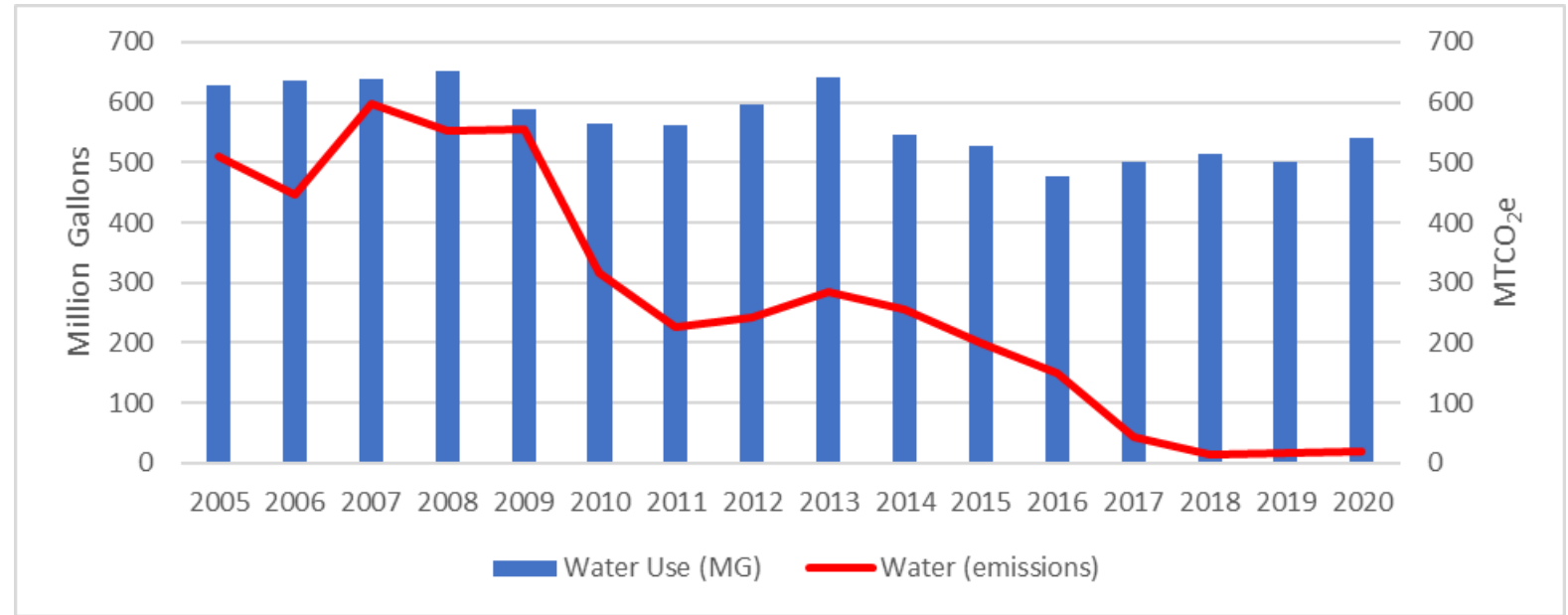
Electricity use saw little change, but emissions dropped.

As we electrify our buildings, electricity use will increase. But emissions are likely to continue to decline as California in general, and MCE specifically, have continued to increase the percentage of energy produced by renewable resources



Water use increased, but emissions related to water remained low.

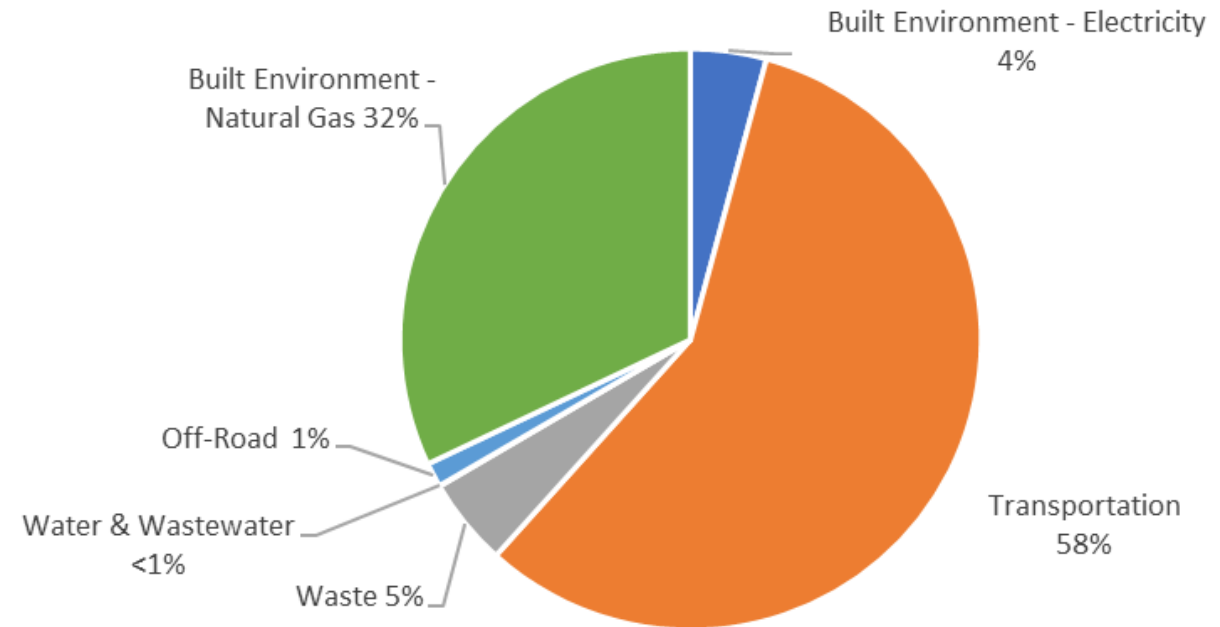
Water usage increase may be a result of the work-from-home trend during the pandemic. MMWD has reduced emissions by purchasing MCE Deep Green energy.



Where do the emissions come from?

The sources of emissions remain relatively unchanged.

Natural gas use in buildings and transportation remain the largest emitters.



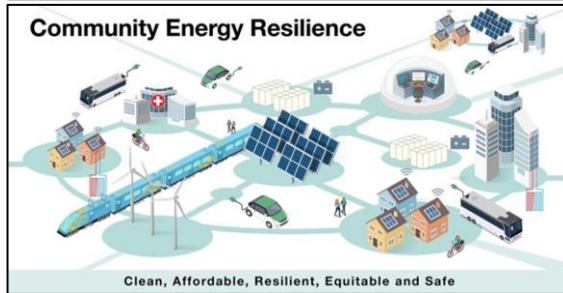
Emissions by Sector, 2020

Some of the great stuff the Town has done in the past year

- Approved a ban on gas-powered leaf blowers and administered a rebate program for electric replacements.
- Approved a requirement for all-electric appliances in new construction.
- Started to transition the Town fleet to electric with the purchase of the Nissan Leafs.
- Hired a Climate Action Coordinator.
- Created a Climate Action Fund.
- Hired a consultant to implement the single-use foodware ordinance.
- Provided climate action outreach via Town newsletter and social media platforms.
- Improved waste management with new receptacles in Creek Park.
- Considered climate issues in decision making.
- Continued to buy MCE Deep Green energy.

What more can San Anselmo do about the climate crisis?

Here are our 2022-2023 Priorities



1. Provide municipal solar energy generation and storage for cooling and air filtration in emergencies; and to reduce Town Hall operating costs.

2. Promote EVs and ebikes through Ride and Drive Clean. Install more charging stations. Create Town Fleet Electrification Policy and Plan. Approve building code requiring EV charging infrastructure in new development.

3. Approve a Clean Green Electric Landscape Equipment ordinance

2022-2023 Priorities, continued



4. Approve an updated Green Building Reach Code to strengthen requirements for all-electric appliances and infrastructure, including EV charging. Participate in a pilot project to encourage replacement of gas water heaters with electric heat pump water heaters.
5. Implement the plastic-free foodware ordinance, promoting success by local businesses; engage a returnable container service in Town; reduce green waste in landfill through public education.
6. Continue community education to inform residents' climate-related decisions.

Recent headlines and map colors underscore that we are in a climate emergency

“No September on record in the West has seen a heat wave like this - In just the past week, nearly 1,000 heat records have been broken”

“East Bay pool closes because it's too hot”

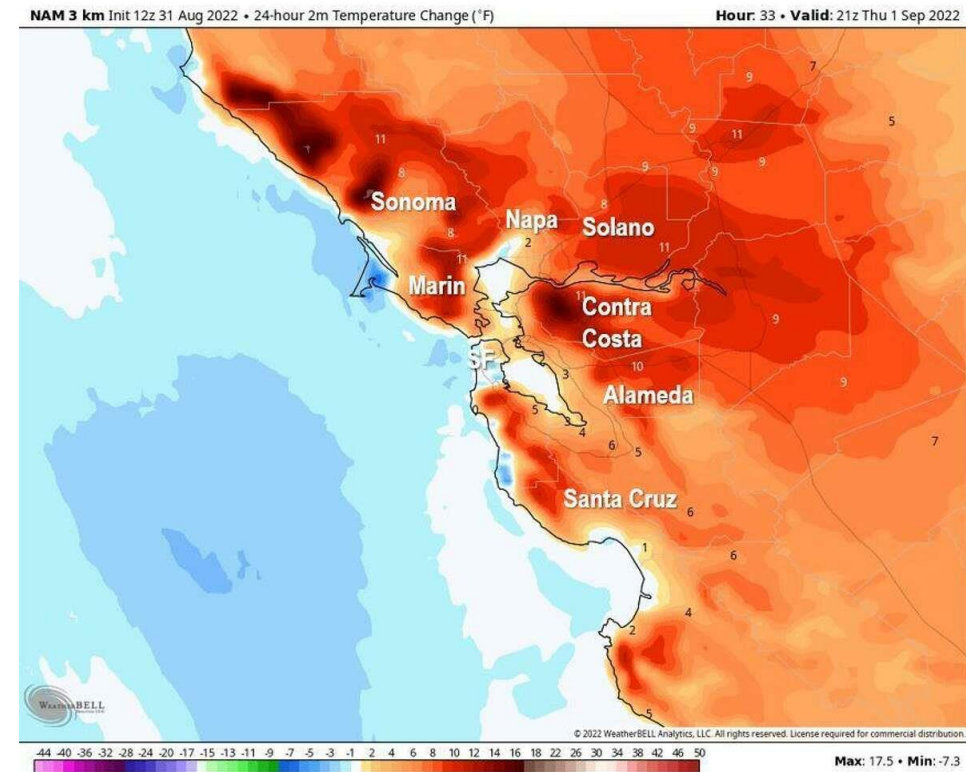
“Bay Area school district cuts hours at three schools”

“Fairfield records Bay Area's highest-ever temperature; Livermore also hit 116 degrees on Monday, Bay Area all-time record”

“The California grid moves to higher emergency alert level”

“Thousands of Bay Area residents lose power as heat batters transformers”

“Scant data on health impact of heat wave shows Bay Area unready for climate change”



In the year ahead,
please continue to
lead with strong
climate action.

Every action makes a
difference!

- The Commission commits to:
 - Proposing Climate Action Plan updates to achieve net zero before 2045.
 - Proposing Town actions and ordinances to reduce greenhouse gas emissions via programs that ensure equity.
 - Helping to identify funding opportunities from state and federal programs to pay for projects such as Town hall solar, high-albedo pavement and roofs, fleet electrification, and EV chargers in Town parking lots. Budgeting for climate mitigation will lower emissions, save money in the long run, and create a resilient, prepared community.
 - Partnering with other organizations – Town businesses, other San Anselmo Commissions, Climate Action/Sustainability Commissions in other Towns, County Sustainability program – on climate initiatives we can achieve together
 - Fostering community awareness. The Council can partner with us in promoting climate-friendly choices in kitchen-table decisions, such as appliance electrification upon replacement and transportation choices.



TOWN OF SAN ANSELMO

COMMUNITY GREENHOUSE GAS EMISSIONS INVENTORY FOR THE YEAR 2020

September 2022

Prepared by the
Marin Climate & Energy Partnership



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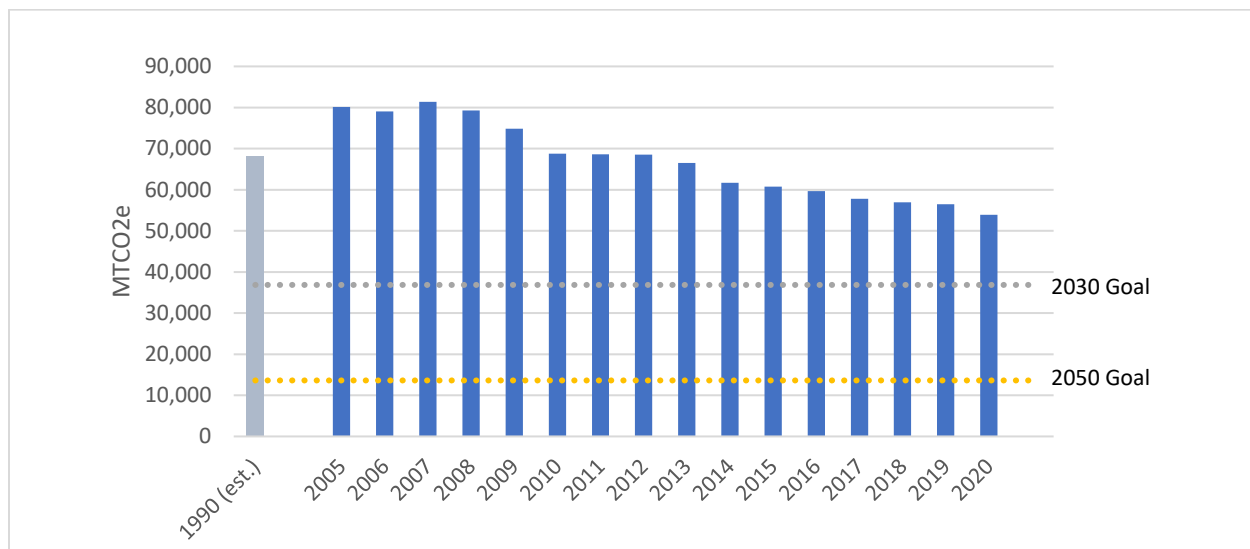
EXECUTIVE SUMMARY

The Takeaway: San Anselmo needs to speed emissions reduction. Though community emissions are down 33% from 2005, the community still needs to reduce emissions another 21% by 2030.

San Anselmo publishes annual community greenhouse gas (GHG) emissions estimates through the Marin Climate & Energy Partnership (MCEP). Annual inventories help the Town to more closely monitor its progress in meeting its goal to reduce community emissions to 54% below 2005 emissions by 2030 (45% below 1990 levels) and carbon neutrality by 2045. The Town also publishes GHG emissions inventories for municipal operations approximately every five years. Municipal emissions accounted for less than 1% of community emissions when the municipal inventory was last conducted for year 2016.

This report reviews emissions generated from the community from 2005 through 2020, the most recent year data is available. The inventory shows that the San Anselmo community has reduced emissions 33% since 2005. Emissions dropped from about 80,119 metric tons carbon dioxide equivalents (MTCO₂e) in 2005 to 53,908 MTCO₂e in 2020, which is equivalent to 18% below 1990 levels. The community emissions trend and targets are shown below. San Anselmo needs to reduce emissions another 15,053 MTCO₂e to meet the local target for 2030 and another 40,287 MTCO₂e to meet the State target for 2050, which is 80% below 1990 levels.

FIGURE 1: SAN ANSELMO GHG EMISSIONS AND TARGETS



Recognizing the need for a collaborative approach to greenhouse gas reductions, City, Town and county leaders launched the Marin Climate and Energy Partnership (MCEP) in 2007. The Town of San Anselmo is a member of MCEP and works with representatives from the County of Marin and the other Marin cities and towns to address and streamline the implementation of a variety of greenhouse gas reduction measures. Funding for this inventory was provided by the Marin County Energy Watch Partnership, which administers public goods charges collected by PG&E. Community inventories are available on the MCEP website at marinclimate.org and are used to update the [Marin Sustainability Tracker](#).

INTRODUCTION

PURPOSE OF INVENTORY

The objective of this greenhouse gas emissions inventory is to identify the sources and quantify the amounts of greenhouse gas emissions generated by the activities of the San Anselmo community in 2020. This inventory provides a comparison to 2005 and estimated 1990 emissions and identifies the sectors where significant reductions in greenhouse gas emissions have occurred. In some instances, previous year emissions were updated with new data and/or recalculated to ensure the same methodology was employed for all inventory years.

GENERAL METHODOLOGY

This inventory uses the national standard for the accounting and reporting of community-wide greenhouse gas emissions, the [U.S. Community Protocol for Accounting and Reporting of Greenhouse Gas Emissions, version 1.2 \(July 2019\)](#). Quantification methodologies, emission factors, and activity and source data are detailed in the appendix.

Community emissions are categorized according to seven sectors:

- Built Environment - Electricity
- Built Environment – Natural Gas
- Transportation
- Off-Road Vehicles and Equipment
- Waste
- Water
- Wastewater

CALCULATING EMISSIONS

Emissions are quantified by multiplying the measurable activity data – e.g., kilowatt hours of electricity, therms of natural gas, gallons of diesel or gasoline, etc. – by emissions factors specific to the greenhouse gas-generating source. Most emissions factors are the same from year to year. Emission factors for electricity, however, change from year to year due to the specific sources that are used to produce electricity. For example, electricity that is produced from coal generates more greenhouse gases than electricity that is generated from natural gas and therefore has a higher emissions factor. Electricity that is produced solely from renewable energy sources such as solar and wind has an emissions factor of zero.

This inventory calculates individual greenhouse gases – i.e., carbon dioxide, methane and nitrous oxide – and converts each greenhouse gas emission to a standard metric, known as “carbon dioxide equivalents” or CO₂e, to provide an apple-to-apples comparison among the various emissions. Table 1 shows the greenhouse gases identified in this inventory and their global warming potential (GWP), a measure of the amount of warming each gas causes when compared to a similar amount of carbon dioxide over 100 years. Methane, for example, is 28 times as potent as carbon dioxide over 100 years; therefore, one metric ton of methane is equivalent to 28 metric tons of carbon

dioxide. Greenhouse gas emissions are reported in this inventory as metric tons of carbon dioxide equivalents, or MTCO₂e.

TABLE 1: GREENHOUSE GASES

Gas	Chemical Formula	Emission Source	Global Warming Potential
Carbon Dioxide	CO ₂	Combustion of natural gas, gasoline, diesel, and other fuels	1
Methane	CH ₄	Combustion, anaerobic decomposition of organic waste in landfills and wastewater	28
Nitrous Oxide	N ₂ O	Combustion, wastewater treatment	265

Source: IPCC Fifth Assessment Report (2014), 100-year values

TYPES OF EMISSIONS

Emissions from each of the greenhouse gases can come in a number of forms:

- **Stationary or mobile combustion** resulting from the on-site combustion of fuels (natural gas, diesel, gasoline, etc.) to generate heat or electricity, or to power vehicles and equipment.
- **Purchased electricity** resulting from the generation of power from utilities outside the jurisdictional boundary.
- **Fugitive emissions** resulting from the unintentional release of greenhouse gases into the atmosphere, such as methane from waste decomposition.
- **Process emissions** from physical or chemical processing of a material, such as wastewater treatment.

UNDERSTANDING TOTALS

The totals listed in the tables and discussed in the report are a summation of emissions using available estimation methods. Each inventoried sector may have additional emissions sources associated with them that were unaccounted for due to a lack of data or robust quantification methods. For example, greenhouse gas emissions associated with air travel and the production of goods outside the community's boundary are not included in the inventory. Additionally, the community inventory does not include refrigerants released into the atmosphere from the use of air conditioning in cars and buildings.

COMMUNITY INVENTORY

COMMUNITY INVENTORY SUMMARY

In 2005, activities in San Anselmo resulted in approximately 80,119 metric tons of CO₂e.¹ In 2020, those activities resulted in approximately 53,908 metric tons of CO₂e, a reduction of 33% from 2005 levels, which is equivalent to 21% below 1990 levels.

The community inventory tracks emissions in seven sectors:

- The **Built Environment – Electricity** sector represents emissions generated from the use of electricity in San Anselmo homes and commercial, industrial, and governmental buildings and facilities.
- The **Built Environment – Natural Gas** sector represents emissions generated from the use of natural gas in San Anselmo homes and commercial, industrial, and governmental buildings and facilities. Propane used as a primary heating source is also included, although it represents less than 1% of emissions in this sector.
- The **Transportation** sector includes tailpipe emissions from passenger vehicle trips originating and ending in San Anselmo, as well as a share of tailpipe emissions generated by medium and heavy-duty vehicles travelling on Marin County roads. The sector also includes emissions from Marin Transit and Golden Gate Transit buses as these vehicles travel within San Anselmo's boundaries. Electricity used to power electric vehicles is embedded in electricity consumption reported in the Built Environment - Electricity sector.
- The **Waste** sector represents fugitive methane emissions that are generated over time as organic material decomposes in the landfill. Although most methane is captured or flared off at the landfill, approximately 25% escapes into the atmosphere.
- The **Off-Road** sector represents emissions from the combustion of gasoline and diesel fuel from the operation of off-road vehicles and equipment used for construction and landscape maintenance.
- The **Water** sector represents emissions from energy used to pump, treat, and convey potable water from the water source to the San Anselmo water users.
- The **Wastewater** sector represents stationary, process and fugitive greenhouse gases that are created during the treatment of wastewater generated by the community as well as emissions created from electricity used to convey and treat wastewater.

Table 2 shows how emissions in each sector have changed since 2005. The greatest reductions have occurred in the Transportation sector (12,329 MTCO₂e), followed by the Built Environment – Electricity sector (8,921 MTCO₂e) and the Built Environment – Natural Gas sector (2,390 MTCO₂e). The likely reasons for the largest emissions decreases are described in the remainder of this report.

¹ Baseline and historical emissions are recalculated in the annual inventory to integrate new data and improved calculation methodologies and to ensure consistent comparison across each year. For this reason, emission levels may differ from levels reported in previous inventories.

TABLE 2: EMISSIONS SUMMARY BY SECTOR (MTCO₂E), 2005 THROUGH 2020

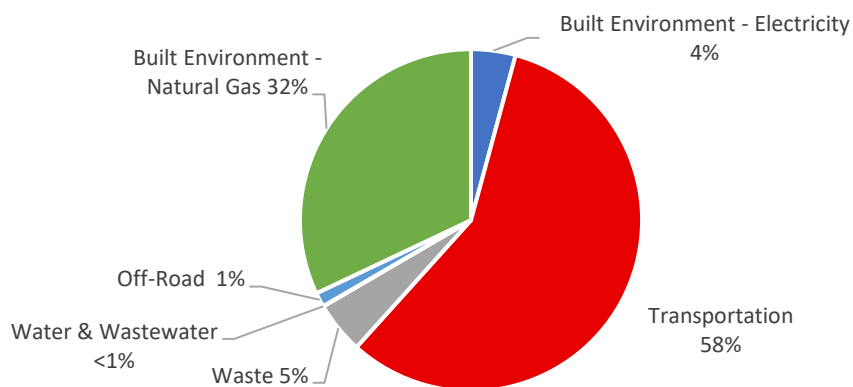
Year	Built Environment - Electricity	Built Environment - Natural Gas	Transportation	Waste	Off-Road	Water	Wastewater	Total	% Change from 2005	% Change from 1990 ²
1990 (est.) ¹								67,505		
2005	11,185	19,621	43,244	4,101	1,174	510	284	80,119		
2006	10,485	20,300	42,278	4,063	1,227	446	274	79,072	-1%	
2007	14,266	19,329	41,776	3,653	1,453	599	344	81,420	2%	
2008	14,311	20,108	39,705	3,041	1,191	552	351	79,260	-1%	
2009	12,819	19,568	37,939	2,617	1,004	555	310	74,812	-7%	
2010	9,698	19,801	35,247	2,566	897	318	254	68,781	-14%	
2011	8,906	20,692	35,182	2,504	871	225	235	68,616	-14%	
2012	9,264	19,428	35,870	2,602	855	243	251	68,513	-14%	
2013	8,457	19,028	35,020	2,635	846	283	246	66,515	-17%	
2014	7,555	15,823	34,320	2,665	841	255	212	61,670	-23%	
2015	7,193	16,121	33,429	2,764	833	200	208	60,748	-24%	
2016	5,895	16,840	32,494	3,253	821	149	190	59,642	-26%	
2017	3,134	17,926	32,314	3,398	806	43	142	57,764	-28%	
2018	3,287	17,922	31,825	3,019	786	15	127	56,981	-29%	
2019	3,345	18,090	31,299	2,875	762	16	107	56,494	-29%	-18%
2020	2,264	17,231	30,915	2,645	726	20	106	53,908	-33%	-21%
Change from 2005	-8,921	-2,390	-12,329	-1,456	-447	-490	-178	-26,211		
% Change from 2005	-80%	-12%	-29%	-36%	-38%	-96%	-63%	-33%		

¹ Per California Air Resources Board guidance, 1990 levels are estimated at 15% below 2005 levels.

² In 2019, San Anselmo adopted a Climate Action Plan that established a goal to reduce emissions 45% below 1990 levels by 2030. This column will track that progress over time.

Figure 2 shows the relative contribution of emissions from these sectors in 2020. Transportation emissions represent the largest share of communitywide emissions (58%), while the use of natural gas and propane in the Built Environment accounts for nearly one-third of emissions.

FIGURE 2: EMISSIONS BY SECTOR, 2020

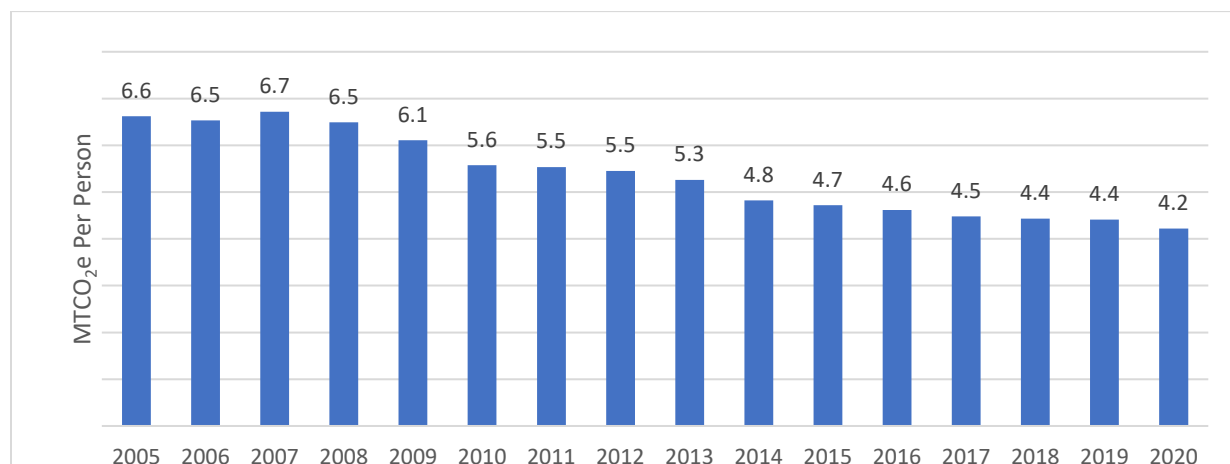


PER CAPITA EMISSIONS

Per capita emissions can be a useful metric for measuring progress in reducing greenhouse gases and for comparing one community's emissions with neighboring cities and against regional and national averages. That said, due to differences in emission inventory methods, it can be difficult to produce directly comparable per capita emissions numbers. Per capita emission rates may be compared among Marin jurisdictions, although some jurisdictions may have higher rates due to the presence of commercial and industrial uses.

Dividing the total communitywide GHG emissions by residents yields a result of 6.6 metric tons CO₂e per capita in 2005. Per capita emissions decreased 36% between 2005 and 2020, falling to 4.2 metric tons per person. Figure 3 shows the trend in per capita emissions over time. It is important to understand that this number is not the same as the carbon footprint of the average individual living in San Anselmo, which would include lifecycle emissions, emissions resulting from air travel, etc.

FIGURE 3: EMISSIONS PER CAPITA



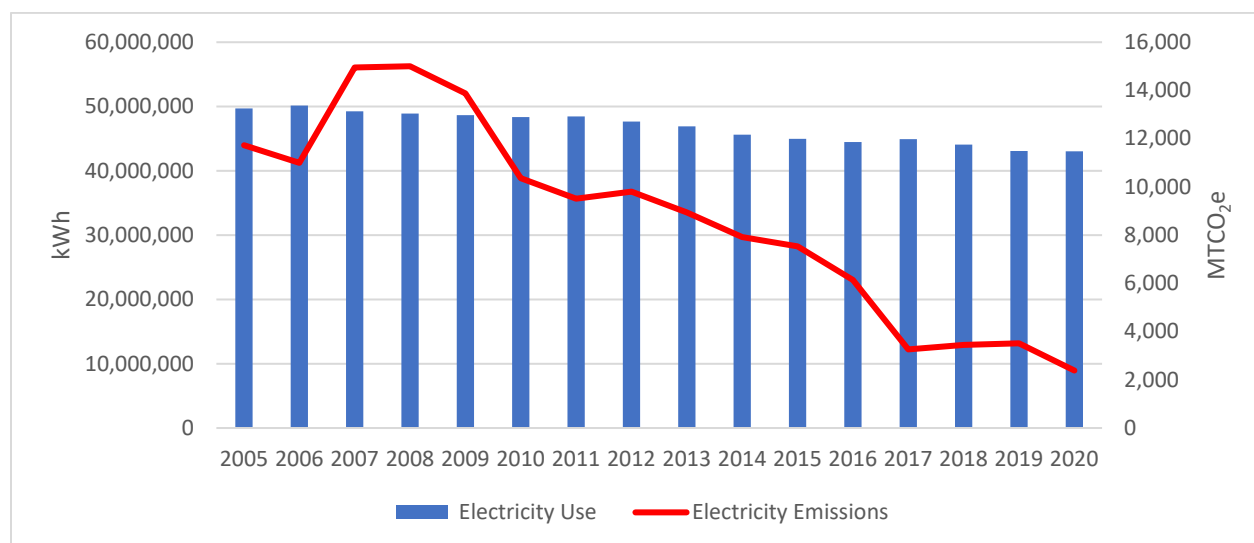
SIGNIFICANT SOURCES OF EMISSIONS

The following sections provide a year-by-year analysis of the changes in source GHG emissions in the Built Environment, Transportation, Waste, and Water sectors. Whenever possible, each section discusses the change in emissions from previous years and the likely influence of state and local programs or policies and external factors on reducing emissions.

BUILT ENVIRONMENT - ELECTRICITY

Purchased electricity use in homes and businesses in San Anselmo decreased 13% between 2005 and 2020. Greenhouse gas emissions from electricity consumption decreased 80% since 2005, as shown in Figure 4. This is primarily due to the lower carbon intensity of electricity. PG&E has been steadily increasing the amount of renewable energy in its electricity mix. In 2020, PG&E electricity came from a mix of renewable (31%), large hydroelectric (10%), nuclear (43%), and natural gas (16%) energy sources and was 84% GHG-free.² MCE Light Green electricity came primarily from renewable (61%) and hydroelectric (36%) sources and was 98% GHG-free.³ In 2020, about 6.2% of MCE electricity purchased by San Anselmo customers was 100% renewable Deep Green electricity, including electricity purchased by the Town government.

FIGURE 4: ELECTRICITY USE AND EMISSIONS



BUILT ENVIRONMENT - NATURAL GAS

Natural gas is used in residential, commercial, and industrial buildings to provide space and water heating and power appliances. Use of natural gas is highly variable depending on the weather conditions. This variability has led natural gas use consumption in San Anselmo to fluctuate from year to year, from a high of 3.8 million therms in 2011 to a

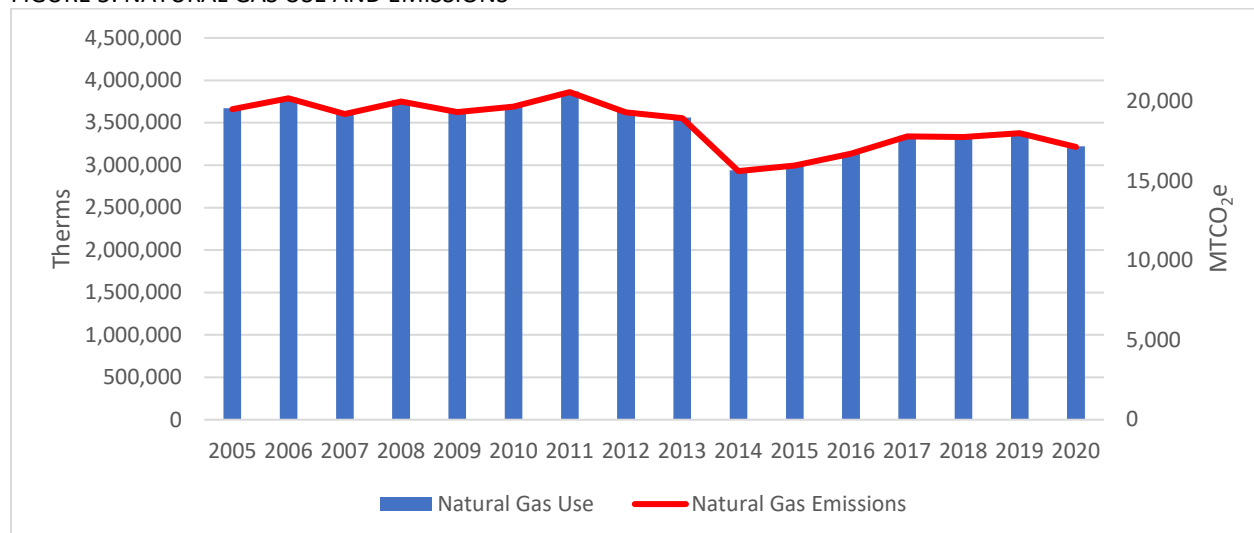
² PG&E 2020 Power Content Label, https://www.pge.com/pge_global/common/pdfs/your-account/your-bill/understand-your-bill/bill-inserts/2021/1021-PowerContent.pdf. Nuclear and large hydro sources are considered GHG-free.

³ MCE 2020 Power Content Label, [https://www.mcecleanenergy.org/energy-suppliers/#iLightbox\[47d9eefc46030b57d7a\]/0](https://www.mcecleanenergy.org/energy-suppliers/#iLightbox[47d9eefc46030b57d7a]/0).

low of 2.9 million therms in 2014. Reduction in energy use may also be attributed to energy efficiency programs and rebates, local green building ordinances, and State building codes.

Natural gas consumption declined 5% between 2019 and 2020 and was 12% below the 2005 level in 2020. Unlike electricity emissions which reflect the power content mix, natural gas emissions track the amount of natural gas consumed (Figure 5).

FIGURE 5: NATURAL GAS USE AND EMISSIONS



TRANSPORTATION

Transportation activities accounted for approximately 58% of San Anselmo's emissions in 2020. According to the transportation model and annual data the Town uses to calculate passenger and commercial vehicle miles, vehicle miles traveled (VMT) have decreased approximately 14% since 2005 and were flat between 2019 and 2020. However, this data may not accurately reflect recent trends. The transportation model has not been updated for several years (it is currently being revised), and the annual data the Town uses to adjust the model's output provides vehicle counts on state highways but not local roads, where the pandemic most likely reduced VMT.

Transportation emissions decreased 29% since 2005 due to the reduction in VMT as well as more fuel-efficient and alternatively fueled cars (Figure 6). As shown in Figure 7, most transportation emissions come from passenger vehicles, accounting for 86% of transportation emissions in 2020. Marin County continues to be a leader in zero emission vehicles (ZEVs) – second only to Santa Clara County – with 9,709 ZEVs in Marin at the end of 2020, or 4.7% of registered automobiles. ZEVs include battery electric cars, plug-in hybrid electric cars, hydrogen fuel cell cars, and zero-emission motorcycles. San Anselmo had 675 ZEVs by the end of 2020 or 5.7% of registered light-duty vehicles.

While it is difficult to pinpoint exactly how each land use and transportation policy affects emissions, the Town has undertaken many efforts to reduce transportation emissions. The Town encourages workforce housing and has made improvements to the transportation network to make it easier for residents to bicycle, walk, and take public transportation. The Town has also promoted electric vehicle adoption by installing chargers and providing free electricity at municipal EV charging stations.

FIGURE 6: VEHICLE MILES TRAVELED AND TRANSPORTATION EMISSIONS

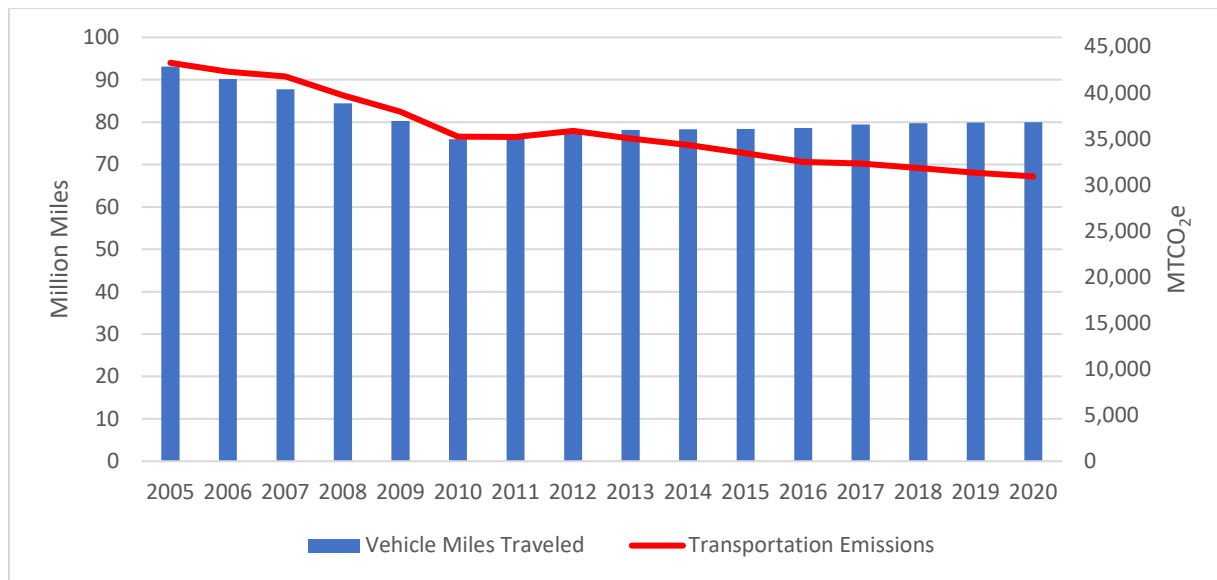
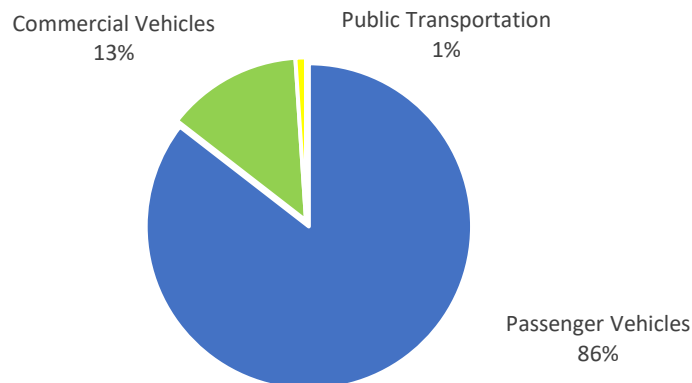


FIGURE 7: TRANSPORTATION EMISSIONS BY VEHICLE CATEGORY, 2020



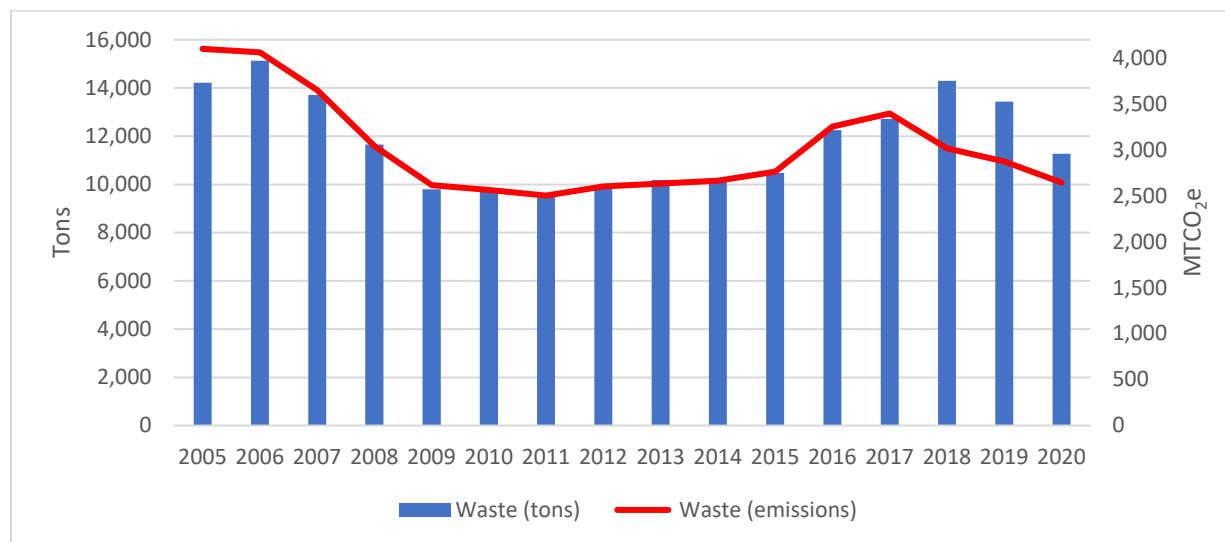
Note: Public transportation represents emissions from Marin Transit and Golden Gate Transit fixed-route buses.

WASTE DISPOSAL

Waste generated by the San Anselmo community decreased 16% between 2019 and 2020 after an increasing trend the prior seven years, as shown in Figure 8 (based on countywide disposal data). Total landfilled waste (including alternative daily cover)⁴ was 21% below the 2005 baseline in 2020. Emissions from waste disposal decreased 36% due to the lower organic content of disposed waste and material used for alternative daily cover.

⁴ Alternative daily cover is cover material other than earthen material placed on the surface of the active face of a municipal solid waste landfill at the end of each operating day to control vectors, fires, odors, blowing litter, and scavenging.

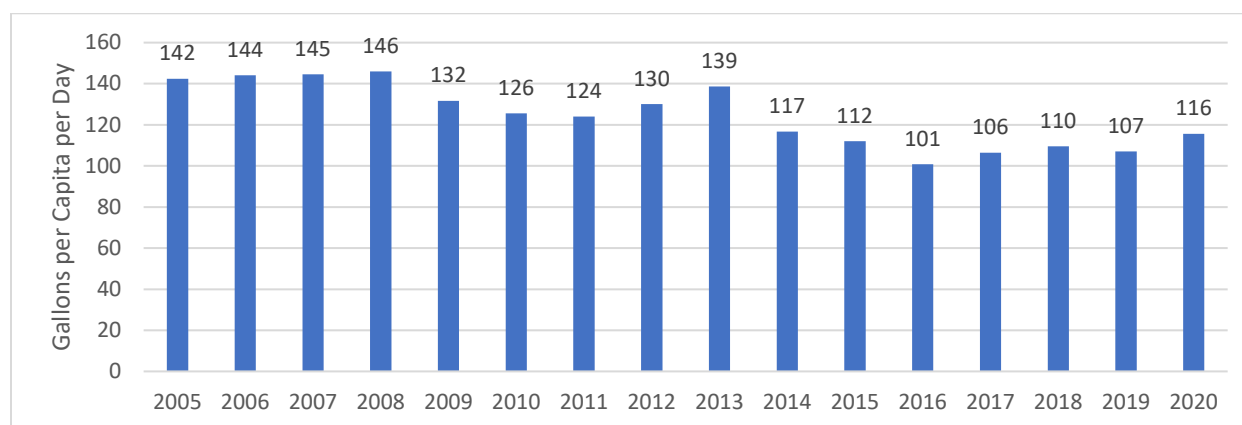
FIGURE 8: DISPOSED WASTE AND EMISSIONS



WATER USE

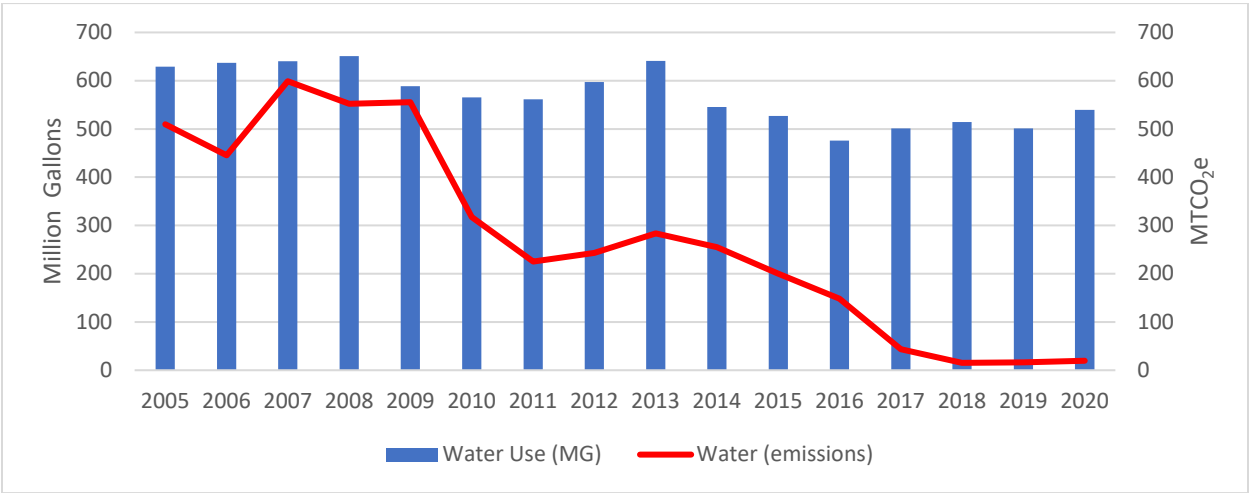
Per capita water use increased 8% between 2019 and 2020, but was 25% below the 2005 level in 2020, as shown in Figure 9 (based on MMWD district-wide data). Emissions, which are based on an estimate of energy used to pump, treat, and convey water from the water source to the Town limits, dropped 97% between 2005 and 2019 (Figure 10). The reduction is primarily due to the lower carbon intensity of electricity. The Marin Municipal Water District (Marin Water) began purchasing MCE Deep Green electricity in mid-2017. The Sonoma County Water Agency (SCWA), which supplies approximately 27% of Marin Water's water in 2020, uses renewable and carbon-free sources for its electricity needs; a small amount of emissions comes from stationary and mobile combustion of fuels used in SCWA's operations.

FIGURE 9: PER CAPITA WATER USE



Source: Marin Municipal Water District

FIGURE 10: WATER CONSUMPTION AND EMISSIONS



MMWD provides rebates and programs to reduce water use. Rebates are available to replace fixtures with high-efficiency clothes washers and to purchase cisterns and rain barrels. MMWD provides free home and landscape water-use evaluations as well as free high-efficiency showerheads and faucet aerators. The Town of San Anselmo actively promotes water conservation and MMWD rebates and programs to residents and businesses.

APPENDIX: COMMUNITY INVENTORY

Community GHG Emissions Summary Table

Jurisdiction: Town of San Anselmo

Population: 12,776 (CA Department of Finance)

Number of Households: 5,225 (CA Department of Finance)

Inventory Year: 2020

Date Prepared: July 17, 2022

Reporting Framework: Communitywide Activities

ID	Emissions Type	Source or Activity	Included, Required Activities	Included, Optional Activities	Excluded (IE, NA, NO or NE)	Notes	Emissions (MTCO ₂ e)
1.0	Built Environment						
1.1	Use of fuel in residential and commercial stationary combustion equipment	Both	•				17,231
1.2	Industrial stationary sources	Source			NE		
1.3	Power generation in the community	Source			NO		
1.4	Use of electricity in the community	Activity	•			Includes transmission and distribution losses	2,264
1.5	District heating/cooling facilities in the community	Source			NE		
1.6	Use of district heating/cooling facilities in the community	Activity			NE		
1.7	Industrial process emissions in the community	Source			NO		
1.8	Refrigerant leakage in the community	Source			NE		
2.0	Transportation and Other Mobile Sources						
2.1	On-road passenger vehicles operating within the community boundary	Source			IE	Obtained data for preferred activity-based method instead	
2.2	On-road passenger vehicles associated with community land uses	Activity	•				26,428
2.3	On-road freight and service vehicles operating within the community boundary	Source			IE	Obtained data for preferred activity-based method instead	
2.4	On-road freight and service vehicles associated with community land uses	Activity	•				4,165
2.5	On-road transit vehicles associated with community land uses	Activity		•			322
2.6	Transit rail vehicles operating with the community boundary	Source			NO		
2.7	Use of transit rail travel by the community	Activity			NE		

2.8	Inter-city passenger rail vehicles operating within the community boundary	Source			NO		
2.9	Freight rail vehicles operating within the community boundary	Source			NO		
2.10	Marine vessels operating within the community boundary	Source			NE		
2.11	Use of ferries by the community	Activity			NE		
2.12	Off-road surface vehicles and other mobile equipment operating within the community boundary	Source		•			726
2.13	Use of air travel by the community	Activity			NE		
3.0	Solid Waste						
3.1	Operation of solid waste disposal facilities in the community	Source			NE		
3.2	Generation and disposal of solid waste by the community	Activity	•			Includes alternative daily cover	2,645
4.0	Water and Wastewater						
4.1	Operation of water delivery facilities in the community	Source			IE	Energy use is included in 1.1 and 1.4	
4.2	Use of energy associated with use of potable water by the community	Activity	•				20
4.3	Use of energy associated with generation of wastewater by the community	Activity	•				0
4.4	Process emissions from operation of wastewater treatment facilities located in the community	Source			NO		
4.5	Process emissions associated with generation of wastewater by the community	Activity	•				106
4.6	Use of septic systems in the community	Source			NE		
5.0	Agriculture						
5.1	Domesticated animal production	Source			NE		
5.2	Manure decomposition and treatment	Source			NE		
6.0	Upstream Impacts of Communitywide Activities						
6.1	Upstream impacts of fuels used in stationary applications by the community	Activity			NE		
6.2	Upstream and transmission and distribution (T&D) impacts of purchased electricity used by the community	Activity			IE	Transmission and distribution losses included in 1.4	
6.3	Upstream impacts of fuels used by water and wastewater facilities for water used and wastewater generated within the community boundary	Activity			IE		
6.4	Upstream impacts of select materials (concrete, food, paper, carpets, etc.) used by the whole community.	Activity			NE		

Legend

IE – Included Elsewhere: Emissions for this activity are estimated and presented in another category of the inventory. The category where these emissions are included should be noted in the explanation.

NE – Not Estimated: Emissions occur but have not been estimate or reported (e.g., data unavailable, effort required not justifiable).

NA – Not Applicable: The activity occurs but does not cause emissions; explanation should be provided.

NO – Not Occurring: The source or activity does not occur or exist within the community.

Community Emissions Data Sources and Calculation Methodologies

Sector/ID	Emissions Source	Source and/or Activity Data	Emission Factor and Methodology
1.0 Built Environment			
1.1 Stationary Combustion	Stationary Combustion (CO ₂ , CH ₄ & N ₂ O)	Known fuel use (meter readings by PG&E) and estimated fuel use (American Community Survey 5-Year Estimates, and U.S. Energy Information Administration Household Site Fuel Consumption data).	Default CO ₂ , CH ₄ & N ₂ O emission factors by fuel type (U.S. Community Protocol v. 1.1, Appendix C, Tables B.1 and B.3). U.S. Community Protocol v. 1.1, Appendix C, Method BE.1.1 and BE.1.2.
1.4 Electricity Use	Electricity Use (CO ₂ , CH ₄ & N ₂ O)	Known electricity use (meter readings by PG&E and MCE) and estimated direct access electricity consumption.	Verified utility-specific emission factors (PG&E and MCE) and eGrid subregion default emission factors. U.S. Community Protocol v. 1.1, Appendix C, Method BE.2.1.
	Electric Power Transmission and Distribution Losses (CO ₂ , CH ₄ & N ₂ O)	Estimated electricity grid loss for Western region from eGrid.	U.S. Community Protocol v. 1.1, Appendix C, Method BE.4.1.
2.0 Transportation and Other Mobile Sources			
2.2 On-Road Passenger Vehicle Operation	On-Road Mobile Combustion (CO ₂)	Estimated passenger vehicle miles traveled associated with origin and destination land uses (Metropolitan Transportation Commission, http://capvmt.us-west-2.elasticbeanstalk.com/data).	CO ₂ for on-road passenger vehicles quantified in the EMFAC2021 v.1.0.1 model. Passenger vehicle emissions calculated according to U.S. Community Protocol v. 1.1, Appendix D, Method TR.1.A.
	On-Road Mobile Combustion (CH ₄ & N ₂ O)	Estimated vehicle miles traveled associated with origin and destination land uses (Metropolitan Transportation Commission, http://capvmt.us-west-2.elasticbeanstalk.com/data).	CH ₄ and N ₂ O for on-road passenger vehicles quantified in the EMFAC2021 v.1.0.1 model. Passenger vehicle emissions calculated according to U.S. Community Protocol v. 1.1, Appendix D, Method TR.1.A.
2.4 On-Road Freight and Service Truck Freight Operation	On-Road Mobile Combustion (CO ₂)	Estimated commercial vehicle miles traveled within the boundary (Metropolitan Transportation Commission utilizing Plan Bay Area 2040 and the 2017 Regional Transportation Plan).	CO ₂ for on-road commercial vehicles quantified in the EMFAC2021 v.1.0.1 model. Emissions allocated utilizing LEHD data according to U.S. Community Protocol v. 1.1, Appendix D, Method TR.2.A.
	On-Road Mobile Combustion (CH ₄ & N ₂ O)	Estimated commercial vehicle miles traveled within the boundary (Metropolitan Transportation Commission utilizing Plan Bay Area 2040 and the 2017 Regional Transportation Plan).	CH ₄ and N ₂ O for on-road commercial vehicles quantified in the EMFAC2021 v.1.0.1 model. Emissions allocated utilizing LEHD data according to U.S. Community Protocol v. 1.1, Appendix D, Method TR.2.A.
2.5 On-Road Transit Operation	On-Road Mobile Combustion (CO ₂)	Estimated vehicle miles traveled within the boundary (Marin Transit and Golden Gate Transit) and estimated diesel fuel efficiency for transit fleet (Golden Gate Transit). Fuel type provided by Marin Transit and Golden Gate Transit.	Renewable diesel emission factor provided by NEXGEN . U.S. Community Protocol v. 1.1, Appendix D, Method TR.4.A.
	On-Road Mobile Combustion (CH ₄ & N ₂ O)	Estimated vehicle miles traveled within the boundary (Marin Transit and Golden Gate Transit) and estimated diesel fuel efficiency for transit fleet (Golden Gate Transit). Fuel type provided by Marin Transit and Golden Gate Transit.	Renewable diesel emission factor provided by NEXGEN . U.S. Community Protocol v. 1.1, Appendix D, Method TR.4.B.

2.12 Off-Road Vehicles and Equipment	Off-Road Mobile Combustion (CO ₂)	Estimated fuel use from OFFROAD 2021 v.1.0.1 for Lawn and Garden and Construction equipment. All categories are allocated by share of countywide households.	CO ₂ emissions calculated according U.S. Community Protocol v. 1.1, Appendix D, Method TR.8. Emission factors provided in Table TR.1.6.
	Off-Road Mobile Combustion (CH ₄ & N ₂ O)	Estimated fuel use from OFFROAD 2021 v.1.0.1 for Lawn and Garden and Construction equipment. All categories are allocated by share of countywide households.	CH ₄ and N ₂ O emissions calculated according to U.S. Community Protocol v. 1.1, Appendix D, Method TR.8. Emission factors provided in the Local Government Operations Protocol Table G.11 and G.14.
3.0 Solid Waste			
3.2 Solid Waste Generation and Disposal	Fugitive Emissions from Landfilled Waste (CH ₄)	Estimated landfilled tons based on reporting to CalRecycle by Marin County Solid and Hazardous Waste JPA and allocated to jurisdiction based on share of countywide population. Waste characterization based on the Statewide Waste Characterization Study (2008, 2014 and 2018) and Alternative Daily Cover by Jurisdiction of Origin and Material Type as reported to CalRecycle.	Emission factors calculated utilizing U.S. Community Protocol for Accounting and Report of Greenhouse Gas Emissions, Version 1.1, July 2013, Appendix E, Method SW.4.
4.0 Water and Wastewater			
4.2 Water Supply & Conveyance, Treatment and Distribution	Electricity Use (CO ₂)	Water consumption data provided by Marin Municipal Water District (MMWD). Electricity consumption data provided by MMWD. Sonoma County Water Agency (SCWA) delivery amount provided by SCWA .	Verified utility-specific emission factors (PG&E, MCE and SCWA). Emissions calculated according to U.S. Community Protocol v. 1.1, Appendix F, Method WW.14.
	Electricity Use (CH ₄ & N ₂ O)	Water consumption data provided by Marin Municipal Water District (MMWD). Electricity consumption data provided by MMWD.	eGrid subregion default emission factors. Emissions calculated according to U.S. Community Protocol v. 1.1, Appendix F, Method WW.14.
4.5 Treatment of Wastewater	Stationary Emissions from Combustion of Digester Gas (CH ₄)	Known amount of digester gas produced per day and known percent of methane in digester gas provided by Central Marin Sanitation Agency.	Emissions calculated according to U.S. Community Protocol v. 1.1, Appendix F, Method WW.1.a.
	Stationary Emissions from Combustion of Digester Gas (N ₂ O)	Known amount of digester gas produced per day and known percent of methane in digester gas provided by Central Marin Sanitation Agency.	Emissions calculated according to U.S. Community Protocol v. 1.1, Appendix F, Method WW.2.a.
	Process Emissions from Wastewater Treatment Plant without Nitrification or Denitrification	Estimated population served by wastewater treatment plant provided by Central Marin Sanitation Agency.	Emissions calculated according to U.S. Community Protocol v. 1.1, Appendix F, Method WW.8.

	Fugitive Emissions from Effluent Discharge (N ₂ O)	Estimated population served by wastewater treatment plant provided by Central Marin Sanitation Agency. Assumed significant industrial or commercial input.	Emissions calculated according to U.S. Community Protocol v. 1.1, Appendix F, Method WW.12(alt).
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Town of San Anselmo

525 San Anselmo Avenue
San Anselmo, CA 94960

Staff Report

TO: Town Council

9/27/2022

Item #: 4.

FROM:

Sean Youra, Climate Action Coordinator

SUBJECT:

Consideration of a Potential Ban on Additional Gas-Powered Landscape Equipment

RECOMMENDATION

Provide direction to staff as to whether to:

1. Bring an ordinance to a subsequent Council meeting to prohibit the use of additional gas-powered landscape equipment.
2. Establish a new trade-in and rebate program if an ordinance prohibiting the use of additional gas-powered landscape equipment were to be adopted.

BACKGROUND

In April 2020, the Climate Action Commission (CAC) adopted a recommendation for the Town Council to ban two-stroke engine landscape equipment in San Anselmo. In August 2020, the CAC conducted a community survey asking people's opinion on the issue of regulating gas-powered landscape equipment in San Anselmo.

At its September 22, 2020 meeting, the Town Council discussed a draft ordinance that would prohibit the use of certain gas-powered landscape equipment. During the meeting, Council directed staff to narrow the scope of the ordinance to just cover gas-powered leaf blowers.

At its September 28, 2021 meeting, the Town Council adopted Ordinance 1157, which effectively prohibited the use of gas-powered leaf blowers beginning January 1, 2022. During the meeting, some councilmembers also expressed interest in expanding the ordinance to cover additional landscape equipment at a later date. A rebate program was subsequently established to provide a 50% rebate for the purchase of a new electric leaf blower from Jackson's Hardware when a resident or commercial landscaper traded in their gas-powered leaf blower at the Town Corporation Yard.

The CAC has adopted their priority initiatives for 2022-2023. One of those initiatives includes having the town adopt an ordinance requiring transition to other categories of electric landscape equipment. As part of the implementation of this potential ordinance, the CAC recommends expanding the existing rebate program for leaf blowers to cover additional landscape equipment that would be subject to the ordinance.

DISCUSSION

To adequately assess the impact of a proposed ordinance that would prohibit gas-powered landscape

equipment, staff recommends the Council consider the following:

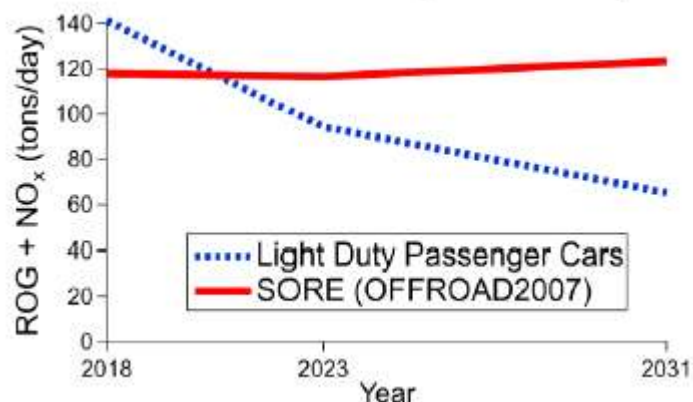
Emissions Impact from Landscape Equipment

According to San Anselmo's Climate Action Plan (CAP), the 100% electrification of leaf blowers in San Anselmo would result in an estimated emissions reduction of 24 metric tons of carbon dioxide equivalent (MTCO₂e) by 2030. If the use of additional gas-powered landscape equipment is prohibited in the town, the estimated emissions reduction would be much higher. According to calculations conducted by Christine O'Rourke, Sustainability Coordinator for the Marin Climate & Energy Partnership, the 100% electrification of all landscape equipment in the town would result in an estimated emissions reduction of 516 MTCO₂e. For comparison purposes, this is equivalent to the GHG emissions from 111 gas-powered vehicles being driven for a year or 65 homes' energy use for a year. A further breakdown of the emissions impact in San Anselmo by equipment type is provided below.

Equipment Type	Estimated Fuel Consumption in 2020 (in gallons)	Estimated GHG Emissions in 2020 (in MTCO ₂ e)
Chainsaws	4,668	41.3
Lawn mowers	11,001	97.4
Leaf blowers	12,122	107.3
Riding mowers	20,078 (gasoline) 1,178 (diesel)	177.7 12.1
Trimmers/edgers/brush cutters	9,085	80.4
Total	56,954 (gasoline) 1,178 (diesel)	516.2

The emissions reduction calculation assumes that approximately 5% of countywide emissions from small off-road engines (SORE), primarily used in landscape equipment, are attributable to San Anselmo based on its share of countywide households in 2020 (the latest year for which emissions data is available). It should be noted that the estimated emissions reduction only accounts for the fuel used in landscape equipment and does not factor in lifecycle emissions from the manufacture, shipping, and disposal of such equipment at the end of its useful life. For gas-powered landscape equipment, emissions occur during both operation (from exhaust and fuel evaporation) and storage (from fuel evaporation), which is not the case for electric landscape equipment.

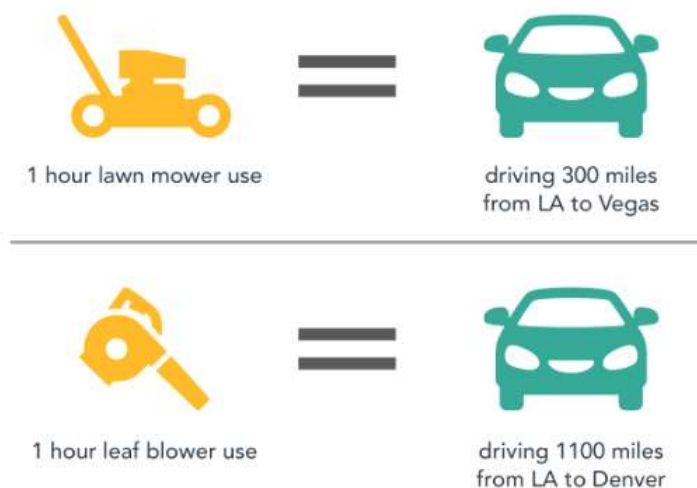
Statewide, daily nitrogen oxides (NO_x) and reactive organic gases (ROG) emissions from SORE are already higher than emissions from light-duty passenger cars. The contribution of these emissions from SORE is expected to be nearly twice those from passenger cars by 2031.



Health Impacts from Landscape Equipment

Gas-powered landscape equipment not only produce high levels of localized emissions, but also produce hazardous air pollutants. Landscapers using gas-powered landscape equipment, as well as members of the public, are exposed to these hazardous air pollutants routinely.

For illustrative purposes, one hour of operation of a commercial leaf blower can emit as much smog-forming pollution as driving 1100 miles in a 2017 Toyota Camry while one hour of operation of a commercial lawn mower can emit as much smog-forming pollution as driving that same Toyota Camry 300 miles, as depicted in the graphic below. Nationwide, it's estimated that landscape equipment engines produce up to 5% of total air pollution, primarily from two-stroke engines.



Additionally, electric landscape equipment is generally not as noisy as gas-powered equipment, so switching to electric may also help reduce noise pollution.

State and Local Jurisdiction Regulation of Landscape Equipment

The California Air Resources Board (CARB) has had emissions standards for SORE since 1990. As a result of these standards, SORE are 40-80% cleaner today than before the standards were put in place. Despite these standards, emissions from SORE continue to increase.

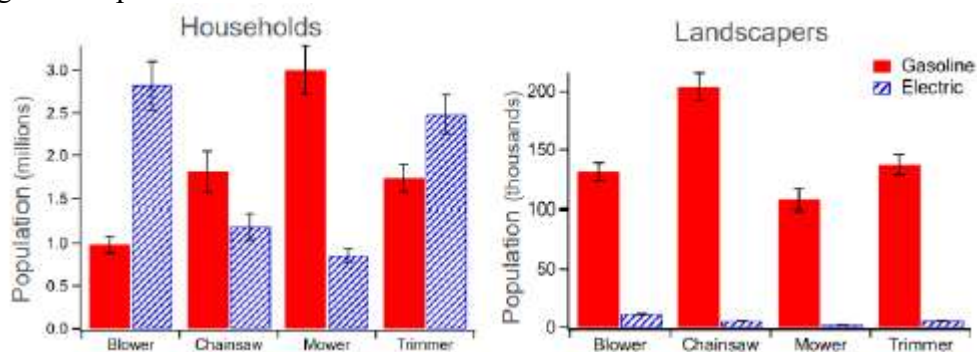
To address these rising emissions and air quality issues from SORE, California has enacted AB 1346, *Air pollution: small-off road engines*, to prohibit engine exhaust and evaporative emissions from new SORE. The regulations on these engines will apply on or after January 1, 2024. In addition, the State has a goal of transitioning to 100% zero-emission off-road vehicles and equipment by 2035, as stated in Executive Order N-79-20. Therefore, it is anticipated that future State regulations will cover transitioning existing gas-powered SORE equipment to zero-emission equipment. As part of the implementation of AB 1346, \$30 million will be available to professional landscapers starting this fall through CARB's Clean Off-Road Equipment Voucher Incentive Project (CORE) to help transition to electric landscape equipment.

Several jurisdictions throughout California have either already implemented regulations on gas-powered landscape equipment or are in the process of doing so. Belvedere, San Rafael, Novato, Los Gatos, Mill Valley, Corte Madera, Larkspur, Tiburon, Sonoma, San Anselmo, and other Bay Area jurisdictions have all prohibited the use of gas-powered leaf blowers (with exemptions in some cases). Some jurisdictions have gone farther such as Oakland, which prohibits the use of both gas-powered leaf blowers and string trimmers. Sausalito may ban gas-powered leaf blowers with a phase-out period for other landscape equipment. Fairfax adopted an ordinance in July 2022 that prohibits the use of all gas-powered landscape equipment including leaf blowers, trimmers, edgers, chainsaws, and mowers starting January 1, 2023 for residents and town staff, and January 1, 2024 for commercial landscapers (ordinance attached for reference).

Technical and Financial Feasibility

Several electric landscape equipment models currently exist that can replace gas-powered landscape equipment for residential and commercial uses. CARB maintains a list of these models on its Zero-Emission Lawn Equipment website for mowers, string trimmers, hedge trimmers, chainsaws, and leaf blowers including cordless and corded options. Electric landscape equipment can be purchased from local retailers including Jackson's Hardware, The Home Depot, and Fairfax Lumber & Hardware.

Over half of household lawn and garden equipment used in the State is already electric, but uptake of electric equipment among landscapers has been much lower.



The costs of cordless battery-operated equipment are comparable to gas-powered models (and are less expensive in some cases), especially when fuel and maintenance costs associated with gas-powered equipment are factored in over the lifetime of the equipment*. Costs of different electric models were obtained from the list of commercial and residential zero-emission lawn equipment brands on the CARB Zero-Emission Lawn Equipment website. For comparison purposes, the costs of both commercial- and residential-grade gas-powered landscape equipment are shown in the table below. Average costs were obtained from several landscape equipment review websites.

Equipment Type	Commercial			Residential		
	Electric Model Exists? (Y/N)	Electric Average Cost	Gas Average Cost	Electric Model Exists? (Y/N)	Electric Average Cost	Gas Average Cost
Leaf blower	Y	\$400	\$350	Y	\$250	\$150
String trimmer	Y	\$300	\$350	Y	\$150	\$200
Hedge trimmer	Y	\$400	\$400	Y	\$180	\$150
Edger	Y	\$300	\$400	Y	\$100	\$200
Pole saw	Y	\$750	\$650	Y	\$300	\$250
Chainsaw	Y	\$450	\$450	Y	\$250	\$350
Mower	Y	\$600	\$500	Y	\$400	\$300
Riding mower	Y	\$6000	\$3500	Y	\$3000	\$2500

*Note: Only cordless electric models were evaluated as they are more comparable to gas-powered models in terms of usability. Some of the equipment evaluated comes with batteries and chargers while others do not.

Based on user experience feedback received from local landscapers and hardware store staff, the cordless battery-operated equipment can be more powerful and user-friendly than gas-powered equipment while also being quieter than gas-powered equipment. Batteries for a particular brand are often interchangeable between equipment and can last several years before needing to be replaced. Several online reviews and testimonials validate these assertions that electric landscape equipment can perform just as well, if not better, than gas-powered equipment for both commercial and residential use.

Additionally, local landscapers that were contacted stated they are already using electric landscape equipment in most cases unless there isn't a comparable electric model on the market or for particular situations such as landscaping in large remote areas where there are concerns over battery life. To address this latter concern, landscapers often have to carry several extra batteries (at least 5-6 batteries) to ensure the electric equipment lasts long enough to complete the job. However, there are commercial backpack batteries that are available that can last about as long as gas-powered equipment and don't require the landscaper to carry several batteries.

Implementation and Enforcement

If directed by Council to bring an ordinance to a subsequent meeting to prohibit the use of additional gas-powered landscape equipment, staff recommends that the following exemptions be provided depending on the scope of the ordinance:

- Emergency use situations
- Vegetation management for fire prevention
- Chainsaws longer than 18" used for large tree work
- Brush cutters
- If no commercially available or cost-effective electric model (either corded or cordless) exists for the equipment type

In the case of a lack of commercially available or cost-effective electric landscape equipment, temporary

exemptions could be approved by the Public Works Director or designee that would require sufficient documentation from the user of the equipment that may include, but would not be limited to, a list of equipment suppliers contacted, rationale that a comparable electric model is not available on the market or not available at a commercially reasonable price (documented via cost comparisons of gas vs. electric equipment), and the financial impact on the user if required to comply with the ordinance. Staff recommends limiting temporary exemptions to no longer than two years in duration.

San Anselmo's Public Works staff are already using all-electric landscape equipment along with approximately 30 batteries with several chargers to ensure there are always batteries available for use. Therefore, no additional work would be required for town staff to be compliant if the use of additional gas-powered landscape equipment were prohibited.

If also directed to establish a new trade-in and rebate program that would cover the additional prohibited gas-powered landscape equipment, staff recommends that it be set up in the same way as the existing trade-in and rebate program for leaf blowers. A new rebate program to cover additional landscape equipment would ensure that residents can make the transition to electric landscape equipment in a more affordable way, as they will not be eligible for the CORE funding from the CARB. Additionally, a local rebate program would ensure that local landscapers doing work in the town could have a reliable source of funds to purchase electric landscape equipment, as the CARB funding is likely to go quickly and will not be sufficient to provide funding to all landscapers. Staff spoke with Dan O'Gorman, General Manager at Jackson's Hardware, about the current rebate program for leaf blowers and the idea of expanding the rebate program to cover additional equipment. Dan said his customers were happy with how the current rebate program works and that Jackson's Hardware would be interested in partnering with the town again if an expanded rebate program was offered. Jackson's Hardware carries equipment from several different manufacturers of electric landscape equipment along with batteries and accessories. Dan would prefer to have the trade-in portion of the program remain at the town's corp yard, which is what Public Works staff prefers as well. Local landscapers that were contacted all stated they would take advantage of a rebate program for electric landscape equipment, if offered.

Staff recommends that enforcement of an ordinance covering additional landscape equipment be handled in the same way as for the existing leaf blower ordinance, in which most of the enforcement is handled by code enforcement staff or Central Marin Police during off hours. Similar to Fairfax, staff recommends that the compliance dates for a potential landscape equipment ordinance be staggered for residents and commercial landscapers such that landscapers are given a longer time period to comply.

FISCAL IMPACT

If a new ordinance is brought to Council, the fiscal impact would be staff time to write and review the draft ordinance. Staff time would also be required to establish a new trade-in and rebate program, if directed to do so by Council. Staff recommends that at least \$10,000 be budgeted for such a rebate program, and the funds could be allocated from the Climate Action Fund.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

The Council's discussion of a potential ban on additional gas-powered landscape equipment is not a "project" under the California Environmental Quality Act, because it does not involve an activity which has the potential

to cause a direct or reasonably foreseeable indirect physical change in the environment. (Cal. Pub. Res. Code § 21065).

This report is consistent with the following measures of the adopted CAP:

- **T-10: Electric Landscape Equipment:** Encourage the use of electric landscape equipment powered by renewable energy sources instead of gasoline-powered equipment through engagement campaigns; encourage transition to manual equipment.
- **T-14: Municipal Electric Landscape Equipment:** Consider replacing gas-powered leaf blowers with electric models or manual sweeping where feasible.

CONCLUSION

Staff respectfully requests Council direction on whether to bring an ordinance to a subsequent Council meeting to prohibit the use of additional gas-powered landscape equipment and whether to establish a new rebate program if such an ordinance were to be adopted.

Attachments:

1. Fairfax Landscape Equipment Ordinance

ORDINANCE NO. 867

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
AMENDING SECTION 1.08.020(A), "VIOLATIONS DESIGNATED INFRACTIONS," OF
TITLE 1 OF THE FAIRFAX MUNICIPAL CODE AND ADDING CHAPTER 8.74, "GASOLINE
POWERED LANDSCAPE EQUIPMENT," TO TITLE 8 OF THE FAIRFAX MUNICIPAL CODE**

WHEREAS, the Town Council for the Town of Fairfax ("Town") has established a Climate Action Committee, which is charged with creating and implementing the Town's Climate Action Plan; and

WHEREAS, the Climate Action Plan includes Program R-6, related to Electric Landscape Equipment, and provides that the Town will "Adopt an ordinance to phase out use of all fossil-fuel landscape equipment;" and

WHEREAS, the Town Council seeks to reduce Town greenhouse gas emissions by regulating the use of gasoline-powered landscape equipment; and

WHEREAS, the Town's Climate Action Committee participated in the development and supports the adoption of this Ordinance to encourage the use of electric landscape equipment to further the Climate Action Plan goals; and

WHEREAS, in addition to the climate based electrification goals, the Town Council is aware that professional landscapers using gas-powered landscape equipment are forced to endure sustained exposure to high amounts of noise and hazardous exhaust; and

WHEREAS, on October 9, 2021, the Governor signed AB 1346 into law, which bans the sale of new gasoline-powered leaf blowers, lawnmowers, chain saws, and generators (among other small off-road engines) beginning January 1, 2024; and

WHEREAS, to support transitions away from gasoline-powered equipment, the State has provided \$30,000,000 of incentives to help small businesses purchase zero-emission replacement equipment in accordance with AB 1346; and

WHEREAS, a number of other localities in Marin County have passed similar ordinances banning gasoline-powered landscape equipment; and

WHEREAS, the Town Council finds that the provisions of this Ordinance are consistent with the goals and policies of the Town's General Plan, Climate Action Plan, and other adopted ordinances and regulations of the Town; and

WHEREAS, The Town Council now seeks to reduce Town greenhouse gas emissions, ensure compliance with AB 1346, and reduce exposure to high levels of noise and hazardous exhaust by regulating the use of gasoline-powered landscape equipment.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF FAIRFAX DOES ORDAIN AS FOLLOWS:

SECTION 1. Subdivision (A) of Section 1.08.020 of Title 1 of the Fairfax Municipal Code, entitled "Violations designated infractions," is hereby amended in part to add subsection 10 to read as follows:

" 1.08.020 INFRACTIONS.

(A) *Violations designated infractions.* Any person, firm, partnership, corporation or any other organization or group of persons acting in concert, whether as principal, agent, employee or otherwise, violating or causing the violation of the following chapters and ordinances or any other ordinance so providing, is guilty of an infraction:

...

(10) Chapter 8.74, Gasoline Powered Landscape Equipment."

SECTION 2. Chapter 8.74, entitled "Gasoline Powered Landscape Equipment," is hereby added to Title 8 of the Fairfax Municipal Code to read in full as follows:

"CHAPTER 8.74: GASOLINE POWERED LANDSCAPE EQUIPMENT

Section

- 8.74.010 Purpose and Intent.
- 8.74.020 Definitions.
- 8.74.030 Prohibition Against Use of Gasoline Powered Landscape Equipment.
- 8.74.040 Use of Landscape Equipment Generally.
- 8.74.050 Scope and Limitations of Chapter.
- 8.74.060 Enforcement and Penalties.

§ 8.74.010 PURPOSE AND INTENT.

The purpose of this Chapter is to establish standards to protect the natural environment, increase sustainability efforts, reduce greenhouse gas emissions, and improve the overall quality of life within the Town of Fairfax.

§ 8.74.020 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GASOLINE-POWERED. Any item or equipment that is powered by an internal combustion engine that runs on gasoline, diesel, or other volatile fuel.

LANDSCAPE EQUIPMENT. Equipment such as, but not limited to, a lawn mower, leaf blower and/or edger-trimmer used to maintain lawns, gardens, sidewalks and driveways.

LANDSCAPE MAINTENANCE BUSINESS. A business, as that term is defined by Section 5.04.010 of this Code, that performs lawn and yard maintenance such as, but not limited to, cutting grass and removing leaves.

§ 8.74.030 PROHIBITION AGAINST USE OF GASOLINE POWERED LANDSCAPE EQUIPMENT.

- (A) Effective January 1, 2023, the use or operation of any gasoline-powered landscape equipment for personal, non-commercial purposes by any resident of the Town, or the use of gasoline-powered landscape equipment by Town staff or contractors on Town property, is expressly prohibited, except as provided in Section 8.74.040.
- (B) Effective January 1, 2024, the use or operation of any gasoline-powered landscape equipment for commercial purposes by any landscape maintenance business is expressly prohibited, except as provided in Section 8.74.040.

§ 8.74.040 USE OF LANDSCAPE EQUIPMENT GENERALLY.

- (A) Subject to the restrictions of Section 8.74.030, the use of landscape equipment is otherwise permitted within Town limits as follows:
 - (1) No landscape equipment shall be operated except between the hours of eight o'clock (8:00) a.m. and six o'clock (6:00) p.m. on weekdays, and between the hours of nine o'clock (9:00) a.m. and four o'clock (4:00) p.m. on weekends and holidays.
 - (2) Except for emergency use by the Town or its employees, agents, or contractors, the use of landscape equipment within Town limits shall not extend into the public right-of-way, including streets, sidewalks, and planting strips, in order to maintain safe and healthy thoroughfares for pedestrians and cyclists and to promote active transportation in the Town.
 - (3) Persons operating landscape equipment shall not deposit dirt, dust, leaves, grass clippings, trimmings, solid waste, or debris onto a neighboring property or into streets, gutters, or storm drains.

§ 8.74.050 SCOPE AND LIMITATIONS OF CHAPTER.

- (A) This chapter shall be construed and applied in a manner consistent with all federal and state laws applicable to the Town and shall not apply to any of the following:

- (1) A department, agency or contractor of the federal government;
 - (2) A department, agency or contractor of the State of California;
 - (3) A local public entity or its contractor; and/or
 - (4) The Town or its employees, agents, or contractors in emergency situations.
- (B) This chapter does not apply to the use of chainsaws with blades or blade attachments longer than eighteen (18) inches.
- (C) In the event that there is a lack of commercially available or cost-comparable electric landscape equipment, the Town Manager or designee may approve a temporary exemption until such electric landscape equipment can be obtained. To claim this exemption, a person seeking to continue to use gasoline-powered landscape equipment that would otherwise be in violation of this chapter must, before using gasoline-powered landscape equipment, submit documentation to the Town Manager or designee that includes a list of equipment suppliers contacted, a price comparison, and a statement of financial hardship rendering that person unable to comply with this chapter, in addition to such other information as the Town Manager or designee may request at their discretion. In no event shall a temporary exemption be granted for a period exceeding two (2) years.
- (D) The Town Manager is authorized to grant a one-time, six month extension to any resident who requests such extension based upon a self-reported financial hardship.

§ 8.74.060 ENFORCEMENT AND PENALTIES.

- (A) The Town Manager or his or her designee has primary responsibility for enforcement of this chapter.
- (B) Any person violating any provisions of this chapter shall be guilty of an infraction for the first, second, and third instances of such violation, which infractions are punishable pursuant to sections 1.08.020, 1.08.040, and 1.08.050 of this Code.
- (C) Any person having been cited for three violations of any provision of this chapter who, within one year thereafter, commits a fourth or any subsequent violation of the same provisions of this chapter may, in the discretion of the Town Attorney, be charged as a misdemeanor punishable pursuant to section 1.08.030 of this Code.
- (D) In addition to those remedies set forth above, the Town Manager or his or her designee may punish any violation of this chapter as a public nuisance, subject to abatement as set forth in chapter 2 of Title 1 of this Code.

- (E) The remedies and penalties provided in this section are cumulative and not exclusive. The Town Attorney may seek legal, injunctive, or any other relief to enforce the provisions of this chapter and any regulations or administrative procedures developed pursuant hereto."

SECTION 3. Compliance with CEQA. 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 finds and determines that the adoption of this Ordinance, which is intended to prohibit the use of gasoline-powered landscape equipment and to encourage the use of electric equipment, is exempt from CEQA pursuant to section 15061 of the Guidelines because it can be seen with certainty that there is no possibility that adoption of the Ordinance may have a significant effect on the environment. (14 Cal. Code Regs. § 15061(3)). The Town Council hereby directs the Town Manager or designee to prepare and file a Notice of Exemption within five business days following adoption of this Ordinance.

SECTION 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The Town Council hereby declares that it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.


SECTION 5. Effective Date and Posting. This Ordinance shall take effect thirty (30) days after its adoption. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit: 1. Bulletin Board, Town Hall Offices; 2. Bulletin Board, Fairfax Post Office; and 3. Bulletin Board, Fairfax Women's Club Building, located at 46 Park Road.

The foregoing Ordinance was introduced at a regular meeting of the Town Council on the 1st day of June 2022, and duly adopted at the next regular meeting of the Town Council on the 6th day of July 2022, by the following vote, to wit:

AYES: ACKERMAN, COLER, CUTRANO, GODDARD, HELLMAN
 NOES: None
 ABSENT: None
 ABSTAIN: None


 Stephanie Hellman, Mayor

ATTEST:


 Michele Gardner, Town Clerk



Town of San Anselmo

525 San Anselmo Avenue
San Anselmo, CA 94960

Staff Report

TO: Town Council

9/27/2022

Item #: 5.

FROM:

Megan H. Acevedo, Town Attorney; Scott Schneider, P.E. Assistant Public Works Director

SUBJECT:

Introduction of Ordinance Imposing an Electric Vehicle Infrastructure Training Program (EVITP) Certification Requirement for Town-Funded Electric Vehicle Infrastructure Projects

RECOMMENDATION

That Town Council introduce by title only and waive further reading of the attached ordinance imposing an Electric Vehicle Infrastructure Training Program (EVITP) certification requirement for Town-funded electric vehicle (EV) infrastructure projects.

BACKGROUND

At the January 25, 2022, Town Council meeting, Council member Burdo requested that the Council consider requiring EVITP certification for Town-sponsored EV infrastructure projects. There was Council consensus to move forward with the conversation about this topic.

Assembly Bill 841, adopted in September 2020, added Section 740.20 to the California Public Utilities Code. Among its provisions, the statute requires, with limited exceptions, that all electric vehicle charging infrastructure that is funded in part by the Public Utilities Commission, the Energy Commission, and the State Air Resources Board on and after January 1, 2022, be installed by a contractor with the appropriate license classification and at least one electrician on each crew who holds an EVITP certification. EVITP is a collaboration of industry stakeholders including automakers, electric vehicle charging station infrastructure manufacturers, utility companies, and others, and provides training for the installation of EV charging stations.

To be eligible for EVITP training, a participant must be a state licensed or certified electrician. The training includes topics such as customer interactions, electrical code requirements, and EV supply equipment. To become certified, an electrician must take an 18-hour course and pass a 90-minute exam. The course and exam cost \$275¹. Currently, there are three EVITP certified electrician in Marin County².

¹ EVITP's California course information is available at <https://db.evitp.org/addclient.php>

² See EVITP website listing all certified contractors -

https://evitp.org/california?zoom=12&is_mile=1&directory_radius=100&keywords=&address=San%20Anselmo%2C%20CA%2C%20USA&directory_radius=100¢er=37.9746458%2C-122.5616448&address_type=>

DISCUSSION

At its meeting of August 23, 2022, the Town Council directed staff to propose an ordinance that imposes EVITP requirements similar to those contained in Assembly Bill 841 for Town-funded EV projects. The Town Council noted that they were interested in public comment indicating that there are worker safety benefits to implementation of the EVITP certification requirement. Staff was unable to find specific data about worker safety, but various references related to AB 841 suggested that first responders, workers, and the public are put at risk when improperly installed EV infrastructure poses fire, electric shock, and other safety hazards.

For the foreseeable future, Town staff estimates that an EVITP certification requirement would apply to the planned installation of two EV chargers in Creek Park and two EV chargers in the Pine Street lot. In addition, the Town may consider installing four new chargers located along roadways (co-located at a streetlight) in the future.

FISCAL IMPACT

Adopting an EVITP certification requirement may increase the Town's costs for locally-funded EV projects, because of the requirements for additional certification could decrease the pool of contractors available to perform the work. Publicly-bid projects already require licensed contractors to perform the work and this ordinance places additional certification requirements on those licensed contractors. However, because of the state requirements imposed through AB 841, local contractors are increasingly likely to have certified workers in the future. Allowing a 6-month lead time before the ordinance takes effect may give more contractors an opportunity to secure the EVITP certification.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

The Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) because it is not a "project" under CEQA and CEQA Guidelines section 15061(b)(3), the "common sense exemption", because the proposed Ordinance Amendment will not have a significant environmental effect.

Adoption of an EVITP certification requirement for Town-funded EV projects is consistent with the Town's Climate Action Plan because it will ensure that electricians who install chargers in Town lots are qualified to do so.

CONCLUSION

Staff respectfully requests that the Town Council introduce by title only and waive further reading of the attached ordinance imposing a EVITP requirement for Town EV projects.

Respectfully submitted,

Megan H. Acevedo
Town Attorney

Attachment 1 - Proposed EVITP Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO
ADDING SECTION 9-8.5 TO THE SAN ANSELMO MUNICIPAL CODE TO IMPOSE
AN ELECTRIC VEHICLE INFRASTRUCTURE TRAINING PROGRAM (EVITP)
CERTIFICATION REQUIREMENT ON TOWN-FUNDED PROJECTS**

WHEREAS, the Town of San Anselmo (“Town”) is responsible for local enforcement of the California Building Standards Code; and

WHEREAS, the State of California and the Town have consistently promoted and encouraged the use of fuel-efficient electric vehicles; and

WHEREAS, Government Code Section 65850.7 requires local agencies to adopt an expedited and streamlined permitting process for electric vehicle charging systems; and

WHEREAS, in 2020 the Town Council adopted Ordinance No.1148, adding Title 9, Chapter 8 to the Municipal Code, to comply with Government Code Section 65850.7; and

WHEREAS, AB 841, adopted in September 2020, requires all electric vehicle charging infrastructure that is funded in part by the Public Utilities Commission, the Energy Commission, and the State Air Resources Board on and after January 1, 2022, be installed by a contractor with the appropriate license classification, as determined by the Contractors’ State License Board, and at least one electrician on each crew, at any given time, who holds an Electric Vehicle Infrastructure Training Program (EVITP) certification; and

WHEREAS, on August 23, 2022, the Town Council directed staff to develop an ordinance that would require EVITP certification on Town-funded projects, similar to the requirements of AB 841 for state-funded projects; and

WHEREAS, to ensure that contractors have sufficient time to secure the EVITP certification, the Ordinance shall become effective six months following its adoption; and

WHEREAS, on September 27, 2022, the Town Council held a duly noticed public hearing to consider the Ordinance and following the hearing, voted to introduce by title only and to waive further reading of the ordinance.

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

SECTION 1: Environmental Review.

The Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(5) because it is not a “project” under CEQA and CEQA

Guidelines section 15061(b)(3), the “common sense exemption”, because the proposed Ordinance Amendment will not have a significant environmental effect.

SECTION 2: The above recitals are true and correct and are incorporated as findings herein.

SECTION 3: San Anselmo Municipal Code Section 9-8.5 is hereby added as follows:

9-8.5 Contractor Requirements for Town-funded Projects.

- A. All electrical vehicle infrastructure work on projects which are constructed with funds provided or administered by the Town, in whole or in part, shall be installed by contractors holding the appropriate license classification required by the Contractors State License Board, and electricians performing such work shall hold certification from the Electric Vehicle Infrastructure Training Program in accordance with the following:
1. All of the installation, commissioning, and maintenance of electric vehicle charging stations, equipment and related infrastructure (the “EV Work”) shall be performed in accordance with the following requirements:
 - a. At a minimum, one job-site supervisor or job-site foreman supervising the EV Work at each job site shall hold EVITP certification and be a licensed electrician.
 - b. The EV work shall be performed only by duly licensed electricians. Apprentices may assist.
 - c. A minimum of fifty percent (50%) of the licensed electricians performing the EV Work on each job site shall hold EVITP certification.
 - d. The ratio of journeymen to apprentices shall comply with applicable requirements under state law.
 - e. No EVITP certification shall be required of apprentices.
 - f. All apprentices assisting on the EV Work shall be registered in an apprenticeship program compliant with California Department of Industrial Relations regulations and approved by the Division of Apprenticeship Standards, and which has a graduation rate of at least 60%.
 2. Contractors performing EV Work shall maintain written or electronic records regarding the performance of EV Work including the names of all EVITP electrician(s) who performed the EV Work. Said records shall be made available to EVITP, and/or Town upon request.

SECTION 4. Severability.

Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. Effective Date.

This ordinance shall go into effect 180 days after its adoption and shall be published or posted as required by law.

INTRODUCED AT A PUBLIC HEARING DURING A REGULAR MEETING OF THE SAN ANSELMO TOWN COUNCIL ON SEPTEMBER 27, 2022, AND ADOPTED AT A REGULAR TOWN COUNCIL MEETING ON OCTOBER 11, 2022, BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSED:

APPROVED: _____
Alexis Fineman, Mayor

ATTEST: _____
Carla Kacmar, Town Clerk



Town of San Anselmo

525 San Anselmo Avenue
San Anselmo, CA 94960

Staff Report

TO: Town Council

9/27/2022

Item #: 6.

FROM:

David P. Donery, Town Manager

SUBJECT:

Discuss ongoing format for public meetings

RECOMMENDATION

That Council discuss the ongoing format for Town public meetings and provide direction to staff.

BACKGROUND

On March 17, 2020, the County of Marin issued a Shelter in Place Order due to COVID-19. Recognizing the need to promote social distancing while allowing local legislative bodies to continue operating during the emergency, Governor Newsom signed Executive Orders N-25-20 <<https://www.gov.ca.gov/wp-content/uploads/2020/03/3.12.20-EO-N-25-20-COVID-19.pdf>> and N-29-20 <<https://www.gov.ca.gov/wp-content/uploads/2020/03/3.17.20-N-29-20-EO.pdf>>, which suspended provisions of the Brown Act and similar rules regarding teleconferencing and electronic meetings. Under these orders all members of a legislative body were permitted to participate in a meeting electronically or by phone from any location without posting agendas or opening those locations to the public.

On April 14, 2020, the Town started holding virtual public meetings using the Zoom meeting format to allow for transparency and public participation during the COVID-19 pandemic.

On May 25, 2021, Council voted to work towards holding a Hybrid Format for Town Council meeting that would combine a virtual online component which allows continued virtual public participation and an in-person component.

On September 16, 2021, Governor Newsom signed AB 361 <https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=20210220AB361>, extending the authority of public agencies to conduct meetings by teleconference, including video conference, during the COVID-19 pandemic. AB 361 is effective through January 1, 2024.

Beginning in October of 2021, each month the Council voted to continue holding a Virtual Format for Town Council and Town Commission and Committee meetings and to return at a later date to discuss implementing a Hybrid Meeting option.

At the March 22, 2022 Town Council meeting, the Council voted to begin holding meetings using a hybrid format in which Councilmembers could choose to attend either in-person or virtually with public participation

limited to virtual participation. At that meeting, Council directed staff to work with each of the Town's boards, commissions and committees to establish the meeting format that the group would prefer.

DISCUSSION

At the March meeting, staff was asked to return to Council after three months to review the meeting format to decide whether to continue the current hybrid meeting format or choose a new format.

A. Meeting Options

The options available to the Council are as follows:

1. Continue to utilize a hybrid meeting format which allows for participation by elected/appointed officials and staff either in-person or virtually, with public participation remaining virtual.
2. Continue to utilize a hybrid meeting format for both elected/appointed officials and allow the public to participate in-person and virtually.
3. Return to in-person meetings only for elected/appointed officials and allow the public to participate in-person and virtually.

For options 1 and 2, the Council would need to determine that there would be an imminent risk for some Council members to attend in person and not for others for AB 361 to apply.

If the Council wants to utilize Option 3, but not cite imminent risk, normal Brown Act teleconferencing rules would apply. This means that a Council Member would need to post the agenda outside of the location where they would be attending the meeting and allow the public to join them during the meeting time. This location includes but is not limited to a residence, a hospital room, hotel room or family home, even if the location is outside of Town limits. This location would have to be printed on the agenda that is posted 72 hours before the meeting begins. Also, a majority of the Council will need to be present in the Council Chambers in order to conduct the meeting.

Boards, Commissions and Committees

AB 361 applies to all local legislative bodies, which include Town Commissions and Committees. The Council may choose to continue to allow each legislative body to make its own determination under the bill regarding virtual meetings or the Council may make the determination for those bodies.

B. Neighboring Jurisdictions

Staff requested information from the surrounding jurisdictions and as of the date this report was written:

- Mill Valley is conducting in-person meetings
- Corte Madera and Ross are conducting in-person meetings with a virtual participation option
- San Rafael is conducting meetings in-person and virtual with a 50% capacity limit (90 people)
- Larkspur is conducting hybrid meetings (Council choice to come to Council Chambers or attend

virtually) with virtual public participation

- Belvedere, Fairfax, Novato, Sausalito and Tiburon are conducting meetings virtually.

FISCAL IMPACT

There would be no fiscal impact for this item.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

Discussing the Town Council meeting formats is not a “project” under the California Environmental Quality Act, because it does not involve an activity which has the potential to cause a direct or reasonably foreseeable indirect physical change in the environment. (Cal. Pub. Res. Code § 21065).

CONCLUSION

In summary, staff will continue to strive to provide transparency and open meetings to Town residents. Staff recommends that the Town Council review the options above and if necessary, make the determination under AB 361 for future Town Council meetings and for all Boards, Commissions and Committees.



Town of San Anselmo

525 San Anselmo Avenue
San Anselmo, CA 94960

Staff Report

TO: Town Council

9/27/2022

Item #: 7.

FROM:

David P. Donery, Town Manager

SUBJECT:

Town Council Committee Assignment Discussion

RECOMMENDATION

Discuss options for appointing Council members to serve on committees and provide direction to staff.

BACKGROUND

Town Council members serve on a variety of committees, some of which are internal to the Town and some of which are regional. It has been the Council's practice to review the list of appointments each year and make new appointments as desired or needed. This is normally taken up at a meeting after the Council reorganization.

During the 2022 appointment discussion, Council member Burke requested a future agenda item to discuss whether to change the current practice for Council committee assignments. She specifically asked that the Council explore the option of rotating committee assignments to each Council member.

DISCUSSION

Staff surveyed the towns and cities in Marin to determine how committee assignments are handled in each jurisdiction. Fairfax, Belvedere, Tiburon, Larkspur, Novato and San Anselmo currently do not have a rotation policy in place. All of the aforementioned jurisdictions, except Fairfax, address committee assignments for Council consideration after the reorganization meeting. Fairfax only considers Council assignments when a new council member is sworn in.

In Ross, Corte Madera and Sausalito, the Mayor has more control over the appointment process. In Ross, the Mayor checks with each Council member to see if they want to change the committees they are on, makes any necessary changes and then brings it to a Council meeting for final approval. In Sausalito and Corte Madera, the Mayor makes appointments to committees after the annual reorganization, but normally does not change a committee assignment unless there is a vacancy.

Staff researched committee appointment policies from other cities in California and found that the available written policies are similar to Ross and Sausalito with the Mayor having more control over the selection process.

Municipality	Policy
Belvedere	Same as San Anselmo
Corte Madera	The mayor designates committee appointments after Council reorganization.
Fairfax	Only reshuffles committee assignments when a new Council Member is elected.
Larkspur	Same as San Anselmo
Novato	Same as San Anselmo.
Ross	The mayor designates committee appointments after Council reorganization.
Sausalito	The mayor designates committee appointments after Council reorganization.
Tiburon	Same as San Anselmo.

OTHER	Policy
Manhattan Beach	The mayor designates committee appointments.
Claremont	The mayor designates committee appointments.
Rohnert Park	The mayor designates committee appointments.
San Carlos	The mayor designates committee appointments.
Palo Alto	The mayor designates committee appointments.

DISCUSSION OF OPTIONS

While staff was not able to find an example of a rotation of assignments policy, Council could consider establishing a rotation among a subset of committees. The rotation would need to be divisible by five, so that each Council Member would have the opportunity to serve for one year on each committee. This rotation would be impacted by the timing of the policy's implementation and by the expiration of Council members' terms. For example, if two Council members have only two years left in their terms and they do not seek reelection, they would serve one year each on two of the five committees.

During the meeting, the committees that were named by Council Member Burke and Mayor Fineman as committees of interest are as follows:

Central Marin Police Authority (CMPA) (2 members, 1 alternate)
Ross Valley Fire Board (RVFD) (2 members, 1 alternate)
Marin Clean Energy (MCE) (1 member, 1 alternate)
Marin Wildfire Prevention Authority (MWPA) (1 member, 1 alternate)
Transportation Authority of Marin (TAM) (1 member, 1 alternate)

Please note, if the Council were to enact a rotation among these five committees, there is a chance that the committees could select chairs to their Boards based on seniority and not simply rotate through each jurisdiction. The Council may want to consider if those Board appointments would be accounted for in the rotation policy, so that someone with a Board position on a committee would remain in that position until the term of office on the Board expires.

The following options are available to the Council:

1. Keep the committee assignment process the same as has been past practice.
2. Create a policy that will allow for the mayor to appoint the committee assignments after the Council reorganization meeting.
3. Create a policy that will allow for rotation of all committee assignments at chosen intervals or after every election. The committee assignments would need to be evenly dispersed among the Council members for a rotation list to work.
4. Create a policy that will allow for rotation of specific committee assignments every year or after every election. The specific committees will need to be identified by the Council and those committees would need to be evenly dispersed among the Council members for rotation.

FISCAL IMPACT

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

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

Discussing a potential committee assignment policy 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).

Attachment 1 - Sample resolution submitted by Councilmember Burke

The following document was submitted by Councilmember Eileen Burke for inclusion in Item 7 the May 10, 2022 Town Council meeting

RESOLUTION REGARDING ANNUAL TOWN COUNCIL COMMITTEE ASSIGNMENTS

Town Council members are elected to four-year terms and sit on a variety of town, JPA, and regional commissions, committees and boards (hereinafter “committees”) that impact the interests of the Town, town residents, the greater region and the state. These committees address and govern a variety of issues including, but not limited to, housing, homelessness, sustainability, energy, recycling, regional planning, disaster preparedness, transportation, police and fire protection, and hiring and firing of employees.

Positions on these various committees provide Council Members the following individual benefits, which in turn, benefit the Town, residents and the larger region:

- a) experience and knowledge;
- b) the ability to impact and prioritize short and long term policy;
- c) contacts in the greater community;
- d) a position to advocate to the benefit of the Town and town residents;
- e) control over budgetary decisions for essential services; and,
- f) working relationships with upper levels of the various county, state, regional and town organizations.

Though individual council members may have personal interests and reasons for wanting to be on a particular committee, personal reasons should be secondary to the overall benefit and interests of the Town.

The Town benefits and best serves Town interests by promoting, among all five council members, equal institutional knowledge, education and experience on the full spectrum of issues that come before the Council.

Concentration of institutional knowledge and experience in only a few council members can lead to a loss of institutional knowledge and experience, as when

one or two council members who have remained on a committee for an extended period of time retire or are voted out of office.

Concentration of committee assignments in a few Council members and/or long term assignment of a single Council member to a particular committee, to the exclusion of other Council members, can also lead to an unequal sharing of control and decisions related to Town governance and an underutilization of the talents of all five Council members.

Committee attendance is a time commitment such that it is in the interest of fairness that all council members share the responsibility of sitting on the various committees equally.

In order to promote co-equality of council members with both depth and breadth of knowledge and experience, it is in the best interest of the Town to have Council members rotate committee assignments on a periodic basis. The benefits of rotation include:

1. Professional development of Council members;
2. Allowing Council members to utilize their individual skills in a variety of positions and committees;
3. Allowing more Council members the experience and knowledge necessary to fully evaluate issues pertaining to the Town;
4. Reducing the negative impact and lost institutional knowledge created by Council change through elections and retirement;
5. Reinvigoration of Council members and committees through rotation to new assignments and expanded networks;
6. Avoidance of any possible bias in favor of or against any particular Council member or committee;
7. Allowing sitting Council members who have left an assignment to mentor Council members new to an assignment thereby reinforcing knowledge continuity; and,
8. Allowing development of working relationships between all Council members and the long-term employees and agencies serving the Town and area.

THEREFORE:

To benefit the Town by ensuring both a depth and breadth of experience among Council members,

To reward seniority on the Council, and

To provide an equal opportunity for all Council members to serve on the various committees,

The following procedure will be implemented for annual assignment to committees:

Prior to annual assignments, the seated council will determine an order of seniority based on continuous number of years in office.

If Council members were first elected in the same election or have served for the same period of time, the member with more votes in the most recent election will be designated the senior member for purposes of seniority.

In order of seniority, reversed when the 5th member has made their selection, the Council members will select the committee they wish. Committee assignments will proceed in this manner (1-5, 5-1) until all assignments are selected.

Further, unless a particular committee has a designated shorter term limit, a member may not select the same committee for more than three consecutive years UNLESS no other member wishes to serve on said committee.

Council members who are appointed and assume the committee assignments of a departing councilmember shall not have the assumed assignments count toward the three consecutive years.

Alternates to committee assignments are not limited to number of years and do not count as a selection.

This procedure will begin with the assignment of committees in 2022 and, for the purpose of determining consecutive years, will incorporate the committee assignments for 2019, 2020 and 2021.

